

ON THE STATUS OF HUMAN RIGHTS AND THE ACHIEVEMENTS AND FUTURE WORK OF THE CCDH 2007



Annual Report

ON THE STATUS OF HUMAN RIGHTS AND THE ACHIEVEMENTS AND FUTURE WORK OF THE COUNCIL 2007

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The Advisory Council on Human Right

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The Advisory Council on Human Right

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INTRODUCTION

This annual report on the status of human rights and the achievements of this Council during 2007 is released by the Advisory Council on Human Rights in conformity with Article 2 of the Sherifian Dahir issued on 10 April 2001 relating to the reorganization of the Council. This is the fifth annual report of the Council since it began to exercise its prerogatives in accordance with the above-mentioned Dahir.

In preparing this report, the Council has used the same approach that it used for previous reports as regards dividing the report into two parts. The first part deals with the status of human rights by focusing on human rights issues arising during the year that it considers to be of particular significance. The second part highlights the various activities undertaken by the Council during 2007 and the prospects for its work during the coming year.

I. The Status of Human Rights

1. Issues of Particular Significance

The first section of the first part of this report addresses issues with positive significance for human rights, initiatives that open new prospects for the future and are intended to promote a culture of human rights or strengthen the practice of democracy or the rights of the Moroccan community abroad. These issues are as follows:

1.1. The Adoption of the Citizenship Platform for Promoting a Human Rights Culture

The adoption of this platform is significant because it comes in fulfilment of one of the most important recommendations issued by the Equity and Reconciliation Commission relating to guarantees of non-repetition of the gross violations of human rights. In addition, the promotion of a culture of human rights has a positive influence on the protection of human rights, and the type of approach used in this case was very appropriate. All the parties involved, including government, national institutions and civil society, were drawn in. It also falls within the prerogatives of the Council relating to helping to disseminate and entrench a culture of human rights.

1.2. Monitoring and Observing Legislative Elections

The legislative elections of 7 September 2007 were distinctive in being monitored and observed by the Advisory Council on Human Rights as well as

by international observers and observers from civil society. In terms of the way it was carried out, this operation can be regarded as a step forward in the process of deepening democracy and the practice of civil and political rights. This development can be built on in the future, given that there is a strong link between democracy and human rights.

1.3. The Creation of the Council of the Overseas Moroccan Community

The significance of this issue lies in the fact that the council that has been created is a new mechanism, which is expected to give an influential voice to this community, by making proposals and expressing opinions with regard to public policies relating to the Moroccan community abroad, as well as helping to advance and protect their rights. It is also expected to strengthen the community's participation in the conduct of public affairs in their homeland and deepen their involvement in its economic and social growth.

1.4. Monitoring Significant Issues that the Council has dealt with in Previous Annual Reports

The Council is monitoring developments relating to issues that it has already discussed in previous reports, especially the employment of young girls as household servants, implementation of the principle of gender equality, as well as corruption and other issues that have not yet been dealt with adequately in terms of human rights. It is also monitoring the implementation of the recommendations of the Equity and Reconciliation Commission.

2. The Exercise of Certain Rights and Freedoms

The second section of the first part of this report discusses the exercise of some rights and freedoms on the basis of complaints received, since one of the Council's tasks, according to Article 2 of the Sherifian Dahir that reorganized it, is to examine, of its own volition or at the request of the concerned party, cases submitted to it of human rights abuse, and to make relevant recommendations concerning them to the competent authority.

Through studying grievances submitted to it, and through visits it made to prisons, the Council continued to be concerned about the occurrence of deaths in prison, cases of torture and abuse in police stations and prisons, and cases where the maximum period of placement in police custody had been exceeded. The Council continues to investigate these issues through the communication

unit, which brings together the Advisory Council on Human Rights, the Ministry of Justice and the Ministry of the Interior.

The Council visited a number of prisons to investigate the grievances of certain prisoners and the conditions of prisoners in general, and helped to solve some of their problems in cooperation with the Ministry of Justice.

The Council also monitored the situation regarding the practice of certain public freedoms, in particular the freedom of assembly, the freedom of the press, and the freedom of movement.

3. Treaty Obligations

This section addresses developments regarding Morocco's involvement in the international human rights system. It continued to adhere to international human rights conventions, and to ensure that some of its legislation is in compliance with relevant international standards. However, it is observed that the procedure for withdrawing previously declared reservations is slow. Also, there are delays in submitting periodic reports to the treaty bodies.

II. Achievements and Future Work of the Council

The second part of this report discusses the various activities and future work of the Council. In this regard, the Council continued its work in a number of fields in order to promote and protect human rights on the national and international levels in partnership and cooperation with government, national institutions, civil society associations, international and regional bodies, and analogous national associations.

The Council contributed to a number of crucial achievements, contained in the first part of this report, especially by contributing to the drawing up of the Citizenship Platform for Promoting a Human Rights Culture, monitoring and observing the legislative elections of 7 September 2007, and preparing the advisory opinion concerning the creation of the Council for the Moroccan Community Abroad. It also continued to monitor the implementation of the recommendations of the Equity and Reconciliation Commission, and to carry out the rest of its activities and programmes to protect human rights and combat violations.

On the international level, most of the activities of the Council were devoted to strengthening the relationships of cooperation with international and regional bodies and analogous national institutions. The Council participated effectively in their activities and continued its efforts to disseminate its experience in protecting and promoting human rights in general and in the field of transitional justice in particular.

Thus, this report goes into the topics and issues indicated above in two parts:

Part One: The Status of Human Rights

Part Two: Achievements and Future Work of the Council

PART ONE

THE STATUS OF HUMAN RIGHTS

Section One

Significant Topics in the Field of Human Rights

I. Significant Issues in 2007

Topic 1

The Citizenship Platform for Promoting a Human Rights Culture

The Citizenship Platform for Promoting Human Rights Culture was prepared on the initiative of the Advisory Council on Human Rights, in cooperation and consultation with a number of government bodies, national institutions and civil society bodies, in the wake of a dialogue with politicians, trade unionists and experts. It was finally announced officially on 26 February 2007 in the presence of the Prime Minister. In view of its profound implications, it is hoped that this platform will provide a solid basis for a strategy to protect and promote human rights.

It is a platform in the sense that it provides a general referential framework which is intended to be a common basis for interventions by all the actors involved in this issue. It is a citizenship platform insofar as it is aimed at all citizens, men and women, and in that the approach used in drawing it up was to draw in all those involved, and the purpose of it was to create a new code of civil conduct based on respect for human rights.

1. The Significance of the Platform: It promotes human rights and constitutes a powerful mechanism to protect them and spread a human rights culture

It is not sufficient to proclaim rights in international charters and domestic legislation; there must be guarantees that they may be enjoyed and not violated. One of the main guarantees is that as well as being acknowledged they be reflected automatically and continuously in the daily behaviour of the various components of society. Hence the importance of cultural action in all its manifestations, in that this can disseminate human rights values and principles and enable them to be embedded in the mind and the imagination, and thus owned by individuals and groups. This enables them to enjoy them, to demand them if they are diminished, and to protect them if they are violated. There is a dialectical relationship between protecting and promoting human rights; therefore, disseminating a human rights culture on different levels helps to strengthen the mechanisms for protecting them.

In addition, disseminating a human rights culture throughout society brings individual and collective benefits through its positive direct and indirect

repercussions on the quality of life, security, and respect for the rights of others. It also strengthens the spirit of citizenship, which in turn leads people to be more involved in development, to fulfil their responsibilities, and to protect the interests of the society that they belong to as much as they protect their own interests and rights.

Thus, the Platform is intended to contribute effectively and qualitatively to the continuous rehabilitation of the components of society, given that culture has a strong and widespread influence, so that human rights become a culture and code of behaviour within society.

2. The Principles behind the Platform

The platform is based on international and national standards with regard to the promotion of a human rights culture.

2.1. On the International Level

Promoting a human rights culture is a clear international requirement, and is the subject of increasing international concern, given that culture plays a fundamental role in protecting and promoting human rights. Here we would mention in particular:

- The action plan adopted during the World Conference on Human Rights held in Vienna in June 1993. It “considered human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace”. The Conference also “called on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings. In addition, it recommends that States develop specific programmes and strategies for ensuring the widest possible human rights education and the dissemination of public information”;
- The UN General Assembly declaration of 1994 concerning the Decade for Human Rights Education running from January 2004 to January 2005. It aimed to encourage the efforts being made in the fields of education, training and public information;
- The World Programme for Human Rights Education, which began in January 2005.

Thus from this perspective, the Platform is another expression of Morocco's involvement in the international movement to promote a human rights culture.

2.2. On the National Level

The Platform also finds support in well-known national authorities and various initiatives that constitute an increasing accumulation of experience in this regard.

❖ The national authorities

Morocco gives importance to the dissemination of a human rights culture by means of a number of mechanisms, of which we can mention in particular:

- **The Advisory Council on Human Rights.** Article 2 of the Sherifian Dahir dated 10 April 2001 reorganizing the Council states that one of the prerogatives of the Council is “to contribute, through all possible channels, to the dissemination and consecration of the culture of human rights”.
- **Recommendations of the Equity and Reconciliation Commission** in its final report submitted on 30 November 2005. Among them are those relating to guarantees of non-repetition of the grave human rights violations that happened in the past. These guarantees include the promotion of a human rights culture, through education, initial and in-service training, and awareness raising.

❖ The educational structure and especially

- **The National Education and Training Charter published in 1999.** Among the basic principles it enunciates is Article 10, which states that “in all educational and training facilities, human rights principles and the rights granted to children, women and human beings in general shall be respected, as provided for by the international treaties, conventions, and charters ratified by the Kingdom of Morocco”. It also specifies that “there should be appropriate educational programmes and classes to make these principles and rights known, and to learn to practise, apply and respect them.
- Law No 00.01 relating to the organization of higher education implemented by the Sherifian Dahir dated 19 May 2000. Amongst the principles it enunciates is Article 1, which states that education “shall be practised in accordance with human rights principles, tolerance and freedom to think, create and invent ...”.

❖ Experience already accumulated

- In formulating its conception of the Platform, the Council started by observing and studying the experience already gained by some government and civil society bodies and sometimes from within the framework of a special education and training partnership;
- Thus the reform of the educational structure on the basis of the National Education and Training Charter gave an opportunity to introduce some human rights values into school textbooks, in particular the values of citizenship, equality, and combating violence, in primary and secondary education. In addition, the reform of university education gave wider scope for the teaching of human rights, especially in faculties of law, in addition to providing the experience of creating university chairs in human rights;
- Moreover, for some time the Council has supported the dissemination of a human rights culture in the field of education and training. Here we would mention:
 - The Convention of Partnership and Cooperation (signed on 7 December 2005 between the Ministry of National and Higher Education, Staff Training and Scientific Research and the Advisory Council on Human Rights) to Promote a Human Rights Culture throughout the educational structure in its pedagogical and cultural dimensions during all the stages of formal and informal education, and to eradicate illiteracy;
 - The Framework Convention of Partnership and Cooperation for the Promotion of a Human Rights Culture signed on 19 May 2006 between the Advisory Council on Human Rights and the Ministry of the Interior in the field of initial and in-service training and awareness-raising for ministry officials entrusted with law enforcement in conformity with international criteria of human rights.

The preliminary study supervised by the Advisory Council on Human Rights of a body of accumulated experience concluded that the results were limited in terms of influence and effectiveness, since they lacked support and coordination, as well as being difficult to monitor and evaluate. Thus, it became necessary to include the efforts expended in a national action plan, integrated in scope, aims and means, including the features of utility and effectiveness, saving time and expense, and with a wide scope in terms of actors and beneficiaries.

3. Preparing the Platform: Approach and Stages

In preparing the Platform, the Advisory Council on Human Rights adopted a participatory and consultative approach, which meant that its preparation took considerable time over a number of stages.

3.1. The Approach to the Preparation and its Significance

❖ A participatory and consultative approach

Not only did the Council's initiative in drawing up a national work plan to promote a human rights culture take shape after consultations, as stated above. It was also implemented in accordance with a wide-ranging participatory and consultative approach, involving government departments, national institutions and human rights associations, as well as drawing on consultations with a number of actors and experts in order to benefit from their experience and expertise.

Eleven government departments dealing with human rights and the topics of the Platform participated in the preparatory workshops, as well as five national institutions, 45 associations, six international organizations, two professors from UNESCO, one university, and 73 experts and other actors. This shows the size and the quality of the partnership and the consultations that went into the preparation of this Platform.

❖ The significance of the approach

The significance of this approach rests on a number of considerations, the most important of which are:

- The Advisory Council on Human Rights realizes that both now and into the future, the issue of human rights involves all components of society. Therefore, it wants this Platform to be a long-term and profoundly national project;
- If the actors involved own the project, they will on the one hand invest in it their accumulated experience in this field and also be effectively involved in its implementation;
- By virtue of their international commitments, the responsibility for promoting a human rights culture falls in the first instance on the various organisms of the state. It also falls on the national institutions involved,

including the Advisory Council on Human Rights, as well as civil society bodies.

3.2. The Stages of Preparation

The most important stages in the preparation of the Platform can be summarized as follows:

- An invitation issued by the Advisory Council on Human Rights to a meeting on 20 April 2006 including a large number of government departments, national institutions and civil society bodies involved in issues relating to the promotion of a human rights culture. During the meeting, the draft platform was ratified, including its goals, contents, and the three fields it covers: education, initial and in-service training, and awareness-raising. The work began with three workshops, one for each field. A steering committee was composed in accordance with criteria previously agreed upon, ensuring in particular a balance between government departments, national institutions and civil society bodies as well as independence of opinion. It was also previously agreed that the Advisory Council on Human Rights would be one of its members, as a national institution. Thus the committee was composed of 19 members: seven from government departments, eight from civil society, and four from national and academic institutions. The Advisory Council on Human Rights provided every type of assistance and support to ensure optimum conditions for the preparation of the platform.

3.3. The Official Announcement of the Platform

The official announcement of the Platform took place on 26 February 2007 in a plenary meeting attended by the Prime Minister and with major coverage from the media.

During this meeting, the Prime Minister praised the manner in which the platform had been prepared, as well as its contents, stressing that it was very important that everybody be committed to implementing its contents. He also said that the government for its part would assume its responsibilities and mobilize the financial and human resources necessary to implement the requirements of the Platform.

4. The Content of the Platform: Education, Training and Awareness-raising

The Platform specified the fields for promoting a human rights culture that it proposed should be worked on: education, training and awareness raising, given that they are the major reliable gateways for disseminating and supporting a human rights culture, and given also that these fields are intertwined and complementary.

Education in all its forms is the concern of wide swathes of society, especially the rising generation, since it is clear to everybody how important education in human rights is, from childhood and while the personality is being constructed.

Meanwhile, training directed in particular at law enforcement stakeholders seeks to introduce a human rights culture into their daily professional practices, which should have positive repercussions on those who have dealings with them.

As for awareness-raising, it is a strong pillar of support for the previous fields, and complements them in view of the media's developing ability to reach different layers of society, whatever their cultural, economic and social status, even if for some reason or other they have not benefited as they should from education. By means of awareness-raising, one can also share human rights values in terms of knowledge and behaviour.

5. Implementing the Content of the Platform: Developing a Participatory Approach

The Platform sought to formulate the basic requirements for intervention in each of the three fields by choosing the processes, defining the goal of each process, involving the actors concerned, defining the groups who would benefit, and the results expected from each process as an additional value of promoting a human rights culture.

5.1. Promoting a Human Rights Culture through Education

Education is a fundamental means of promoting a human rights culture, and therefore it is often stressed in international charters and gatherings concerned with human rights. The Platform considers education as a key element in disseminating this culture, in view of the broad swathes of the population targeted by the educational process, especially children and young people, and in view of the positive repercussions that human rights education from childhood has on the formation of the personality, the mentality and the behaviour of the younger generation.

Education is a major channel for instilling human rights values and principles. Since it springs from initiatives taken by Morocco in this field whose aim was to take advantage of the benefits of education, the Platform seeks to broaden the dissemination of a human rights culture in the educational field to include all levels of the educational process, all its components, and the various stages of learning, whether formal or informal. It also seeks to ensure assistance and coordination both in a crosscutting and vertical manner between the parties involved in the educational process, and to widen the circle of those benefiting from it in a way that ensures the promotion of a human rights culture in this field.

To this end, the Platform proposes undertaking a number of carefully chosen processes. For each process, it specifies the goal, the actors involved, the beneficiaries and the results expected in terms of promoting a human rights culture. These processes were defined as follows:

- The formulation of a referential framework for the educational field based on the principles and values of human rights;
- The development of content, programmes and relationships in conformity with a human rights culture;
- Retraining personnel working in educational posts;
- Producing teaching kits relating to human rights;
- Enabling the subject of human rights to be taught at all levels and within all disciplines of higher education at Moroccan universities and training colleges;
- The institutionalization of human rights education in sectors dealing with young people and children.

5.2. Promoting a Human Rights Culture through Training

The platform considers training another gate for promoting a human rights culture aiming at including a human rights culture in professional practice, especially for law enforcement personnel, and those who have a direct or indirect relationship with citizens, whether in the public or private sector, or in civil society.

Entrenching a human rights culture in professional relations is likely to have positive repercussions internally and externally: internally by raising the quality and efficiency of service delivery, and externally by helping citizens to accept it without any feelings of injustice, since it is carried out in accordance with human rights values and principles, which must be respected whenever any law is passed or implemented. Some of the recommendations of the Equity and Reconciliation Commission tend in this direction.

It is also noticeable that in recent years Morocco has seen some initiatives being taken in the same direction. In particular, we can mention the opening up of some higher training institutions to the subject of human rights and the signing by the Advisory Council on Human Rights with the Ministry of the Interior on 19 May 2006 of a framework convention of partnership and cooperation in the field of promoting human rights.

To this end, the Platform proposes a number of processes with defined goals, actors and beneficiaries, and expected results in terms of promoting a human rights culture. These are as follows:

- Training law enforcement professionals;
- Training professionals about the rights of vulnerable groups;
- Training professionals about economic, social and cultural rights;
- Training in gender equality;
- Training professional intermediaries in the private and public production sector;
- Training professionals in the media and artistic fields to promote a human rights culture;
- Strengthening the capacities of human rights organizations and institutions, in the mechanisms for monitoring and documenting respect for human rights;
- Training in professional ethics.

5.3. Promoting a Human Rights Culture through Awareness-raising

Awareness-raising or communication in general is an effective tool for promoting a human rights culture, which reinforces and complements education and training. Given its developing forms and its varied methods, communication has a great capacity to convey human rights values to broad swathes of society in an appropriate manner, especially to vulnerable groups who have not benefited from education or training. These are groups that may be unaware of their rights and that by virtue of their vulnerability may be threatened with having their rights violated easily without them realizing that they are being violated, or without them being able to defend them. Moreover, their vulnerability may become a cause for generating behaviour that is antithetical to human rights values. For all these reasons, there is humanitarian and social value in including communication in the human rights system.

The utilization of communication tools in order to promote a human rights culture within the framework of a national plan enables the citizen to absorb the values and principles of human rights, and to include them in his daily behaviour out of conviction and choice, whatever his social or economic circumstances, his linguistic or cultural specificities, or the region where he lives.

Means of communication, especially audio-visual ones, have a great capacity to influence and correct perceptions and mentalities so that they are in accord with the values and principles of human rights.

Morocco has accumulated experience in this area, like the awareness-raising efforts dedicated to the spread of a culture of gender equality, children's rights, and others. The Platform therefore aims to give the awareness-raising dimension a definite place in its strategy for promoting a human rights culture in general, within a framework of goals and procedures, formulated in a careful, rational manner that guarantees effective coordination between the different actors involved. It aims to reach broad swathes of society in a manner that goes beyond campaigns to come within a framework that ensures continuity in time and can be subject to monitoring and evaluation. To this end, the Platform proposes the following:

- To train the main actors involved in the field of awareness-raising;
- Monitoring and keeping abreast of audio-visual programmes;
- Raising artists' awareness of the possibility of contributing to a human rights culture;
- Preparing an integrated programme to raise awareness about human rights and citizenship;
- Preparing and implementing an integrated crosscutting national programme to promote a culture of gender equality;
- Preparing and implementing a programme to raise awareness about the rights of those groups living in penitentiary institutions, and of young people left in social protection institutions and childhood protection centres;
- Preparing and implementing an awareness-raising programme concerning the rights of vulnerable groups;
- Preparing and implementing an awareness-raising programme concerning cultural diversity;
- Raising awareness about the human rights of the disabled;
- Producing artistic kits for raising awareness.

6. Implementing the Provisions of the Platform

The subject of the implementation of the provisions of the Platform was very much present when it was formulated and also when it was officially announced. So the Platform contained some conditions necessary for its implementation, some of the most important of which are as follows:

- The study of the experience accumulated by actors in the field must be completed, so as to define the points of departure for the implementation of the contents of the Platform in specific fields;
- Training the actors who will be entrusted with the task of implementation;
- Producing the mechanisms and tools necessary for implementation;
- Creating a structure for research, monitoring, communication and evaluation;
- Constructing a website to promote a human rights culture;
- Creating an annual spring university for a human rights culture, in order to deepen knowledge of human rights values and to incorporate them effectively in cultural production.

Following the official announcement of the Platform, the Prime Minister stressed the importance of continuing to mobilizing activists to “prepare the material conditions and define the institutional mechanisms and the procedures to ensure the implementation of this Platform”. He also stated that the government “for its part would fully bear its responsibility to provide and mobilize the material and human means and conditions to make it a tangible reality”. For his part, the president of the Advisory Council on Human Rights announced that the Council was prepared to continue its support so as to formulate proposals to ensure the implementation of the project.

After the official announcement of the Platform, the steering committee held a meeting for the purpose of thinking about mechanisms of implementation. The Council’s administrative unit for information, publishing and documentation supervised the organization of a workshop for this purpose on 9-10 June 2007 on the mechanisms of implementation. This resulted in the presentation of a number of proposals concerning the mechanisms for implementation of the requirements of the platform, another challenge that the Council has to rise to with the assistance of all the other actors involved.

Topic Two

Observation and Monitoring of the Legislative Elections (7 September 2007)

The observation of the legislative elections held in Morocco on 7 September 2007 with the involvement of foreign observers sets a precedent in the history of Moroccan elections, and holds special significance.

“Observation of elections” means the monitoring of the different stages by bodies or persons enjoying the attributes of independence, impartiality, and objectivity, enabling them to give a neutral evaluation of elections, especially as regards their impartiality and transparency. This requires that they be independent in the first instance from the parties directly involved in the electoral process, especially the bodies administering them, the political parties and the candidates, and that they have no direct or indirect interest in them. The observation of elections by independent observers is an international practice with guiding principles governing it so that the observers do their job with complete objectivity and neutrality.

Thus, the observation of elections is a qualitative addition to the forms of monitoring and observation undertaken by bodies specified in Moroccan electoral law, especially the public authorities, candidates’ representatives, and ballot counting committees in the provinces and prefectures. In this context, the fact that the Advisory Council on Human Rights is undertaking the monitoring and observation of legislative elections and involving international and national observers is significant.

The observation of elections is also an additional means to entrench and strengthen democratic practice, and implement civil and political rights, especially the right to vote enunciated in the constitution. Thus it converges with the international concern to spread democracy because of its close link with human rights, and local and international peace.

1. The General Context

❖ Ensuring free and fair elections and encouraging participation in them

Elections in general and legislative elections in particular are a key element in achieving political participation and constructing democracy. Therefore, Morocco has been involved in entrenching democratic practice by being careful

to regulate elections and to ensure as far as possible that they are free and fair, so that they reflect the will of the citizenry and result in credible and effective institutions.

And it is to be noted that this concern for the impartiality of the legislative elections conducted in September 2007 was strongly present in the speeches of His Majesty. In particular we can mention the following:

- His Majesty's speech on the occasion of the opening of the first parliamentary session of the legislative year 2006-7 when he called upon the government "to continue to take all necessary measures to ensure the conduct of free, transparent and impartial elections" and "to ensure the conditions for fair competition by committing itself to positive neutrality in the different stages of the electoral process, and to prevent all irregularities". His Majesty also called upon "the different actors involved in the electoral process to contribute effectively to the efforts to ensure that they are conducted ethically";
- His Majesty's speech of 20 August 2007 on the occasion of the anniversary of King's and People's Revolution Day, which is the direct authority for the observation and monitoring of elections, since he entrusted the Advisory Council on Human Rights with a pioneering role in monitoring and observing the elections, and called upon civil society actors to become involved in this.

❖ **Measures to make elections ethical**

In this context, the Council has noticed that the public authorities are prepared to help to make the electoral process. Among the measures adopted are:

- The Minister of Justice circular about the election of members of the House of Representatives No.10S3 dated 3 July 2007 to public prosecutors and crown prosecutors requiring them to prevent all irregularities liable to prejudice the transparency of elections, the integrity of its processes and the impartiality of its results;
- The creation of a central committee in the Directorate of Civil Affairs to monitor challenges submitted, a central committee in the Directorate of Penal Affairs and Pardons, and a joint committee including the Ministry of Justice and the Ministry of the Interior.

❖ **Encouraging participation**

The Council noticed that the public authorities took a number of measures to encourage participation by voters and political parties.

❖ Encouraging participation by voters

Among the measures adopted in this regard were:

- Modifying and complementing the Electoral Code through Law No. 06-23⁽¹⁾ in such a way as to enable Moroccans born and residing outside Morocco to register in electoral lists (Article 4 bis) and to stand for elections in the commune in whose electoral list they have registered (Article 201 Paragraph 5 added);
- An exceptional revision of the general electoral lists by virtue of Law No. 06-24⁽²⁾ and the decree implementing it, which helped increase the number of voters;
- The awareness-raising efforts expended by the public authorities and some civil society organizations to encourage people to register in the electoral lists, to obtain their electoral cards for the upcoming elections, and calling on people to participate in elections through various means including the audio-visual media. Thus the preamble of the decision of the Supreme Council of Audiovisual Communication (HACA)⁽³⁾, dated 25 May 2007, referred to the necessity of making the citizen aware and encouraging him to become involved in the electoral process through the media.

❖ Encouraging the participation of political parties

Among the aspects of this are:

- Placing at the disposal of the political parties pre-recorded CDs containing the electoral lists recorded by the Ministry of the Interior. This is a procedure that enhances the principle of transparency and involves the political parties in the credibility of the electoral lists which are the basis of the electoral process;
- The state has raised the amount of its financial assistance⁽⁴⁾ to the electoral campaign;
- Political bodies participating in the elections should be allowed to have fair access to audio-visual media⁽⁵⁾, while respecting the voter's right to have

¹ The Official Gazette No. 5513 dated 2 April 2007.

² The same issue of the Official Gazette.

³ The Official Gazette No. 5532, dated 7 June 2007.

⁴ Prime Minister's decision dated 20 June 2007 published in the Official Gazette No. 5537 dated 25 June 2007.

⁵ Joint decision No. 07-1140 dated 15 June 2007 by the Ministers of the Interior, Justice and Communications, published in the Official Gazette No. 5537 dated 25 June 2007, and also the decision of the Supreme Council of Audio-visual Communication (HACA) on 25 May 2007, published in the Official Gazette No. 5532 dated 7 June 2007, and the recommendation of the same Council dated 27 June 2007 published in the Official Gazette No. 5548 dated 2 August 2007.

pluralistic media enabling him to exercise a free choice, and making sure that the audio-visual media themselves are neutral so as to ensure the principle of fair competition. Participating political bodies should also be free to choose the language or dialect of communication with voters when it comes to Tamazight-speaking media;

- A period immediately prior to the electoral campaign should be defined during which political pluralism in the audio-visual media is guaranteed. Impartiality and neutrality should be ensured and no programme should be broadcast that could disturb the orderly course of the electoral period⁽⁶⁾.

2. The Management of Observation by the Advisory Council on Human Rights

Since the observation of elections was not previously enunciated in the electoral system, the Advisory Council on Human Rights proceeded in formulating its conception on the basis of international standards in the field of observation of elections as well as from its philosophy and goals and internationally recognized rules.

2.1. Accreditation of Observers

❖ Observers from the Advisory Council on Human Rights

The Council created a committee to monitor the elections composed of the members of the Council. It also accredited observers of its own, choosing them in conformity with internationally recognized criteria, especially those of impartiality, neutrality and objectivity. They totalled 120, including both men and women, in addition to a general coordinator and administrative personnel. The observers were trained so as to become thoroughly acquainted with basic texts relating to elections and the principles of observer conduct. Then they were provided with the necessary documents and guides, and they signed a commitment to respect the principles and ethics of observation as internationally recognized.

❖ Civil society observers

At its request, the Advisory Council on Human Rights used the associational network in view of the previous experience it possesses and because it includes a large number of associations scattered throughout different regions of Morocco.

⁶ See the previous footnote.

The Advisory Council on Human Rights gave the associational network the necessary assistance to undertake its task, in particular documents relating to the elections, relevant circulars from the Ministry of the Interior and the Ministry of Justice, lists of the candidates and the polling stations, and badges for the observers. It also facilitated communication with the public authorities supervising the elections.

❖ **International observers**

The involvement of international observers in election observation sets a precedent in the history of elections in Morocco. It enabled the country to benefit from the experience of foreign observers and to gain international recognition for democratic practice in Morocco.

The delegation of international observers was composed of 52 men and women under the chairmanship of the former Bolivian president Jorge Quiroga, coming from countries of Africa, Asia, Europe and America, and with experience in observing elections and including former legislators, ministers, ambassadors, and experts in the fields of elections and human rights, as well as members from civil society.

The Council facilitated the task of these observers in coordination with the Ministry of Foreign Affairs and the Ministry of the Interior and enabled them to obtain identification badges so that they could carry out their mission. The observers signed a commitment to respect the internationally recognized rules of conduct, which stress respect for the laws of the country, neutrality, impartiality, and a refusal to make any comment until the delegation issues its statement.

The Council facilitated the work of all the observers and issued a communiqué on 13 August 2007, in which it announced the scope of the observation, stating that it would cover all stages of the electoral process. The Council worked in coordination with the public authorities supervising the elections, especially the Ministry of the Interior, which issued a circular to all prefects and governors instructing them to facilitate the work of the observers, as well as the Ministry of Justice, which also sent round a circular to the judicial bodies calling on them to facilitate the mission of the observers.

The Council also communicated with the Supreme Council of Audio-visual Communication (HACA), which acquainted it with the measures adopted with regard to granting the political parties participating in the elections access to the audio-visual media.

Thus, in cooperation with the public authorities involved, the Council sought to set the stage for observation and monitoring of the elections.

2.2. The Observation Process and its Results

The Council observed and monitored the different stages of the electoral process both directly through its observers and indirectly through the media and the observations of international and national observers, and produced various conclusions and recommendations:

2.2.1. The Observations of the Advisory Council of Human Rights

In view of the fact that it will be issuing a thematic report devoted to this process, the Council contents itself with presenting a short summary of the observation process and its results.

❖ **Observing and monitoring the pre-election stage**

During this stage, the Council noticed the importance of the preparedness of the parties directly involved in the electoral process, public authorities and political parties. It also observed the efforts expended by the public authorities to administer the elections in an impartial and transparent manner, and to encourage voters and political parties to participate as previously explained.

The Council observed that there were a large number of parties participating in these elections (33 parties and two federations). The candidates presented themselves under 1862 lists including 13 lists without political affiliation in 95 local electoral constituencies to compete for 295 seats in the House of Representatives. 25 lists were presented for the national electoral constituency devoted to women to compete for 30 seats.

❖ **Observing and monitoring the electoral campaign stage**

The electoral campaign stage represents a critical link in the electoral process. It is meant to give the competing candidates a uniform period of time to present to the voters their ideas and electoral platforms, and to communicate with the voters by all legitimate means with the aim of persuading them to vote for them. This stage lasted from 25 August to 6 September 2007.

❖ **Direct communication with the voters**

In addition to traditional means like organizing meetings or processions, it was observed that mobile phones and the internet were also utilized.

❖ **The use of electoral programmes**

It was also observed that the culture of the electoral programme had begun to take root; frequently programmes were distributed and advertised in the media. What was new was that some programmes were supported by figures and special measures to be taken regarding unemployment, health and education. This is a new method of convincing the voter and a further degree of political commitment.

❖ **Violations during the campaign**

The joint committee of the Ministry of the Interior and the Ministry of Justice counted 716 grievances. 657 were put on file, 53 were followed up and six were investigated. Thus the number of irregularities observed was very small.

❖ **Observing and monitoring the polling process**

❖ **The importance of the polling process**

The polling process is the main and decisive stage in the electoral process despite the fact that it is linked to the other processes. Therefore, it constituted the central focus of observation, both for the Advisory Council on Human Rights and international and national observers. The Council had prepared a great deal for this stage so as to ensure free, objective, and effective observation for all the observers, whether its own, international or from civil society.

❖ **The results of observing and monitoring the polling process**

Its observation enabled the Council to draw the following conclusions:

❖ **Positive general results**

- The Council's observers recorded that observers, both its own, international and national, had free access to the polling stations, the central offices, and the ballot counting committees. They were received positively by these organisms and by the voters, and the Council considers this step to be a great gain that strengthens the principle of maintaining internationally recognized standards of impartiality and transparency;
- The administration was neutral and did not interfere in any way to influence the voters. Thus the freedom of the citizen to exercise his political rights was respected, and in this regard, the Council appreciates the preventive measures taken by the administration to ensure the neutrality of officials at all levels. However, the Council did note that it failed to intervene or was unable to intervene to prevent some irregularities;

- The administration was careful to bring the polling stations as close as possible to the voters, and to use wherever possible educational institutions insofar as they are an appropriate space to hold elections. It exerted great efforts in terms of both financial and human resources to ensure that the right to vote was exercised in the most favourable circumstances;
- The principle of transparency and speed in sorting the votes, and announcing the results, usually in the presence of representatives of the parties with observers monitoring the proceedings inside the local polling stations, the central offices or the electoral counting committees;
- Transparency in announcing the rate of participation, which was weak, since no more than 37% participated;
- The small number of grievances. On polling day, the joint administrative committee received a small number of complaints from political parties claiming that irregularities did occur on voting day (19 complaints).

❖ **Partial shortcomings**

The Council noticed some partial shortcomings which did not affect the general level of impartiality and transparency of the elections, but do open the door for further improvement of the electoral process in the future on the basis of current gains. It was noticed that most of these were at the level of the polling stations, which means that there must be more thought and effort expended to avoid these in future, since this is the critical link in the electoral process. Basically, they involved the locations of the polling stations, their equipment and the personnel involved. Some of the other partial shortcomings had to do with the conduct of the voting process, including voters looking for their election cards on polling day, the existence of cards that had not been collected by voters on polling day, and the difficulty some voters had in understanding how to vote with one piece of paper, because of illiteracy, which challenges us to think how to simplify the procedure further.

2.2.2. Observations of the International Delegation

The delegation of international observers to the 2007 elections presented a preliminary report the day after the elections on 8 September 2007. As they examined it, the Council concluded that the international observers had done their work in a professional manner, objectively, and with absolute respect for the law and principles laid down in the Code of Conduct for International Observers.

❖ **Preliminary conclusions of the international observers**

The international observers were able to visit 375 polling stations in 12 regions on polling day. They observed the polling process or the sorting process, and their preliminary report indicated that in general the voting proceeded smoothly and was characterized by a spirit of transparency, professionalism and efficiency. They observed that the process of registration in lists went smoothly; that the public authorities and non-government bodies expended great efforts to raise the awareness of voters and to mobilize them before polling day, and that the selection of candidates also went smoothly. They also noted that the political parties had access to the media before the electoral campaign and remarked that the polling process was managed in a manner that displayed the professionalism of those supervising it, and that the vote-sorting process proceeded in an ordinary manner. Although there were claims that irregularities had occurred, they recorded that there were no gravely irregular practices that could prejudice the impartiality of the elections.

The preliminary report also concluded that the turnout was weak, which must be taken into account, and political reforms introduced to convince the voters that they should become involved in the political process. Political participation by women also needs to be further encouraged, electoral procedures need to be simplified, particularly the ballot paper, and transparency should be improved by the swift announcement of results from the polling stations.

2.2.3. Observers from the Associational Network

The Associational Network presented a preliminary report on its observations of the legislative elections and applauded in its turn the principle of observation and the developments occurring regarding it. It has become a precedent that only lacks formulation of its principles. The Associational Network had previously mobilized 3,120 male and female observers whom it provided with guides and forms. 1,687 of them freely entered polling stations, and they visited 3,355 polling stations, and attended the sorting process in 655 stations, the announcement of results in 275 central stations, and the vote counting process and the announcement of results in 46 vote counting committees.

❖ **Preliminary observations of the Associational Network**

The preliminary report of the Associational Network highlighted some positive general results, noted some deficiencies, and presented some recommendations. It noted the importance of the financial and human resources that the state had

mobilized to make these elections a success. It took numerous measures to ensure their impartiality, especially against possible abuses by officials at all levels. The observers from the Associational Network also noted that there was no interference by the administration in the conduct of the campaign and the polling process and that there was transparency in the announcement of the turnout.

However, despite the efforts expended by the authorities, some partial irregularities were noted, especially:

- Talk about the use of money sometimes, and the exploitation of development projects for electoral purposes;
- Some parties experienced difficulties in selecting their candidates, and women were poorly represented;
- Some polling stations were badly equipped and women were poorly represented;
- Some voters were unable to obtain a voting card.

2.3. Conclusions and Recommendations of the Advisory Council on Human Rights

On the basis of the above, the Advisory Council on Human Rights considers that the experience of electoral observation was a great success, both in terms of its form and its content, and is an additional guarantee of the transparency and impartiality of the elections, and a pillar of democracy and human rights.

The observers' reports also represent raw material for political actors to enable them to deduce how to develop the practice of democracy. In this sense, the Council considers that the elections of 7 September 2007 represent a new launching pad for further progress in electoral transparency and impartiality. These gains must therefore be maintained and developed to overcome the partial irregularities which nevertheless were not as severe as to prejudice the credibility and impartiality of the elections. To this end, the Council will present a set of recommendations under a number of headings relating to the voter, the candidate and the polling stations. The Council will deal with these in detail in its final report on the observation of the elections.

As regards the results, the Council took note of the degree of transparency as regards the announcement of results within a reasonable time, in spite of the difficulties linked basically with the electoral system adopted. It also took note

of the significant number of voters who had a high level of education (55.25%). However, it noted that women were poorly represented in the local lists and there was a low level of turnout. It was only 37% with large variations between regions, and between towns and villages. Turnout was 62% in Oued Ed-Dahab, 58% in Guelmim-Es Smara, about 50% in Laâyoune-Boujdour, but only 27% in Greater Casablanca. It was 40% in rural areas, and 30% in urban areas.

Therefore, the Advisory Council on Human Rights proposes that it should move on to studying this phenomenon since it has now been witnessed and been the subject of many observations. It needs deep study to discover its causes, and how to treat it so as to restore the citizen's trust in the elections whose transparency and impartiality Morocco has expended so much effort to ensure, and so that he might then participate responsibly in the democratic process.

Topic Three

The Creation of the Council for the Moroccan Community Abroad

In 2007, the Council for the Moroccan Community Abroad was set up as a national institution with financial and administrative independence which will strengthen the institutional framework involved with issues concerning the Moroccan community, which includes the Ministry delegate in charge of Moroccans Living Abroad, the Hassan II Foundation for Moroccan Expatriates, and other institutions with a direct or indirect relationship to migration.

1. The General Context of the Creation of the Council

This council was established after His Majesty, in his speech to the nation dated 6 November 2006, requested the Advisory Council on Human Rights to give its opinion on the subject, after conducting broad consultations with all the parties involved.

Thought about creating it came within a general context characterized by the following features:

❖ **Royal concern regarding the affairs of the Moroccan community abroad**

This was manifested by the number of institutions involved with the affairs of the community on the one hand, and the efforts exerted by Morocco to protect and strengthen the rights of the individuals of the community on the other, as well as to overcome the negative results sometimes produced by the ambiguity of their legal status. In this connection, one might mention the new situation created by the Family Code concerning marriages contracted according to the law of the country of residence. It relaxed conditions for recognizing them in order to alleviate any hardship and to avoid any ambiguity in their family situation.

In addition, there is the amendment to the 2007 Electoral Code⁽⁷⁾. By virtue of Article 4 bis of this code, Moroccans born and residing abroad can register on electoral lists with the opportunity to choose between four communes according to the nature of their relationship with each, including their economic relationship. They can choose their commune on the following basis:

⁷ Law No. 06-23 changing and complementing Law No. 97-9 relating to the Electoral Code. The Sherifian Dahir implementing it was promulgated on 23 March 2007, and published in the Official Gazette No. 5513 dated 2 April 2007.

- A commune where the person concerned has property or professional or commercial activity;
- A commune in whose lists one of the parents or the wife's parents are registered;
- The commune where one of the parents or the husband or wife resides;
- The commune where the father of the person concerned was born.

By virtue of Article 201 (Paragraph 5 added), Moroccans born outside the national territory and residing abroad, referred to in Article 4 bis, may stand for elections in the commune in whose electoral lists they are registered.

These provisions come as a result of the concern that members of the Moroccan community abroad should participate in the democratic process being witnessed by Morocco.

❖ **Changes experienced by the Moroccan community**

In recent years, the Moroccan community has seen deep changes that have begun to pose a number of challenges, and which require a revision of the public policies relating to this group of citizens. Some examples of these changes are:

• **With regard to the country of residence**

- The continuous increase in the size of this community, which currently exceeds three million, dispersed widely round the world, although some European countries have a high proportion of them, especially France, Belgium etc.
- The rise in the proportion of women, which makes it essential to adopt gender mainstreaming in policies directed towards the community.
- The presence of new generations born in the country of residence, who are highly integrated.
- The varied social, cultural and professional situations of members of the community, depending on their degree of integration. This has led to a rise in the number of professionals, expertise and investors etc.
- Settlement and integration in the country of residence, and the resulting acquisition of the quality of citizen, along with the rights and duties thereof on an equal footing with the other citizens of that country, especially with regard to the practise of civil and political rights.

- **With regard to their country of origin – Morocco**

- The settlement and integration of members of the Moroccan community abroad and their acquisition of the nationality of that country does not make them lose the quality of Moroccan citizens as well, along with the rights and duties thereof.
- The continuity and variation of the links that join them to their country of origin, which increases in strength for a number of reasons, the main ones being:
 - + The rise in the number of members of the community who come to Morocco during their summer vacations;
 - + The rise in their financial remittances to Morocco and the significance of the volume of their investments in it;
 - + Their participation in the human development process, especially in the regions where they come from. It is noteworthy that they are found in a large number of regions of Morocco due to family and economic ties;
 - + Continued concern for their affairs both in their country of residence and in Morocco, insofar as they are Moroccans, and Morocco has always sought to protect the rights of members of the Moroccan community abroad and to defend their interests in relation to their country of residence on the one hand, and to strengthen their bonds with their country of origin on the other;
 - + However, the changes indicated above have posed new challenges, and so it is necessary to make additional and qualitatively different efforts to protect and promote the rights of members of the Moroccan community in the country of residence faced with the growth of hatred, racism, attacks, and restrictions on the practise of religious freedom, and hostility against foreigners and Muslim communities in particular;
 - + In addition, promoting links between members of the Moroccan community abroad and the homeland began to acquire a new dimension, transcending just family visits or financial remittances to the necessity for involvement in constructing a modernist democratic society, and thus participating in economic and social development as well as in the democratic experience being witnessed by Morocco.

In this general context, and amid these challenges, the thought occurred of creating a representative body for members of the Moroccan community abroad

capable of frankly expressing their concerns and expectations, and thus participating effectively in the formulation, monitoring and evaluation of public policies relating to them.

2. Preparing the Advisory Opinion about the Creation of the Council for the Moroccan Community Abroad

The preparation of the advisory opinion on the subject by the Advisory Council on Human Rights required that an approach and a programme of action be drawn up.

2.1. The Approach

In defining its approach the Council began from the royal commission which includes a request to conduct broad consultations with all those involved in order to submit an advisory opinion concerning the creation of the new council, “in such a way as to combine both competence and representation, credibility and effectiveness”.

Since members of the Moroccan community abroad are dispersed among a number of countries, the Council adopted a participatory and consultative approach with a wide scope both in terms of place, time and persons involved. It spread its focus broadly outside Morocco, allowed adequate time, and involved members of the Moroccan community abroad, as well as public authorities, social actors (political parties and civil society) and experts.

This approach finds its justification in a number of considerations, the most important of which are:

- Members of the Moroccan community abroad are the ones most closely involved in the council that is intended to be set up. Therefore it was essential to involve them in formulating the conception of this council so that it might be in harmony with their aspirations and so as to ensure their positive involvement in its work after it was created. It was also necessary to involve them in the new approach to their affairs in view of the developing nature of the migration phenomenon. In addition to a continued desire to deal with their concerns and to defend their rights, both inside Morocco and in their country of residence, especially with regard to groups that are in a vulnerable situation because of unemployment, sickness, or family break-up, there is also a growing desire to promote a spirit of citizenship so that Morocco - their

country of origin - may benefit from their diverse capabilities, whether intellectual or as investors, and so that they may be effectively involved in human development, especially since members of the Moroccan community have pioneering experience in this field through their associational activity, especially in the Moroccan regions where they come from.

- The multiplicity and variety of those involved in the affairs of the Moroccan community abroad, including public sectors and national institutions. In particular, there is the Ministry of Foreign Affairs and Cooperation through embassies and consulates, the Ministry of Endowments and Islamic Affairs, the Ministry delegate in charge of Moroccans Living Abroad, the Hassan II Foundation for Moroccan Expatriates, the Mohamed V Solidarity Foundation, and others. From the private sector, we can mention in particular banks, tourism, and transport.

The participatory and consultative approach enabled the Council to examine the strengths and weaknesses of policies pursued. It also helped the Council to formulate a general conception of the Council, defining its position and its role in this institutional framework, as well as the qualitative benefit that it wanted to achieve, especially as regards its contribution to ensuring coordination between the participants within the framework of a public policy capable of being monitored, evaluated, and adjusted on the basis of new developments inside Morocco and abroad, because the Council was close to the lived experience of members of the Moroccan community abroad.

2.2. The Programme of Work

2.2.1. Organizing Conferences

The Advisory Council on Human Rights organized four academic conferences on subjects intimately linked to the concerns of members of the Moroccan overseas community:

- The first conference was on the theme *The Contribution of the Moroccan Community Abroad to Human Development*. This was held on 17-18 February 2007 in Rabat to discuss the phenomenon of migration, development, and the challenges posed by the transfer of capacities and skills, as well as discussing remittances, and associations active in local development.
- The second conference was on the theme *Moroccan Women and Migration*, and was held on 24-25 March 2007 in Rabat. Participants included a large

number of Moroccan women residing abroad, working in a number of different spheres (contracting, politics, art, associations, community work etc.). The purpose of the conference was to examine the situation of Moroccan women abroad, and the situation of Moroccan migrant families.

- The third conference was on the theme *Culture, Religion and Identity*, and was held on 28-29 April 2007 in Rabat. The purpose of the conference was to observe cultural practice and to discuss ways of promoting the cohesion of the Moroccan community abroad with all their original cultural components. They also discussed how to facilitate their acceptance by the communities amongst whom they live, given that this is one of their cultural rights, and how to promote cultural communication which would also help their country of origin to benefit from their cultural creativity.
- The fourth conference was on the theme *Citizenship and Participation*, and was held in June 2007. It discussed ways to respond to the concerns of Moroccans abroad, especially political participation and representation in national institutions in the context of a real citizenship that results in rights and duties.

These conferences were attended by more than 840 participants, both men and women, and many of them were members of the Moroccan overseas community.

2.2.2. Direct Consultation Meetings with Members of the Moroccan Overseas Community

The Advisory Council on Human Rights organized direct consultation meetings with members of the Moroccan overseas community in about 35 cities scattered over about 20 countries. There were over 1,000 participants from the Moroccan overseas community divided to some extent into professionally and culturally homogeneous groups (associations, contractors, elected officials, researchers). Training was given by 15 members of the Advisory Council on Human Rights, ten members of the work group on migration composed of Moroccan researchers residing in Morocco or abroad, civil society activists, and elected officials living abroad. This was in order to have direct communication with members of the Moroccan overseas community, to examine their concerns and expectations and to gauge their opinions concerning the tasks and composition of the would-be council.

2.2.3. Internet Consultations

The Council communicated by internet with a large number of associations and Moroccan civil society activists, economists and researchers residing abroad, in order to enable them to present their requests and proposals. This was done through a questionnaire intended to gauge their opinions concerning the mission and composition of the council. In the questionnaire, they were asked to rank the qualifications for membership of the Council.

Study of the completed questionnaires received by the Council revealed the importance of the degree of integration of members of the Moroccan overseas communities into their countries of residence in the different spheres of life, including associational, political and trade union life. At the same time, it also showed the importance of their links with their country of origin, Morocco, especially as regards economic and associational activity. They ranked the tasks of the proposed council as follows:

- Defending their interests;
- Facilitating their involvement in human development;
- Enabling them to participate in the democratic process;
- Facilitating repatriation of skills;
- Encouraging self-organization;
- Publicizing the experience and the contributions of emigrants;
- Defending their interests inside Morocco;
- Defending their interests when they visit Morocco.

They ranked the qualifications of members of the prospective council as follows:

- A good knowledge of the problems and expectations of members of the overseas community;
- Credibility, impartiality and integrity;
- Good mediators between Morocco and the migration countries;
- Intellectual qualifications;
- Professional qualifications;
- A good knowledge of Morocco and its institutions;

- They should be defenders of the rights of migrants.

By virtue of these conferences, meetings and broad consultations with personalities and members of the Moroccan overseas community, the Council was able to objectively examine their aspirations and proposals regarding the would-be council.

2.2.4. Consultative Meetings on the National Level

In the context of its consultations with the departments and personages involved in migrant affairs, the Advisory Council on Human Rights organized meetings with:

- The government departments involved, especially the Ministry Delegate in charge of Moroccans Living Abroad, as well as with the Hassan II Foundation for Moroccan Expatriates, the Mohamed V Solidarity Foundation, the Directorate of Migration and Border Control in the Ministry of the Interior, and the Directorate of Consular and Social Affairs in the Ministry of Foreign Affairs and Cooperation, etc.;
- Political officials belonging to 12 political parties;
- Civil society, including 18 associations, concerned mainly with human rights, women's issues, migration and development;
- Researchers interested in migration issues (about 30) from Moroccan universities.

3. The Content of the Advisory Opinion

On the basis of the consultative process and the studies it conducted in accordance with a participatory and consultative approach, the Council was able to formulate its advisory opinion, which focused in the first instance on the tasks of the proposed council, its composition, and its relationship with other parties involved in the field of migration, with the purpose of ensuring its effectiveness in realizing the goals that justify its existence.

Regarding its tasks, the advisory opinion stressed the role of the council as an advisory body, and an institutional framework for monitoring and assessing the public policies relating to members of the overseas community, as well as defending their legitimate rights inside and outside Morocco, and strengthening their contribution to development and the democratic experience. As regards the composition of the council, in view of the sensitivity of this subject, and the

diverse international experiences ranging from appointment to election of members, the advisory opinion proposed a first transitional stage during which members would be appointed from within the Moroccan community abroad in a manner taking into account competence, impartiality, equity between generations, equality between men and women, and balance between countries of residence. In this way, it will be up to the council itself to create the most appropriate form for it.

Concerning the relationship between the council and the other parties involved, the advisory opinion stressed the necessity of coordination between the different parties involved in the affairs of the community, both government departments and the private sector, especially banking institutions, with the aim of achieving effectiveness and utility in its work. This requires reforming the institutional framework which the Council for Moroccan Community Abroad will deal with.

4. The Promulgation of the Sherifian Dahir Creating the Council for Moroccan Community Abroad

The Sherifian Dahir relating to the creation of the Council for Moroccan Community Abroad was promulgated on 21 December 2007. It contains a preamble explaining the reasons for creating the Council, and Chapter One defines its prerogatives. Chapter Two regulates its composition, Chapter Three defines its organisms, Chapter Four deals with its financial and administrative resources, Chapter Five enunciates its by-laws, and Chapter Six contains transitional regulations.

Another Sherifian Dahir was issued on the same date appointing the president of the Council for Moroccan Community Abroad, and yet another one was issued on the same date appointing the secretary general of the Council. After its members are appointed, it will draw up its work programme and its by-laws and prepare to hold its first session during the coming year (2008).

II. Recalling Issues of Special Significance dealt with in Previous Annual Reports

1. Monitoring the Implementation of the Recommendations of the Equity and Reconciliation Commission

The Advisory Council on Human Rights continues to monitor the implementation of the recommendations of the Equity and Reconciliation Commission, which it was charged with by His Majesty in his speech delivered to the country on 6 January 2006. Immediately after that, the Council created an ad hoc committee to monitor the implementation of the recommendations, joint committees with the government, and specialist work groups for each of the fields covered by the recommendations, open to civil society and experts.

1.1. Individual Reparation

❖ Financial compensation

Financial compensation continued to be paid to those who deserved it in accordance with the rulings of the Equity and Reconciliation Commission. This was done within the framework of joint committees between the Council and the government. In application of a policy of proximity to the beneficiaries, the Moroccan post office was authorized to pay the sums of compensation due.

❖ The regularization of administrative situations and social reinsertion

The Council listed and categorized the beneficiaries from the recommendations of the Equity and Reconciliation Commission concerning the regularization of the administrative situations of some and the social reinsertion of others, as well as the beneficiaries from the recommendations relating to disputes over ownership of property. This enabled it to prepare lists that it presented to the government in the framework of the work of the mixed committees responsible for following up the implementation of the recommendations of the Equity and Reconciliation Commission.

❖ Health cover

Cooperation between the Council and the government led to the ratification of an agreement enabling the victims of grave violations of human rights to have health cover. The state would take responsibility for paying the costs of

membership. The agreement was signed by the Ministry of Finance, the Ministry of Health, the Advisory Council on Human Rights, and the National Social Security Fund. On 3 August 2007, the president of the Advisory Council on Human Rights distributed the first instalment of the health cover cards to the beneficiaries, while the Council continued to take responsibility for emergency health cases.

1.2. Community Reparation

The important recommendations issued by the Equity and Reconciliation Commission also included ones on community reparation for those regions that had been affected by grave violations of human rights in the past.

The Council specified 11 regions as being involved: Figuig, Errachidia, Ouarzazate, Zagora, Tan-Tan, Azilal, Khemisset, Mohammedi District, Al Hoceima, Nador and Khenifra.

In the light of all this, the Advisory Council on Human Rights sought to find mechanisms to define and carry out appropriate programmes to implement these recommendations. It did this in the context of a local, national and international partnership, in view of the costs involved, on the one hand, and the importance of involving the local population and local activists in order to ensure their involvement and their contribution to these programmes, which are geared to them, on the other. Thus the following organisms were created:

- A national oversight committee, which was installed on 9 July 2007, including representatives of the Advisory Council on Human Rights, the Ministries of Finance and the Interior, the Savings and Management Fund (CDG), the EU Commission and the United Nations Development Fund for Women. Two seats were kept for local coordination bodies;
- Local coordination bodies in four regions, in the first stage, with the aim of ensuring the involvement of the local population and local activists.

In addition, a number of cooperation and partnership agreements in this field were signed:

- A partnership convention regarding a project to promote women's rights with the support of the United Nations Development Fund for Women;
- A convention between the Ministry of Finance, the Advisory Council on Human Rights, the European Union and the CDG to draw up and implement a programme of community reparation in the specified regions;

- A convention between the Council and the Ministry of the Interior with the aim of converting former detention centres into social, cultural and economic complexes;
- A convention between the Council and the Ministry of Youth and Sport aiming to refurbish youth facilities in the regions that were harmed;
- A convention between the Council and the Eastern Region Agency with the aim of the economic inclusion of the groups that were harmed.

1.3. Completing the Process of Uncovering the Truth regarding Pending Cases

- After uncovering the fate of hundreds of cases of individuals who were previously counted as of unknown fate by the Equity and Reconciliation Commission, the latter had recommended that investigations be continued into 66 cases concerning which the Council was seeking to uncover the truth;
- The Council was able to uncover the truth concerning 44 new cases, leaving only 22 whose fate has not yet been uncovered;
- The Council also continued to cooperate with the Directorate of Penal Affairs in the Ministry of Justice, and with analysts in the Royal Gendarmerie, the scientific police, and forensic medicine in Casablanca, to carry out DNA tests in some cases.

1.4. The Recommendations relating to Legislative and Institutional Reform

The Advisory Council on Human Rights has been involved in implementing the recommendations on legislative and institutional reforms with all the parties involved.

- It participated in the meetings of the committee that prepared the draft penal code;
- It submitted a preliminary memorandum concerning the draft Press Code which was referred to it by the government;
- It initiated think tanks concerning the other recommendations and especially those relating to security governance, the rehabilitation of justice and drawing up a national strategy for combating impunity.

2. Continuing the Fight against Discrimination against Women

The Advisory Council on Human Rights is pursuing the implementation of the principle of gender equality affirmed in the constitution, in international charters and conventions, especially the International Convention on the Elimination of all Forms of Discrimination against Women, and is also continuing its efforts to bring laws into compliance with this principle.

These efforts have led to the incorporation of this principle in a number of legislative texts including in particular: the Family Code; the Labour Code, where the principle of non-discrimination in the field of employment, parity of wages and penalization for discrimination was enshrined; the Penal Code, especially Law No. 03-24 changing and complementing the Penal Code, which criminalized discrimination and established sanctions against it.

In the same direction came Law No. 06-62, whose implementation was promulgated by a Sherifian Dahir on 23 March 2007. It changed and complemented the Nationality Law, by virtue of which the child of a Moroccan mother enjoys Moroccan nationality as its nationality of origin, on exact parity with the child of a Moroccan father. After being changed, Article 6 reads: “The child of a Moroccan father or a Moroccan mother shall be considered Moroccan”.

In the same direction came Morocco’s declaration that it was withdrawing some reservations and revising another concerning the International Convention on the Elimination of all Forms of Discrimination against Women⁽⁸⁾. In addition, Morocco supports gender mainstreaming in public policies, in particular in the state’s 2007 budget, and it continues to strengthen the status of women in centres of decision-making, as is noticeable in the fact that there are seven women in the government springing from the elections of 7 September 2007, and 34 women in the House of Representatives.

In addition to these efforts, there can be added the improvement of the image of women in the media, and the dissemination of a culture of gender equality.

However, in spite of these efforts, it is noticeable that some types of discrimination continue in practice, especially in the field of employment, in particular in the unofficial sector. Similarly, the implementation of the principle of equality embodied in the Family Code had not yet reached the level desired for a number of reasons, the most important of which being the mentalities

⁸ For more information on the subject, see the paragraph relating to the implementation of the convention in Section 3 dealing with convention obligations and international human rights reports.

opposing this, as well sometimes as women's ignorance of their rights or their inability to defend them by virtue of their economic dependence on their employers or their husbands.

Thus, the matter still requires work to promote a culture of equality involving the different actors in the fields of education, employment and media. Women's awareness of their rights should be raised, scholarization of girls should be promoted, especially in the villages, the issue of girls' dropping out of school should be considered, illiteracy should be combated, and women's economic independence should be reinforced.

It is certain that illiteracy and economic dependence are two of the main factors perpetuating the inferior position of women and making them an easy victim of exploitation in all its forms, whether by their employers, husbands or others.

It is noticeable that the National Initiative for Human Development has made clear efforts in this field, especially in promoting the scholarization of girls in rural areas, and assisting rural women through income-generating projects.

3. Monitoring the Phenomenon of the Employment of Girl Minors as Household Servants

In its annual reports of 2005 and 2006 on the status of human rights, the Council has already analyzed this phenomenon, and it has presented a number of proposals to help deal with it. It continues to be concerned about this area for a number of reasons, the most important of which are:

- Morocco now has a very advanced legal and institutional framework for protecting the rights of the child, and has drawn up a national ten-year action plan entitled A Morocco worthy of its children (2006-2015). It was ratified by the cabinet on 25 March 2006 in accordance with the announcement and the action plan ratified on the occasion of the extraordinary session of the UN General Assembly on the subject of Childhood in 2002;
- Morocco has indeed established compulsory education from the age of six until 15 and has achieved some progress in universalizing the education of children. It has also established the minimum employment age at 15, in accordance with ILO Convention No. 138, and laid down sanctions against those who employ children below this age. However, it is noticeable that the phenomenon of child employment in general continues to be rampant, and in particular the employment of girl minors as household servants, even though this type of employment is not covered by the Labour Code, which referred

the issue of dealing with it to a special text. The Minister of Employment prepared a draft law regulating this type of work, but it has not yet presented it to parliament, and hence this legal vacuum continues;

- The employment of girl minors as household servants exposes them to exploitation of all types, especially economic and sexual, in addition to abuse, with unlimited working hours, deprivation of benefit from other basic rights, in particular the right to education and health cover;
- It is not possible to rely on a simply legal approach in dealing with this phenomenon. There must be a comprehensive approach that takes into account the reasons for the early employment of children, and girl minors in particular, as household servants. This is especially the case since this is the age when they should be in school. It is not sufficient to regulate this type of work by defining the rights of the servants and the duties of their employers, because there is the difficulty of inspecting this type of work, because it takes place within the home, whose inviolability is guaranteed by the constitution. Then there are the reasons that may constrain families to agree to their daughters being employed as household servants, even though they are under age, and even perhaps to allow them to give up their rights. The reasons for this include poverty, family disintegration, dropping out of school, lack of training, or absence of work opportunities in the formal sector, etc. For all these reasons, the employment of children in general, and household maids in particular, is a complicated phenomenon, and we cannot rely on a regulative text alone to solve it. This must be part of a broader approach linked to the reasons constraining girl minors to work as household servants.

4. Monitoring Corruption

The Advisory Council on Human Rights has previously examined the subject of corruption in its 2005 and 2006 annual reports on the status of human rights in Morocco. It tried to analyze its causes and its negative repercussions on human rights, and presented some proposals and recommendations to help deal with it. It continues to pursue this issue, and is monitoring current developments, in particular:

- Morocco's ratification in May 2007 of the United Nations Convention against Corruption;

- The issue of the decree dated 13 March 2007 creating the Central Commission for Protection against Corruption⁽⁹⁾. It was created as a body attached to the Office of the Prime Minister and includes in its membership, in addition to the ombudsman, members appointed on a personal basis by government departments, and representatives of professional bodies, the Moroccan National Press Union (SNPM), civil society activists and some experts. According to Article 2 of the decree, the basic mission of the Commission is to coordinate and supervise policies to combat corruption, to monitor their implementation, to gather and disseminate information about corruption, and to submit proposals to combat corruption. It submits an annual report to the Prime Minister, and its general assembly publishes it and sends a copy to the Minister of Justice.

It is apparent that its mission is in close harmony with Article 6 of the International Convention against Corruption, which calls parties to create one or more independent bodies to be entrusted with the mission of coordinating policies to combat corruption, to supervise their implementation and to disseminate information about the prevention of corruption.

We now await the activation of this body. Its members have been installed; it has been granted the means necessary to undertake its mission; it has drawn up its by-laws and defined its method of work in such a way as to ensure that it remains independent and makes an effective contribution to the fight against corruption.

- The issue of Law No. 05.43 relating to the fight against money laundering, for whose implementation a Sherifian Dahir was issued on 17 April 2007. The crime of money laundering may relate to money obtained from the crime of corruption, fraud, abuse of power, or embezzlement;
- The issue of Decree No.388-06-2 spelling out the conditions and types for concluding state procurement contracts, as well as some principles relating to managing and supervising them⁽¹⁰⁾. In the list of motives for the law, it stated that the reform of the state procurement contacts proves that “the public authorities intend to make public life more ethical and to combat all practices related to acts of fraud and corruption”. One of the goals of this decree is to “establish ethical standards of administration intended to reduce the possibility of resorting to any practices related to acts of fraud and corruption”;

⁹ Published in the Official Gazette No. 5513 dated 2 April 2007.

¹⁰ Published in the Official Gazette No. 5518 dated 19 April 2007.

- On the basis of the King's speeches stressing this, the public authorities were careful to establish ethical standards for the legislative elections that Morocco saw on 7 September 2007. This concern was very apparent in the cooperation and coordination between the Ministry of the Interior and the Ministry of Justice to prevent all attempts to corrupt the electoral process, especially by the use of money.

However, we are still waiting for the implementation of other mechanisms, in particular regional audit councils, to strengthen ethical standards in the work of local communes by auditing accounts. We are also waiting for the implementation of laws concerning the declaration of assets, and the assurance of greater transparency in the relationship of the citizen with public utilities, as well as of other recommendations contained in the Council's reports for 2005 and 2006.

Section Two

The Exercise of certain Rights and Freedoms

One of the basic functions of the Advisory Council is to assist in protecting human rights and preventing any violations of them. For this purpose, a unit was created to communicate between the Council and the Ministry of Justice and the Ministry of the Interior with the aim of dealing in a fast and effective way with human rights violations that come to the knowledge of the Council, either through complaints made by the persons involved, or through the media, or through the prison visits made by the Council.

1. Dealing with Citizens' Complaints and Grievances

Given that the Council is a national institution involved in protecting human rights, and in view of the experience of investigations and the settlement of grave violations of human rights gained by the Equity and Reconciliation Commission, whose work enjoyed wide media coverage, the Council receives a large number of complaints and grievances and welcomes a large number of citizens through its doors.

Thus during 2007, the Council received 26,204 complaints and welcomed 12914 citizens.

It studied these complaints and requests and categorized them according to their subjects. Those that did not fall within its remit it referred to the competent bodies and informed those involved of that. As regards those related to violations of human rights, it followed them up and submitted proposals and recommendations concerning them.

The following tables clarify the status of the complaints received by the Council in terms of subject matter, numbers received, and steps taken concerning them.

1.1. Total Complaints

Subject of complaint	No. of complaints	Steps taken
Complaints concerning human rights violations	38	Dealt with through the communication unit.
Complaints and letters falling under tasks linked to the monitoring of the implementation of recommendations made by the Equity and Reconciliation Commission	10,970	Dealt with by the administrative structure assisting the follow-up committee
New requests concerning financial compensation for past human rights violations	11,927	Preliminary study, categorization and filing
Complaints falling within the competence of the Board of Grievances (<i>Diwan al Madalim</i>)	150	Referred to the Board of Grievances - complainants informed
Complaints received from Moroccans residing abroad	47	Referred to the Hassan II Foundation for Moroccans Residing Abroad. Some cases were submitted to the Ministry of Foreign Affairs and Cooperation - complainants informed
Complaints received from veterans of the Resistance and members of the Liberation Army	126	Referred for reasons of competence to the Royal Commission for Veterans of the Resistance and members of the Liberation Army - complainants informed
Complaints relating to subjects within the competence of the judiciary	1,650	Some referred for reasons of competence to the Ministry of Justice - complainants informed Complainants were referred to the competent judicial bodies
Complaints relating to penitentiary institutions submitted by prisoners or their families	1,141	Presented to the communication unit or the Ministry of Justice according to the nature of the complaint - complainants informed
Miscellaneous complaints 155	155	Various procedures followed, according to case

1.2. Complaints relating to issues subject to Protective Intervention by the Advisory Council

Subject of complaint	Number
Deaths occurring in detention centres	2
Violation of physical safety and abuse	15
Illegal detention	8
Prevention from leaving or returning to the national territory	2
Failure to obtain a passport	3
Failure to obtain a national identity card	3
Exercising the right of assembly	1
The right to a healthy environment	4

2. The Council's Continued Concern for Prisoner Conditions

The Council previously drew up a report on the conditions of prisoners in 2004. It continues to concern itself with this issue on the basis of complaints it has received from prisoners or their families, and also sometimes material published in the press, as well as because of its determination to protect the rights of prisoners as laid down in law.

During 2007, the Council received 1,141 complaints from prisoners or their families. The press has also dealt with cases of torture, abuse and hunger strikes etc.

2.1. Complaints from Prisoners or their Families

The following table gives the numbers and the subjects of these complaints:

Subject of complaint	Number
Deaths in prison	04
Subjection to torture during the period of police custody	04
Torture or abuse in prison	07
Requests relating to right to health care	37
Requests to be transferred to another prison, in order to be nearer family	208
Complaints against judicial decisions	70
Requests for pardon	481
Consolidation of sentences	12
Requests for a special license	33
Requests to stay in the same penitentiary institution	65
Grievances concerning prison conditions	42
Requests containing various subjects or with no particular subject	31
Pursuing studies or training	03
Conditional release	06
Complaint concerning abuse sent by a disabled person	01
Requests put on file	137

These grievances relate to diverse subjects including claims of torture or abuse, requests for health care and transfer, prison conditions etc. They require investigation by the prison supervisory body, taking into consideration the previous recommendations of the Council in its report on prison conditions. Therefore, after studying them, the Council referred some of them to the Ministry of Justice and others to the communication unit, at the same time informing the persons involved of their fate.

2.2. Prison Visits

In the context of its continued concern for the rights and conditions of prisoners, and in the light of the grievances that have come to its knowledge, the Council has conducted field visits to a number of prisons, as detailed in the following table:

Penitentiary institution	Date of visit	Purpose of visit
Central Prison Kenitra	26 March 2007	Lack of legitimate privacy rooms, and to check on the presence or absence of cameras and eavesdropping equipment, on the basis of material published in a newspaper.
Local Prison Essaouira	11 June 2007	To check on the state of prisoners and their detention conditions, to what extent they are in conformity to the law relating to the regulation and management of penitentiary institutions.
Local Prison Sale	22 June 2007	To check, at their request, on the state of two prisoners who had been sentenced to death and to examine the content of their grievances.
Local Prison in Qariyat Ba M'hamed	17 July 2007	To investigate the facts concerning the contents of an article in a national newspaper in the edition issued on 10 July 2007 dealing with the torture of a number of prisoners.
Local Prison Benguéir	27 July 2007	To check on the state of prisoners.
Local Prison in Toulal - Meknes	13 September 2007	To check on the state of prisoners.
Local Prison Sale	8 October 2007	To investigate conditions in this institution after receiving grievances from prisoners and their relatives, and the publication of newspaper articles talking about instances of torture and the transfer of some people to other prisons.
Local Prison Sale	26 October 2007	A visit to investigate the state of prisoners on hunger strike.
Local Prison Sale	2 November 2007	A second visit to investigate whether prisoners were being subject to abuse and torture.
Local Prison Berrachid	15 November 2007	To investigate conditions in this institution after receiving grievances from prisoners and their relatives, and the publication of newspaper articles talking about instances of torture and the transfer of some people to other prisons.

These visits enabled the Council to investigate how true the prisoners' grievances were, to examine the general conditions inside the prison, and to help solve the problems they face in cooperation with the Ministry of Justice.

3. The Council's Investigations into Disturbances that Occurred in Sefrou

On 23 September 2007, demonstrations took place in Sefrou. Reports and communiqués issued by human rights associations and some media sources reported that there had been violations and excessive use of public force in dispersing demonstrators, and that some of them had been arrested. Immediately following that, and in accordance with the prerogative of the Council relating to monitoring the status of human rights in general, and combating human rights violations either on the basis of a request or of its own accord in compliance with the requirements of the Dahir of 10 April 2001 relating to the reorganization of the Council, a committee was formed to investigate the incidents.

The Committee took the following actions:

- It held meetings during which it heard from the parties involved, including the local security forces;
- It visited the places where the incidents took place;
- It visited Fes Prison, Sefrou Prison, the Abdul-Aziz Ben Idriss Childhood Protection Centre in Fes and the Social Action Centre;
- It gave a hearing to some citizens;
- It examined some documents and recordings that were available.

At the end of this task, the committee prepared a report including the following recommendations:

❖ **Managing disturbances**

- Mechanisms should be developed to enable dialogue between the public authorities and citizens, taking into account the economic and social conditions prevailing in the district;
- Cooperation should be encouraged between the parties involved to develop the region economically and socially;
- Programmes should be ratified and strengthened to develop the region within the framework of the National Initiative for Human Development.

❖ **The judicial authorities**

- Emergency measures should be taken to ensure the protection of young people who are pursuing their studies and who are being prosecuted with regard to the Sefrou disturbances by placing them in the Social Action Club in consideration of their best interests;
- Conditions conducive to a fair trial should be ensured for those being prosecuted in relation to the disturbances.

4. The Concerns of the Council Springing from Complaints Falling within its Protective Sphere

The Council continues to be concerned about the issues it has dealt with in previous annual reports and to follow up the recommendations and proposals contained in those reports, especially as regards torture and abuse, illegal detention and the exercise of some public freedoms. This concern springs from complaints and grievances it receives as well as the cases it monitors through various means including the reports of non-governmental organizations.

4.1. Torture and Abuse

The Council's concern about this issue is based on the following:

- It considers the right to physical and psychological safety in general, and the right not to be tortured or abused in particular, as being included in the rights affirmed in the international charters to which Morocco has adhered, in particular the International Covenant on Civil and Political Rights and the International Convention against Torture. These considerations require the Council to continue its efforts to ensure the presence of all necessary safeguards both in law and practice, in the knowledge that our country is expending great efforts to bring domestic legislation into compliance with international human rights criteria. It has issued a law criminalizing torture undertaken, incited or concealed by a public servant, and in addition, the Code of Penal Procedure considers a confession extracted by force as null and void;
- The fact that the work of the Equity and Reconciliation Commission represents a decisive step in putting an end to grave violations of human rights, including torture, makes a break with the past, and presents recommendations intended to ensure non-repetition;

- The fact that torture and abuse occur in most cases when the person involved has been deprived of his freedom, which is a situation subject to restraints and conditions enunciated by law. It usually occurs during investigations or during the implementation of a freedom-depriving punishment in police stations or prisons.

Therefore, the Council considers that:

- The safeguards enunciated by the Code of Penal Procedure must be implemented, especially as regards the strengthening of supervision by the public prosecutor of locations of police custody. This supervision must include not just the location and the registers, but in particular the person held in police custody, checking on his health and the way he is being treated;
- The requirement for prisons to be supervised by the committee specified in the Code of Penal Procedure must be implemented. These committees are found in every prefecture, governorate and province, and associations from civil society may belong to them (Articles 620-1 of the Code of Penal Procedure). Their tasks include the supervision of prisons and institutions responsible for caring for juvenile offenders, ensuring the availability of health care, security, and sickness prevention, checking nutrition levels, helping to educate and reinsert, and inspecting the living conditions of prisoners and juvenile offenders;
- A judicial investigation must be carried out, swiftly, impartially and objectively, into every claim of torture or abuse; and a careful and objective medical examination must be undertaken to define the nature of the torture, how severe it was, and its causes. All those placed in police custody, and every detainee and prisoner must be informed of his or her right to such an examination, and the judicial apparatuses must respond to any request he or she makes for a medical examination. Further steps must be taken to implement the legal provisions of the Code of Penal Procedure which allow this to be carried out automatically.

The Council has already presented other recommendations and proposals on this subject in its thematic report on prison conditions, and its previous annual reports, especially its annual reports for 2005 and 2006.

4.2. Illegal Detention

Raising this subject poses another problem no less serious than the previous one. The principle enunciated in the Code of Penal Procedure is that detention shall only take place in penitentiary institutions attached to the Ministry of Justice and

only on the basis of a legal instrument, and that illegal detention is a crime punishable under the penal code.

The Code of Penal Procedure also lays down that the family of any person placed in police custody must be informed. Therefore, the subject of illegal detention by the public authority posits the probability of a violation of existing legal safeguards on the one hand, and on the other hand represents a violation of human rights. This requires:

- Avoiding the possibility of not recording the true time when the police custody began. To this end, thought should be given to introducing the principle that nobody should be placed in police custody, even if caught in flagrante delicto, except with the permission of the public prosecutor. In this case, the office of the public prosecutor should itself inform the family or anybody the person placed in police custody wants to be informed, and all this should be recorded in a transcript and considered as falling within the key procedures to be carried out in view of its close connection with the protection of the citizen's freedom. This of course requires a change in the Code of Penal Procedure;
- Anybody committing illegal detention should be prosecuted, given that this is a crime and so as to prevent impunity;
- Officers of the judicial police should be required to have special qualifications based on careful training, especially in penal procedure, penal investigation, the penal code, the principles of human rights, and crime scene investigation, as well as professional ethics. They must also be made aware that they may be disciplined or held criminally responsible if they overstep professional boundaries or make arbitrary use of authority.

This is one of the goals of the Citizenship Platform for Promoting a Culture of Human Rights, for in one of its chapters it addresses those entrusted with law enforcement, including officers of the judicial police and others.

4.3. Exercising Certain Public Freedoms

The Council continued to be concerned about the exercise of certain public freedoms, especially freedom of demonstration, freedom of the press, and freedom of movement.

4.3.1. Freedom of Demonstration

In spite of the increased exercise of the right of demonstration and the right of public assembly, and in spite of the fact that most demonstrations take place peacefully, national and foreign media and civil society bodies sometimes report the occurrence of violations and the excessive use of public force in order to disperse demonstrators. The Council has already dealt with this subject in its previous reports and has presented recommendations and proposals on the subject.

The Council continues to be concerned about this subject so as to ensure the exercise of the right of demonstration and public assembly, while public order must be maintained, all within a framework of respect for the provisions of the law.

4.3.2. Freedom of the Press

The Council continues to monitor the exercise of freedom of expression, especially the freedom of the press, and the prosecutions it has sometimes experienced for the crime of defamation and other crimes of the press, concerning many of which journalists have complained.

In this connection, the Advisory Council on Human Rights has already submitted a preliminary memorandum on the draft Press and Professional Journalism Code, which was referred to it by the government. However, at the same time, it focuses a great deal on the ethical restraints of the profession in order to avoid violating the rights of others when exercising the freedom of the press, while guaranteeing the role of media in general and the press in particular in building a modernizing democratic society.

4.3.3. Freedom of Movement

Freedom of movement is guaranteed in the constitution, and can only be restricted by law (Article 9), whether inside or outside Morocco. Movement outside Morocco requires a valid passport, and every citizen has the right to obtain one in accordance with the law. The Council has received some grievances regarding being prevented from leaving the national territory. In this connection, it is worth pointing out that the Code of Penal Procedure permits the public prosecutor (or the investigating magistrate - Article 142) to seal the borders and withdraw passports whenever an investigation requires that

(Articles 40 and 49). This formulation does not define the period that the borders should be sealed or the period for which a passport should be withdrawn, and this is an issue that must be addressed. Nobody should be deprived of freedom of movement for an undefined period.

4.3.4. The Right to Form Associations

The Council has already dealt with the topic of the right to form associations in its annual report for 2004. As it has monitored this issue during 2007, the Council has noted the continued occurrence of cases where the authorities refrained from providing a receipt when a request to form an association was handed in. In practice, the administrative authorities do not give a receipt, which in practical effect transforms the right to form associations, which is guaranteed by law, into a licensing system for the practice of this right. This violates the provisions of Moroccan laws relating to public freedoms, as well as international human rights criteria in the field, and in particular the provisions of Articles 21 and 22 of the International Covenant on Civil and Political Rights.

Section Three

Treaty Obligations and Reports of Non-governmental Organizations



I. Treaty Obligations

1. The State of Compliance with Treaties

Morocco continued to be a party to international conventions on human rights. The following developments took place in this regard:

- On 6 February 2007, Morocco signed the International Convention for the Protection of All Persons from Enforced Disappearance;
- On 30 March 2007, it signed the Convention on the Rights of Persons with Disabilities;
- In May 2007, it ratified the United Nations Convention against Corruption;
- It continued with the procedure for adhering to the following additional protocols:
 - The Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women;
 - The Optional Protocol to the Convention against Torture;
 - The First Optional Protocol to the International Covenant on Civil and Political Rights.
- It withdrew its reservations and affirmed the competence of the treaty committees with regard to the following conventions:
 - **The Convention on the Rights of the Child**

The reservation concerning Article 14 was replaced by an explanatory statement.

- **The Convention against Torture**

- + Morocco affirmed the competence of the Committee against Torture to receive individual complaints and to examine them in accordance with Article 22;
- + It dropped its reservation regarding the competence of the Committee against Torture to conduct investigations in accordance with Article 20.

- **The Convention on the Elimination of Racial Discrimination**

Morocco admitted the competence of the committee involved in combating racism to receive communications from individuals and to investigate them in accordance with Article 14 of the Convention;

- Morocco has been slow in following the procedures for dropping its reservations relating to the Convention on the Elimination of all Forms of Discrimination against Women.

The ministerial committee in charge of public freedoms and human rights continued to study the reservations of the Kingdom of Morocco concerning the Convention on the Elimination of all Forms of Discrimination against Women, and announced the following:

- It withdrew its reservation concerning Paragraph 2 of Article 2, which grants women the right to pass their nationality to their children;
- It withdrew its reservation with regard to Sub-paragraph d of the first paragraph, which affirms women's right to birth control, and Paragraph 2 of Article 16, which calls for a minimum age to be set for marriage;
- It revised the second part of its statement regarding Article 2 relating to the Family Code;
- It withdrew its statement concerning Paragraph 4 of Article 15 relating to the movement of individuals and the freedom to choose one's place of abode;
- It substituted its reservation concerning the other sub-paragraphs of the first paragraph of Article 16 by explanatory statements.

The Council lauds the fact that Morocco has dropped its reservation regarding Article 20, affirms Article 22 of the Convention against Torture, affirms Article 14 of the Convention on the Elimination of Racial Discrimination, and that it has substituted its reservation concerning Article 14 of the Convention on the Rights of the Child with an explanatory statement. However, it takes note of the tardy way in which the measures relating to the implementation of the procedure for withdrawing the reservations or substituting them with explanatory statements (as regards the Convention on the Elimination of all Forms of Discrimination against Women) are being implemented, and also the tardy way in which the country is adhering to the protocols and ratifying the above-mentioned conventions. The Council demands that the government affirm Article 77 of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, relating to the competence of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families to receive and examine individual complaints.

2. Periodic Reports

The Council observed that Morocco was being slow in submitting periodic reports to the relevant bodies. This calls for thought about ways to avoid this, especially by creating a permanent structure for preparing reports in coordination with the bodies involved. During 2007, the government submitted written responses to a list of issues and questions that were put to it by the competent body when it examined Morocco's combined third and fourth reports relating to the Convention on the Elimination of all Forms of Discrimination against Women. They had been submitted in July 2006.

However, there was a delay in submitting the following reports:

- Reports 17 and 18 relating to the implementation of the Convention on the Elimination of Racial Discrimination, which it was expected to submit in January 2006;
- Report 4 relating to the Convention against Torture, which it was expected to submit in July 2006;
- Report 1 relating to the implementation of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, which it had decided should be submitted in July 2004;
- Report 1 concerning the implementation of the Optional Protocol to the Convention on the Rights of the Child, concerning the involvement of children in armed conflicts, which it had decided to submit in July 2004.

3. Morocco's Contribution to the Proceedings of the Human Rights Council

Morocco contributed effectively to the proceedings of the Human Rights Council during 2007. During the period for which it was elected a member of the Council, which ended on 18 June 2007, Morocco's representative held the post of deputy chairman of the Council and manager of the work group entrusted with preparing ways and means for managing the Universal Periodic Review.

In its session held in Geneva in March 2007, Morocco also defended, in the course of consultations within the Human Rights Council, the ratification of the UN Declaration on Human Rights Education and Training, and cooperated with Switzerland in presenting a draft recommendation that was accepted unanimously by the Human Rights Council during its sixth session in September 2007.

During 2007, Morocco began consultations with the bodies involved in human rights issues to prepare its first report for the Universal Periodic Review which will reflect the extent of Morocco's fulfilment of its human rights commitments.

4. The Contribution of the Advisory Council on Human Rights to the Government's Preparation of the First National Report for the Universal Periodic Review

4.1. The Definition of the Universal Periodic Review

The Universal Periodic Review (UPR) is a new mechanism, created by virtue of Human Rights Council Decision No. 1/5 dated 18 June 2007 and ratified by the UN General Assembly. It requires that member states submit a comprehensive report about the status of human rights to the Human Rights Council, with a specified outline and content, as well as new means of examination.

The UPR seeks to improve the status of human rights in practice by encouraging countries to fulfil their obligations in the field of human rights, evaluate progress achieved, and examine the hindrances and constraints that face them, with the possibility of offering assistance, particularly technical, in promoting and protecting human rights⁽¹¹⁾.

¹¹ In other words, it is a new method characterized by a number of special features, the most important of which are:

- Equality: equality in the way states are dealt with regard to their submission to this regular review;
- Universality: a concern for human rights in a universal sense;
- Cooperation and dialogue among the state, the Human Rights Council and the Office of the High Commissioner for Human Rights and the other relevant UN bodies. This requires that the state concerned should maintain objectivity and transparency in the data it submits, and contribute positively to this dialogue. Confrontation and accusation should be avoided.

The UPR is carried out in stages:

- It begins with a work group including members of the Human Rights Council under the chairmanship of the president of the Council, and observer states who have the right to contribute to the dialogue, and with the presence of civil society organizations;
- Then a group of three rapporteurs are chosen by lot from among the members of the Council to represent the various regional groupings. Their role is to facilitate the review process and the drawing up of the report by the work group, and they are responsible for drawing up a list of questions or issues, and communicating them to the country involved so that it might prepare for the dialogue;
- The dialogue between the country involved and the Council takes place in the context of a work group. The examination is based on the national report submitted by the state in addition to a summary of the reports of international bodies and the responses of the state involved submitted by the Office of the High Commissioner for Human Rights, in addition to a summary of reliable information issued by relevant bodies prepared by the Office of the High Commissioner for Human Rights itself. Thus we can observe the importance of being open to a wide variety of sources of data relating to human rights in the state concerned when conducting the universal review, while observing strict transparency in this;

4.2. Preparing the National Report

One of the requirements for preparing this report was the use of a participatory and consultative methodology including government bodies and national institutions, as well as civil society, with the aim of ensuring the veracity of the data presented.

Therefore, the government created a mixed committee among the ministries involved coordinated by the Ministry of Justice. The consultative process began on 16 October 2007 with a meeting devoted to explaining the nature of the UPR, which was followed by other meetings. The Advisory Council on Human Rights participated in preparing this report, as well as bodies from civil society.

5. The Report of the Advisory Council on Human Rights in the framework of the UPR

As Morocco prepared its national report, which it had decided to submit to the Human Rights Council in the framework of the UPR, the Advisory Council on Human Rights submitted in its turn a report to the Human Rights Council covering the previous four years (2004-2007), as permitted by the new mechanism of the UPR. The report contained the following:

- A description of the progress that had taken place on the institutional and legal levels to protect and promote human rights, and the way Morocco had continued to be a party to international conventions and protocols relating to human rights, as well as reviewing its reservations regarding articles of some conventions, and substituting its reservations by explanatory statements (the Convention against Torture, the Convention on the Elimination of all Forms of Discrimination against Women, and the Convention on the Rights of the Child). Morocco had also continued the process of bringing its laws into compliance with the conventions that it was party to, and submitted a number of regular reports to the relevant bodies.

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- The examination takes place in the context of a work group and takes the form of a report including a summary of the discussions or observations. It may also include an objective assessment of the status of human rights in the state involved, a specification of positive practices, and a consideration of how to strengthen cooperation with regard to promoting and protecting human rights, including the possibility of offering technical assistance;
 - Before the Council ratifies the final report, the state involved may present its responses, and member and observer states may express their opinions. Then the Council ratifies the final report, and the state involved must implement the recommendations and observations of the Council. The following regular examination will discuss to what extent these have been implemented.

In order to choose the first group of states to submit this report, it was decided to cast lots. Morocco was in this first group, and was thus requested to submit its report on 25 February 2008.

- Initiatives to protect and promote human rights:
 - The report reviewed the plans and strategies that Morocco had prepared in partnership with actors inside Morocco and sometimes international partners. In particular, it reviewed the strategy to combat violence against women (2004), the national plan for childhood entitled *A Morocco Worthy of its Children (2006-2015)*, in response to the conclusions that the UN General Assembly came to in its extraordinary session of 2002;
 - The citizenship platform for promoting a human rights culture, which was officially announced in 2007.
- The report also deals with the activities undertaken by the Advisory Council on Human Rights to protect and promote human rights and freedoms, especially by studying grievances and visiting prisons, as well as promoting human rights by submitting special recommendations in its annual reports on the status of human rights, in addition to its thematic reports, its report on conditions in penitentiary institutions, and its report on incidents relating to illegal migration;
- As regards strengthening democratic practice, the Council monitored and observed the legislative elections of 7 September 2007, with the involvement of international observers and ones from civil society;
- As regards transitional justice, the Equity and Reconciliation Commission had already been set up in 2004 to settle grave violations of human rights experienced by Morocco between 1956 and 1999. It drew up its final report including the results of its work and its recommendations, and His Majesty the King entrusted the Advisory Council on Human Rights with continuing to monitor their implementation;
- As regards promoting the rights of the overseas Moroccan community, the Council prepared an advisory opinion on the instructions of His Majesty and after broad consultations with members of the overseas Moroccan community with the aim of creating the Council for the Moroccan Community Abroad;
- Internationally, the Council is linked by bonds of cooperation with a number of international bodies, and contributes effectively to various activities involving human rights and in particular with institutions similar to it.

II. The Status of Human Rights through Reports of Non-Governmental Organizations

On 31 January 2008, Human Rights Watch issued a report about the status of human rights in Morocco during 2007.

Amnesty International also issued its annual report about human rights in Morocco during 2007. In addition, similar annual reports were also issued about the status of human rights in Morocco for the same year by Moroccan civil society bodies like the Centre for People's Rights and the Moroccan Association for Human Rights. In these reports, the following concerns are noticeable:

❖ **Transitional Justice**

These reports praised the progress seen by Morocco in dealing with grave violations of human rights from the past through the Equity and Reconciliation Commission which entrusted the Advisory Council on Human Rights with following up the implementation of its recommendations. They pointed out that the Commission had been able to uncover the fate of a number of cases, and that its method of work encouraged discussion and broke the wall of silence by holding public hearings for some of the victims. In addition, it noted that the state had paid compensation to the victims in accordance with the rulings of the Equity and Reconciliation Commission and that the matter required the implementation of the recommendations of this commission.

However, the Human Rights Watch report mentions that some state officials did not cooperate with the Equity and Reconciliation Commission, which prevented the settlement of other cases, and that some of those implicated in human rights violations are still in their jobs. In addition, those implicated have not been brought to trial, and Morocco has not ratified the Statute of the International Criminal Court, nor has it abolished the death penalty.

In the same context, the report highlights that the Polisario Front has not taken steps to call to account and to punish those who committed human rights violations in its camps during the 1970s and 1980s.

❖ **The exercise of public freedoms**

- **The right to vote:** Some reports examined the legislative elections, held in Morocco on 7 September 2007, mentioning in particular the wide variety of parties participating, the fact that they were monitored by international observers who testified to their impartiality and the neutrality of the

administration, in spite of the low turnout, which some tried to explain in terms of the weakness of parliamentary prerogatives.

- **The freedom to demonstrate, assemble and form associations:** The reports mention the broadening scope for the exercise of these freedoms, that the public authorities granted permits to a number of bodies working in the human rights field, that most gatherings were granted permission by the Ministry of the Interior, and that most demonstrations, particularly in Rabat, were peaceful. However, sometimes force was used to disperse demonstrators, and these reports also note prosecutions and trials immediately following demonstrations, mentioning in particular the demonstration of 1 May 2007, and the demonstration in Sefrou over the rising cost of living.
- **The freedom of the press:** Some reports pointed out that newspapers criticize the government despite the presence in the press code of freedom-depriving sanctions, and recorded the prosecution and trial of some journalists during 2007.

❖ **Group rights**

- **Women's rights:** The reports recorded the progress made in family affairs, especially in terms of gender equality, combating discrimination, and amending the nationality law in such a way as to allow a child born of a Moroccan mother to enjoy Moroccan nationality as of birth, even if the child has a foreign father. However, the reports observed that the reforms were slow in being implemented, and that there were frequent occurrences of violence against women, especially in the family context.
- **Children's rights:** Some reports took note of the efforts exerted in this sphere. However, they highlighted the occurrence of child employment, even though it is forbidden by law, and also the employment of young girls as housemaids, as well as the clandestine migration of unaccompanied children, and the problem of protecting them when they are deported.
- **Prisoners:** Some reports recorded that some of those sentenced for terrorist offences had benefited from a royal pardon. However, they took note of the strikes by prisoners during 2007, especially those sentenced for terrorism offences, in protest against conditions inside the prison. Some reports also recorded a drop in the number of complaints relating to torture and excessive periods of police custody, as well as the conviction of two policemen for grievous bodily harm resulting in death by a court in Laâyoune in 2007.

They insisted that requests for a medical examination of the accused must be responded to, and that safeguards for a fair trial should be respected.

❖ **Economic, social and cultural rights**

Some reports by national human rights associations examined the state of economic, social and cultural rights, and considered that it had deteriorated because of the poverty and marginalization that wide swathes of citizens were suffering from. They observed:

- **Concerning the right to education:** Although Morocco had seen tangible progress and great efforts to universalize education, to improve its quality, to incorporate some human rights values, to democratize the educational sphere, and to involve civil society, the reports noted that there continued to be overcrowding, a high drop-out rate, violence, lack of resources and a lack of connection between education and the labour market.
 - **Concerning the right to health:** The reports noted a deterioration in health services, and a retreat from the principle of trying to make it free. They suffered from a lack of resources, the high cost of health services in the private sector, and weak supervision.
 - **Concerning the right to housing:** The reports also noted that in spite of the efforts expended to provide economical housing, broad swathes of the population did not enjoy adequate housing, especially those with limited incomes.
 - **Concerning the right to work:** The reports noted a rise in the unemployment rate, mass dismissals of workers, especially in the informal sector, inadequate social cover, and the existence of cases of failure to declare employees to the National Social Security Fund. They demanded the application of the Labour Code, and the activation of the role of the work inspectorate, with the provision of adequate resources, and the assurance of safety at work.
 - **Concerning trade union rights:** The reports noted that signs of infringement of the exercise of trade union rights continued through restricting them by a number of means, considering that Article 288 of the Penal Code restricts the right to strike.
- ❖ **Cultural rights:** The reports stressed the need to continue to be concerned to promote cultural rights, especially with regard to the Tamazight language.

PART TWO

**THE ACHIEVEMENTS, AND FUTURE WORK
AND ACTIVITIES OF THE COUNCIL**

During 2007, the Council continued its efforts to carry out the tasks entrusted to it related to encouraging respect for human rights. It held sessions and internal meetings and conducted a number of activities both inside and outside the country.

I. Meetings of the Council, Work Groups and Ad hoc Committees

1. Meetings of the Council

The Council held meetings as detailed in the following table:

Meeting	Agenda	Date
Special session dedicated to establishing the new composition of the Council	Installation of the Council's newly-appointed members	January 29th 2007
Special meeting dedicated to the draft Press and Professional Journalism Code	Discussion and ratification of the provisional draft memorandum concerning the draft Press and Professional Journalism Code which had previously been referred to the Council by the government	March 7th 2007
Meeting 27	Renewal of the Council's structures The Council's action programme for 2007	15 June 2007
Meeting 28	Discussion and ratification of the advisory opinion regarding the creation of the Council for the Moroccan Community Abroad.	26 October 2007

2. Meetings of Working Groups and Ad Hoc Committees

The coordination committee and the working groups held a number of meetings in the council's headquarters in order to carry out their tasks, as detailed in the table below:

Committee or group	No. of meetings
The coordination committee	4
The work group for human rights and societal development	3
The work group for the study of public legislation and policies	6
The work group for promoting a human rights culture	6
The work group for the protection of human rights and the combating of violations	3
The work group for foreign relations	4

II. Conferences and Study Days

In partnership with a number of actors, the Advisory Council on Human Rights organized conferences and study days falling within its mission and concerns, with the aim of strengthening, promoting and protecting human rights.

- Thus, in the process of preparing the advisory opinion demanded by His Majesty, and with the aim of creating the Council for the Moroccan Community Abroad, the Advisory Council on Human Rights organized four conferences with the aim of assessing the situation and the expectations of individuals of the overseas Moroccan community. These conferences have already been discussed in Topic 3, dealing with the creation of this council.
- In the context of its concern with the role of the judiciary in protecting human rights, the Council organized, with support from the Office of the UN High Commissioner for Human Rights, the third conference of national Arab human rights institutions on the theme of *The Role of National Institutions in Promoting the Independence of the Judiciary in the Arab World*. This took place from 12-14 November 2007, and concluded its proceedings by issuing the Rabat Declaration. Participants included representatives of national human rights institutions in the Arab world, representatives of judicial authorities and regional organizations, the UN and non-governmental organizations, and experts in the administration of justice.
- In the context of its concern for economic, social and cultural rights and in cooperation with the United Nations Development Fund, the Council organized on 10 December 2007, a conference on the theme *Legal Empowerment of the Poor*. The purpose of this was to reflect on the

possibility of including legal empowerment within the current approach to combating poverty, especially in the context of the National Initiative for Human Development. This covered the following fields: giving the poor access to the courts to demand or defend their rights, benefiting from ownership of real estate, especially housing, and having employment without being exploited.

- While the Council was observing the legislative elections that Morocco held in 2007, with the participation of international observers and observers from civil society, on 14 December 2007, the Council organized, in partnership with the National Democratic Institute (NDI), a round table with the aim of assessing the observer experience.

III. Expressing Opinions

One of the main tasks of the Advisory Council on Human Rights is to give its opinion on matters submitted to it by His Majesty or the government, or on issues it investigates on its own initiative. In this context, the Council delivered an advisory opinion concerning the creation of the Council for the Moroccan Community Abroad, as it was charged to do by His Majesty.

In order to prepare this opinion, the Council used a programme of action - as previously explained - which included organizing conferences and conducting broad consultations, including members of the Moroccan community abroad, the bodies and institutions involved, some ambassadors of Morocco in countries where there is a high proportion of Moroccans, as well as with civil society associations, political party officials and researchers investigating matters relating to migration⁽¹²⁾.

¹² See the topic entitled The Creation of the Council for the Moroccan Community Abroad in the first part of this report.

IV. Bringing Legislative Texts into Conformity with International Human Rights Criteria

1. Giving its Opinion on the Draft Press and Professional Journalism Code

The draft Press and Professional Journalism Code was referred to the Advisory Council on Human Rights by the Prime Minister. It was studied by a work group composed of members of the Council. The Minister of Communications gave a presentation on it, and the opinions of two experts in the media field were heard.

The study and the consultations conducted by the work group resulted in the preparation of a draft memorandum on the subject which was presented to the members of the Council in its special session held on 7/3/2007. It was attended by the Minister of Communication, who gave a presentation on the draft, the stages of its preparation, and the consultations with the parties actively involved in this field.

The Council ratified the preliminary draft memorandum and transmitted it to the Prime Minister.

In this connection, the Council noted the importance of the government's initiative in referring the draft Press Code to the Council, especially since the Council had in its previous annual reports expressed its deep concern concerning the press insofar as it relates to the freedom of expression, and concerning the effects of the sanctions on the freedom of the press and the development of its professional institutions.

2. Participation in the Meetings of the Committee Entrusted with the Review of the Penal Code

It is well-known that the Penal Code currently in force goes back to 1962 and has experienced a number of modifications, especially in recent years. Moreover, developments taking place in the field of crime and criminal sanctions demand its review in such a way as to achieve balance between combating crime on the one hand and effective sanctions on the other, and also in such a way as to deal with the negative effects of short-term freedom-depriving sentences by finding suitable alternatives, as well as meeting the requirements of rehabilitating prisoners and reinserting them into society.

V. Managing the Process of Monitoring the Observation of the Legislative Elections

When His Majesty entrusted the Council with the ground-breaking task of monitoring and observing the legislative elections of 7 September 2007, the Council created a temporary internal structure to carry out this task. Thus a special committee was created based on Article 4 of the Sherifian Dahir that reorganized it. This committee was composed of members of the Council and was to monitor the process of observing the elections. In addition, an administrative unit was created to operate under the supervision of the said committee with the technical role of gathering information and monitoring relations with the various participants in the electoral process. To achieve this, this unit was composed of a number of specialized cells:

- The cell for monitoring the relationship with the Ministry of Justice;
- The cell for coordinating with the Ministry of the Interior and foreign observers;
- The cell for coordinating with the Associational Network;
- The cell for monitoring the relationship with the Higher Council of Audio-visual Communication (HACA);
- A cell responsible for coordinating with the Council's observers.

By virtue of this arrangement, the various observers, including international ones, those belonging to the Associational Network, and those dispatched by the Council, were able to carry out their task of monitoring and observing the legislative elections of 7 September 2007 in the best possible conditions.

VI. Promoting a Human Rights Culture

1. The Official Announcement of the Citizenship Platform for Promoting a Culture of Human Rights

The Council formulated an initiative to prepare this platform in partnership and consultation with government bodies, national institutions, civil society and experts, under the supervision of an independent committee created for this purpose.

The official announcement of this platform was made on 26 February 2007 in the presence of the Prime Minister, the president of the Council, and a large number of those actively involved.

2. The Implementation of Two Partnership Conventions

The Council began to implement the partnership convention that had been signed with the Ministry of the Interior on 19 May 2006. The different programmes taught in the training centres attached to the Ministry of the Interior were evaluated to assess to what extent they contributed to the dissemination of a human rights culture.

It also began to implement the partnership convention signed on 7 December 2005 with the Ministry of National Education and Higher Education, Staff Training and Scientific Research by creating a committee to monitor the implementation of the provisions of the convention.

VII. Protecting Human Rights and Combating Violations

The Council continued to exercise its prerogatives in protecting human rights and combating violations. Part 1 Section 3 of this report contains a summary of its activities in this field.

- Cooperation with the Board of Grievances

The provisions of the Sherifian Dahir relating to the reorganization of the Advisory Council on Human Rights, and the provisions of Paragraph 1 of Article 6 of the Sherifian Dahir creating the Board of Grievances (Ombudsman), stipulate that complaints not falling within the competence one institution should be referred to the other one. This cooperation resulted in the following complaints being dealt with:

- 150 complaints referred to it for reasons of competence by the Council were dealt with by the Board of Grievances;
- 39 complaints relating to violations of human rights referred to it by the Board of Grievances were dealt with by the Council which had been.

VIII. Communication and International Cooperation

The Council participated effectively in a number of meetings on human rights issues, especially the sessions of the Human Rights Council, and meetings of analogous national councils:

1. Participation in the Fourth Session of the Human Rights Council

This session lasted from 15 March to 5 April 2007. The Council participated in the issue-specific meetings organized on the fringes, including a meeting dealing with human rights education. This was an opportunity for the Council to present the Citizenship Platform for Promoting a Culture of Human Rights.

There were also bilateral meetings with a number of representatives of equivalent national institutions and officials in the UN Office of the High Commissioner for Human Rights about the preparation of the third annual meeting of national human rights organizations in the Arab world, as well as meetings with international non-governmental organizations in Geneva.

These meetings were another opportunity to publicize the Advisory Council and its achievements. Some governmental and non-governmental bodies, and equivalent national bodies, expressed their interest in the experience of the Advisory Council in general, and in the field of transitional justice in particular.

2. Participation in the Sixth Session of the Human Rights Council

On 10-11 December 2007, the Council participated in the proceedings of the sixth session of the Human Rights Council, and also in a number of parallel activities on the fringes of this session.

Thus, the representative of the Council presented a paper in a meeting organized by the International Centre for Human Rights and Democratic Development about national experience in drawing up national reports as part of the mechanism of Universal Periodic Review. A representative of the Council also participated in the conference organized by the Arab Organization for Human Rights on the same topic. There were also meetings with officials of the two above-mentioned organizations concerning the experience of the Council.

3. Participation in the 19th meeting of the International Coordinating Committee of National Human Rights Institutions

This took place from 21-23 March 2007 on the fringe of the fourth session of the Human Rights Council. The business of the meeting focused on a number of subjects including:

- The role of national institutions in combating torture. In addition, the report of the accreditation sub-committee on requests for accreditation submitted by a group of national institutions was discussed and ratified, as well as the extent of the involvement of national institutions in the affairs of the Human Rights Council and the extent of the participation of regional committees;
- The role of national institutions in the work undertaken by the committees entrusted with monitoring the extent of countries' compliance with human rights conventions, and the follow-up on the implementation of the recommendations issued by the eighth conference of the coordination committee which was held in Santa Cruz in Bolivia on migration.

The Moroccan delegation participated in discussing the agenda, and submitted proposals concerning the preparation of regular reports and working alongside the committees involved in monitoring the extent of countries' compliance with human rights conventions.

4. Participation in the Plenary Meeting of the Bureau of the International Coordinating Committee of National Human Rights Institutions

This took place during the period from 12-14 December 2007. It was attended by most of the members who had the right to vote, in addition to representatives of national institutions accredited with an A Grade like the Advisory Council on Human Rights. The meeting was devoted mainly to preparing for the meeting that would discuss the review of the statute of the International Coordinating Committee in April 2008, and the International Conference of National Institutions, to be held in September 2008. In addition, the committee focused on a number of subjects, especially:

- Reviewing the tasks of the International Coordinating Committee;
- Promoting the establishment of national institutions dealing with human rights in accordance with the Paris Principles;
- Coordinating and strengthening the activities of national institutions on the international level;

- Cooperation between national institutions and civil society, and communicating and disseminating information, as well as organizing issue-specific conferences;
- The ratification by the Bureau of the International Coordinating Committee of the proceedings of the accreditation sub-committee. A new list of national institutions was established, and the Advisory Council on Human Rights was once more accredited in List A for four years;
- It was unanimously agreed to keep a permanent representative at the coordination committee in Geneva to deal with the Human Rights Council and the High Commissioner for Human Rights;
- The review of the statute of the International Coordinating Committee.

5. Participation in the Meetings of International Human Rights Institutions

The Council participated in the meetings of the African Group and Francophone Association of National Human Rights Institutions on the fringe of 19th annual meeting of the International Coordinating Committee of National Institutions.

Between 27 February and 1 March, the Council also participated in Amman, Jordan, in the preparatory meeting for the first dialogue meeting between national human rights institutions in Europe and the Arab world.

The topics covered were as follows:

- The right of access to information;
- Civil society and national human rights institutions;
- Dialogue among national human rights institutions in the Arab world and Europe and preparing for the April 2007 conference.

6. Participation in the First Arab-European Dialogue of National Human Rights Institutions, which was held in Amman, Jordan, on 18-19 April 2007 on the subject *Protecting Human Rights while Combating Terrorism*.

This conference was organized by the National Centre for Human Rights in Jordan and the Danish Institute for Human Rights. A group of national institutions from the Arab world and Europe participated in it, as well as a number of experts and some international organizations. It concluded its proceedings by issuing some recommendations intended to encourage respect for human rights while combating terrorism.

7. Hosting the Second Conference of the Francophone Association of National Human Rights Associations

The Francophone Association of National Human Rights Associations chose Morocco as the venue of its second conference at the end of its first conference which was held in Montreal. It was devoted to the theme of economic, social and cultural rights. Its second conference, which was held in Rabat from 5-7 February 2007, was devoted to the discussion of cultural rights, in addition to organizational issues including the election of the president of the association as well as a meeting of experts in the field of promoting a human rights culture in the framework of a project meant to prepare a guide to human rights education in Francophone countries.

This conference was organized with the support of the International Organization of Francophonie, and in cooperation with the Francophone Association of National Human Rights Associations and the Advisory Council on Human Rights, which was elected president of this organization.

8. Organizing the Training Programme on the Prevention of Torture for Professionals in National Human Rights Institutions in French-speaking Countries

Morocco was chosen by the Association for the Prevention of Torture, a non-governmental organization, and the UN High Commissioner for Human Rights because of the Advisory Council on Human Rights' experience in promoting human rights in general and monitoring the conditions of prisoners in particular. This programme was organized from 29 May to 1 June 2007.

9. Hosting the Third Annual Meeting of National Human Rights Associations in the Arab World

This meeting was organized from 12-14 November 2007 in cooperation with the UN Office of the High Commissioner for Human Rights on the topic *The Role of Arab National Human Rights Institutions in Promoting the Independence of the Judiciary in the Arab Region*. It was attended by Arab national human rights institutions, judicial authorities in Arab countries, international and regional organizations, and experts. It concluded its proceedings by issuing the Rabat Declaration, which stressed the importance of strengthening and protecting human rights, strengthening the independence of the judiciary in the service of human rights, and strengthening the role of national human rights institutions.

10. Participation in the Sixth Conference of African National Human Rights Associations

This was held in Kigali, Rwanda, from 8-10 October 2007 on the theme *Protecting Refugees, Forcibly Displaced and Stateless Persons in Africa*. This event was organized by the national Rwandan human rights committee, with the support of the UN High Commissioner for Human Rights, and the High Commissioner for Refugees. Participants included a number of African national human rights institutions, and representatives of governments and civil society.

In addition, a network of African national human rights institutions was created to replace the Coordinating Committee of African National Institutions, and the constitution of this network was signed. Its permanent secretariat is situated in the headquarters of the Kenyan Human Rights Committee. The Advisory Council on Human Rights was elected as vice-president of the network, and Morocco was chosen to host the 2009 Conference of African National Human Rights Institutions. This conference represented an opportunity to communicate with representatives of national human rights institutions, as well as with other international organizations.

IX. Communication

1. On the International Level

The Advisory Council is working to publicize its experience in the field of protecting and promoting human rights through its communication efforts, which take numerous forms both inside and outside Morocco:

❖ **Receiving foreign delegations**

During 2007 the Council received governmental and non-governmental delegations and personages from a number of countries. The purpose of most of these visits was to become familiar with the experience of the Council as a national, pluralistic and independent institution, created in accordance with the Paris Principles, particularly with regards to its contribution to the development of the human rights situation in Morocco and the prospects for its work, as well as the experience of the Equity and Reconciliation Commission with regard to transitional justice.

- ❖ The Council was able to make its presence felt in a number of international events and bodies concerned with human rights and participated effectively in their activities.

2. On the National Level

❖ Participation in public events and conferences

The Council tried to make its presence felt in public spaces and various cultural events insofar as on the one hand they were opportunities to make itself known, and on the other they were opportunities to disseminate a human rights culture. For the first time, the Council had a stand of its own at the 13th International Book and Publishing Fair in Casablanca in 2007. The Council sought to publicize itself and its activities in disseminating a culture of human rights. It distributed materials it had published as well as the report of the Equity and Reconciliation Commission and DVDs of the public hearings of victims of human rights violations, as well as organizing a conference on the theme of democracy and human rights.

3. Use of Modern Technology in Communication

The Council is developing communication tools on the internet through updating and developing a number of websites. In addition, work is currently going on an internet newsletter project in four languages intended to publicize new activities listed on its websites.

4. Production of Various Communication Materials

The Council developed its communication materials to reach the greatest number of citizens inside and outside Morocco, in the form of printed and other materials in various languages: Arabic, Tamazight, French, Spanish and English. The Council also issued communication materials when it organized or participated in specific activities as it did when it participated in the International Book and Publishing Fair.

X. Activities of the Centre for Documentation, Information and Training in Human Rights

The Centre, which is attached to the Advisory Council on Human Rights, continued to implement a programme in human rights training, documentation, and information.

1. Training

The Centre helped to organize a number of training courses and workshops that benefited participants from Morocco and other countries:

- A training course for a group of jurists from Algeria, on national reconciliation laws, in partnership with the Arab Institute for Human Rights and the Freedom House Institute;
- A national workshop on national plans to promote and protect human rights, in partnership with the International Federation for Human Rights and the Arab Institute for Human Rights, with the participation of representatives of Moroccan associations;
- A Euro-Maghrabi training workshop on human rights training for young people, in partnership with the Youth Directorate in the European Council, with the Association for Initiatives to Defend Women's Rights, in Fes, and with training given by trainers from Morocco, Lebanon and France. This took place from 13-23 May in Fes and was attended by young people from eleven countries including Morocco, Algeria, Tunisia, Libya, Mauritania, as well as Arabic-speaking young people from the northern shore of the Mediterranean, and was intended to enable them to have reference material in the field of human rights training, which is a training guide entitled Directions, which was prepared and translated into Arabic by the Youth Directorate in the European Council;
- It participated in the training course on human rights for youth organized by the Youth Resource Centre on Human Rights (CODAP) in Geneva;
- A meeting on human rights and public freedoms for the Souissi Faculty of Law in cooperation with the Moroccan Alternatives Forum (FMAS) and the Office of the Dean of the Faculty;
- A meeting on the elections and human rights held on 7 August 2007 keeping abreast with the mission of the Advisory Council to observe and monitor the legislative elections, held in Morocco on 7 September 2007.

2. Documentation and Publishing

The Centre continued to develop its archive of documents by strengthening its relationship with bodies involved in human rights. In this context:

- It received a large number of documents from the High Commissioner for Human Rights, the United Nations Development Fund, and the International Committee of the Red Cross;
- It distributed a number of copies of its brochures to educational institutions, courts of law and associations;
- It received a number of students and researchers in the field of human rights;
- It is also reprinting the international conventions relating to human rights;
- It published a guide to juvenile justice in French;
- It continued to produce the simplified version of the World Declaration of Human Rights in the form of a comic strip.

3. Information

- It continued to organize visits to the Centre by a number of delegations including representatives of national and international associations working in the human rights field, as well as researchers, students and school children;
- It launched its internet site, while continuing to support and update it;
- It participated in the 2007 International Book Fair and distributed a number of its publications.

4. Partnership

The Centre works in partnership with national and international institutions and organizations, including:

• **Cooperation with the United Nations Development Fund**

The Centre extended the convention of cooperation with the UNDP with finance from the Dutch government to support its awareness-raising programme, as well as its documentation and publishing.

• **Cooperation with the European Union**

The Centre continued to prepare for the launch of the process of formulating a national strategy and work programme for human rights in Morocco, after signing the partnership convention in this connection.

• **Cooperation with Moroccan universities**

The Centre contacted a number of research groups in Moroccan universities involved in human rights, with the intention of ensuring academic concern with human rights issues. It also opened discussions in universities about these issues, and organized academic meetings in some universities on the following subjects: human rights and fundamental freedoms, community reparations, the right to development, and democratic transition.

XI. Creating Regional Sections

On the basis of His Majesty's instructions on the occasion of the appointment of the president of the Council on 31 May 2007, the Council began to create regional sections to ensure proximity in protecting and promoting human rights. This is in line with the Paris Principles regarding national institutions, which recommend the creation of local or regional sections to help them carry out their tasks.

Thus, during the second half of 2007, one section was set up in Laâyoune and another in Agadir. The Council is also considering the possibility of opening other regional sections.

1. The Functions of a Regional Section

The main functions of the regional section include:

- Receiving and counselling citizens;
- Receiving and studying the grievances of citizens and submitting proposals concerning them to the Council;
- Monitoring cases of violations of human rights and submitting reports concerning them to the Council;
- Following up and facilitating the implementation of the recommendations of the Equity and Reconciliation Commission on the regional level;

- Developing cooperative relationships among all those involved with human rights on the regional level;
- Spreading the culture of human rights on a regional level;
- Drawing up programmes to strengthen economic, social and cultural rights taking into account the specificities of the local situation;
- Drawing up the regular report about the status of human rights in the region and submitting it to the Council.

2. The Activities of the Regional Section in Laâyoune

The Laâyoune section received more than 5300 citizens during the second half of 2007. It received requests concerning the settlement of a number of files, as detailed in the following table:

Type of file	Number
Health cover files	227
Requests for administrative regularization	17
Requests for settlement of rightful claimant files	31
Requests for compensation	23
Requests for social reinsertion	12
Requests received from victims of mines	13
Miscellaneous requests and complaints	47
Total	370

Other activities carried out by this section included:

- Holding communication meetings with a number of associations working in the human rights field on the regional level, as well as with a number of foreign institutions with the purpose of discussing ways of cooperating;
- Participating in the Tan-Tan Festival for the Preservation of Oral Memory, which is sponsored by UNESCO, and in the International Youth Development Symposium, where the Advisory Council on Human Rights moderated a workshop on economic, social, cultural, developmental and environmental rights.

XII. Monitoring the Implementation of the Recommendations of the Equity and Reconciliation Commission

Following the King's speech of 6 January 2006 in which he charged the Advisory Council on Human Rights with the task of monitoring the implementation of the recommendations of the Equity and Reconciliation Commission, the Council did its best to put in place appropriate mechanisms in partnership and cooperation with the government bodies involved as well as with actors from inside and outside Morocco. The Council has managed to achieve tangible progress in implementing the most important recommendations and drawing up appropriate mechanisms to implement others.

1. Individual Reparation

According to the logic of the Equity and Reconciliation Commission, individual reparation includes financial compensation for victims of human rights violations, as well as health rehabilitation, social reinsertion, and regularization of administrative situations.

1.1. Financial Compensation

The number of those qualifying for financial compensation according to the rulings of the Equity and Reconciliation Commission exceeded 15,000. Within the framework of a mixed governmental committee with the government, the Advisory Council on Human Rights is seeking to enable them to obtain what they are owed without difficulty and within as short a time as possible. In order to achieve this, the Advisory Council on Human Rights is cooperating with the Moroccan Post Office, due to its presence in the different regions of Morocco, as an intermediary to deliver financial compensation to the beneficiaries as efficiently and conveniently as possible. This procedure has enabled about 85% of beneficiaries to draw their compensation in less than forty days from the launch of this procedure.

As of 31 July 2007, about 15,976 beneficiaries had received their financial compensation.

The overall amount of compensation that has been paid out is Dh608,216,624.

The Council continues to complete its administrative and technical preparations for the rulings issued by the Equity and Reconciliation Commission on rejection, lack of competence or inadmissibility.

1.2. Other Forms of Individual Reparation

The Equity and Reconciliation Commission had established other forms of individual reparation for injuries suffered by victims of grave violations of human rights.

❖ Health rehabilitation

The Council is following up the implementation of the recommendations relating to health rehabilitation within the framework of the mixed committee. A technical committee studied the possibility of this, and submitted a proposal agreed to by the mixed committee which required that victims be given access to the best forms of health cover available, corresponding to compulsory health insurance.

The state took responsibility for covering the costs of membership of the institution entrusted with administering this, namely the National Social Security Fund.

In July 2007, the convention was signed to implement this initiative by the Ministry of Finance, the Ministry of Health, the National Social Security Fund, and the Advisory Council on Human Rights, and on 3 August 2007, the president of the Council distributed the first batch of health cover enrolment cards to those qualified to receive them. The Council also continued to take responsibility for cases of health emergency and to bear the costs of treatment.

❖ Regularizing Administrative Situations

Regarding the recommendations relating to the regularization of administrative situations, the Council took a count of suspended officials who had previously submitted requests to the Equity and Reconciliation Commission concerning which it had issued recommendations of administrative regularization, and found that there were 502 cases benefiting from this sort of recommendation. The Advisory Council also made a presentation of this issue at a meeting of the joint committee with the Prime Minister's Office and the Ministry for the Modernization of Public Departments. At this meeting it was agreed to prepare a summary of each case, including the information that should be studied and handled by the competent ministries. The lists were submitted in full to the Prime Minister's Office and the above-mentioned ministry.

Regarding the recommendation relating to conflicts over real estate, a number of victims had benefited from recommendations ruling that the conflicts relating to the status of their real estate property during the period when they were subject

to human rights violations should be settled. The Council prepared a preliminary list with proposals that were submitted to the Prime Minister's Office.

❖ **Social reinsertion**

The Council conducted an inventory and made a categorization of the cases of those benefiting from the recommendations concerning social reinsertion. They totalled 814 and were categorized according to age, educational level and their abilities, as well as the region or province they hailed from. The case lists were submitted, along with proposals concerning them, to the Prime Minister's Office.

2. Community Reparation

Community reparation is a distinctive innovation by the Equity and Reconciliation Commission, and a great gain for the process of transitional justice. It goes beyond individual reparation for grave violations of human rights to deal with another communal type of injury which affects groups and indeed whole regions, with all the damage that they cause, especially as regards economic, social and cultural rights. Thus the Equity and Reconciliation Commission's recommendations are intended to provide reparation for this type of injury for the sake of equity.

The Advisory Council began to implement these recommendations by depending on a broad-based partnership on the local, national and international levels. It used a strategy that ensured the participation of various local actors, especially public departments, local communes and civil society, in this new dynamic. The Council specified the regions that had been harmed in the provinces of Figuig, Errachidia, Ouarzazate, Zagora, Tan-Tan, Azilal, Khemisset, Mohammedi District, Al Hoceima, Nador and Khenifra.

2.1. Mechanisms for Implementing the Recommendations

A national oversight committee was created, the installation of which was signed into reality on 9 July 2007. It included the Ministry of Finance, the Ministry of the Interior, the Advisory Council on Human Rights, the Savings and Management Fund (CDG), the EU parliamentary delegation and the United Nations Development Fund for Women. A seat was also reserved for local coordination bodies in anticipation of their establishment.

The National Oversight Committee ensures that the programmes are in conformity with the recommendations of the Equity and Reconciliation Commission, as well as ensuring financial transparency and external advocacy.

Two management units were also installed, the first in coordination with the CDG, to oversee the management of the programme to support the recommendations of the Equity and Reconciliation Commission in the regions that had experienced grave violations of human rights, and the second in coordination with the UN Development Fund for Women, which is charged with managing the programme for the advancement of women's rights.

The Advisory Council on Human Rights also established four local coordination bodies in the provinces of Figuig, Ouarzazate, Errachidia and Zagora, composed of representatives of the local authorities, associations, external services and local communes, the Advisory Council on Human Rights and a representative for the CDG. The aim of this was to promote local participation, to ensure supervision of financial and technical management, strengthen local governance, and the effective and positive involvement of local communes and civil society.

2.2. Signing of Partnership Conventions

The Council continued its efforts to strengthen partnerships and to mobilize the various actors to involve them positively in this process. To this end, five conventions were signed:

- A convention regarding a project to promote women's rights with the support of the United Nations Development Fund for Women; It aims in particular to include gender mainstreaming in the process of dialogue between the actors involved in the process of community reparation for injuries, and supporting model projects for community reparation for injuries that women have suffered, promoting women's rights and including them in the process of transitional justice, raising their awareness, and preserving the memory of the suffering endured by the women who were victims of grave violations. This project was launched in April 2007 and was managed by a management unit created in coordination with the United Nations Development Fund for Women.
- A convention among the Ministry of Finance, the Ministry of the Interior, the Advisory Council on Human Rights, the European Union, and the Savings and Management Fund (CDG) to prepare and implement a programme to support the recommendations of the Equity and Reconciliation Commission in the regions that experienced grave violations of human rights which resulted in collective injuries. This aims to support the state's involvement in the process of community reparation for injuries in favour of the regions that were harmed and to support the local partnership and the local beneficiary communities. It will be managed by a management unit created in coordination with the CDG.

- A convention between the Ministry of the Interior and the Advisory Council on Human Rights to support the community reparation programme by participating alongside the local communes in this process, settling the real estate status of some former detention centres and converting them into social, cultural and economic complexes in coordination with local actors.
- A convention between the Advisory Council on Human Rights and the Ministry for Youth and Sport, to participate in the process of community reparation for injuries by supporting the programmes involving young people, children and women, rehabilitating the facilities dedicated to this and ensuring that the young people of the region who were harmed benefit from the summer camp programme.
- A convention between the Advisory Council on Human Rights and the Eastern Region Agency to promote the economic reinsertion of prejudiced groups in the provinces of Figuig and Nador.

The Council continues to communicate and consult in order to involve other partners.

In addition, during 2007 the Council organized a training course about gender mainstreaming, and a workshop to reflect on the hindrances to gender mainstreaming and ways to circumvent them in the interests of local actors in the regions involved in community reparation for injuries.

3. Legislative and Institutional Reforms

Regarding the recommendations relating to legislative and institutional reforms, the Equity and Reconciliation Commission submitted recommendations seeking to introduce reforms that supported the constitutional, legal and judicial protection of human rights. The Council has of course to rely heavily on cooperation with government bodies and all the other actors involved in order to implement the recommendations falling in this category.

In this connection, the Council participated in meetings of the committee charged with reviewing the Penal Code, and submitted a preliminary memorandum concerning the draft Press and Professional Journalism Code, which was referred to it by the government.

4. The Recommendation relating to the Archive and Preserving the Memory

Law No. 99.69 relating to the archive, which was brought into force by the Sherifian Dahir dated 30 June 2007, corresponds with the intentions of this

recommendation. However, we must wait for the publication of the regulatory texts that complement it, which it referred to, in order to study whether it is possible to implement this recommendation through this law.

5. Completing the Investigation of Pending Cases

The Council continued its investigations into pending cases concerning those of unknown fate which the Equity and Reconciliation Commission had recommended should be pursued. It was completing the training of experts who would be entrusted with carrying out the DNA tests, and equipping the laboratory where these tests would be done with the equipment and materials necessary, and at the same time pursuing its investigations to uncover the truth concerning the fate of 22 cases, to locate the places of burial for those cases where there is strong circumstantial evidence that they have died, and to deliver copies of the death certificates to the families of the deceased. The Council also helped families who submitted a request to hold funerals once they were convinced of the death of their relative.

XIII. Prospects for the Work of the Council during 2008

The main activities that the Council intends to pursue during 2008 fall within the following fields:

1. Following up the implementation of the Recommendations of the Equity and Reconciliation Commission especially as regards:

- Individual reparations, financial compensation, health reparation, social reinsertion, regularizing administrative situations and recommendations regarding the restoration of real estate;
- Community reparation for injuries: by carrying out programmes, broadening the scope of participation, carrying out gender mainstreaming programmes, and supporting the coordination bodies created to administer the projects;
- Following up the implementation of the recommendation concerning the archive and preserving the memory;
- Continuing investigations concerning pending cases;
- Continuing to send arbitration rulings deciding admissibility, non-admissibility, lack of competence, or rejection to those involved;

- Following up the implementation of recommendations relating to legislative and institutional reforms, especially as regards:
 - The constitutional entrenchment of human rights;
 - Consolidating legal and judicial protection for human rights;
 - Rehabilitating justice and strengthening its independence;
 - Rationalizing security governance.

2. **Giving Opinions on Draft Laws Referred to the Council by the Government** in order to check that they comply with international human rights criteria.

3. **Continuing to Prepare a Draft for a National Charter of Citizens' Rights and Duties**, on the basis of a charge given by His Majesty.

4. **Promoting a Human Rights Culture**

- Continuing to cooperate with governmental and non-governmental stakeholders in order to implement the provisions of the Citizenship Platform for Promoting a Culture of Human Rights, which was officially ratified on 26 February 2007;
- Continuing to implement the convention of partnership between the Council and the Ministry of the Interior, as well as the convention of partnership with the Ministry of National Education and Higher Education, Staff Training and Scientific Research.

5. **Continuing to Protect and Combat Violations**

- By combating violations of human rights;
- By dealing with complaints and grievances received by the Council, as well as carrying out investigations and uncovering the facts;
- By monitoring the implementation of its recommendations as found in its previous annual reports, which seek to strengthen and protect human rights.

6. **Group Rights**, continuing:

- To promote the rights of the disabled;
- To promote the rights of women, in particular by entrenching gender mainstreaming and combating all forms of discrimination against women;

- Monitoring the conditions of prisoners, visiting prisons, and monitoring the implementation of the recommendations that the Council made in its thematic report on the state of prisons.

7. **Economic, Social and Cultural Rights:** Continuing to promote these rights, especially by contributing to the assessment of public policies relating to them, and urging the adoption of a human rights approach to human development.

8. Communication and External Cooperation

- Continuing to consolidate the position of the Council on the international level, and to strengthen its relationships with UN agencies involved with human rights, as well as with equivalent national institutions, international governmental and non-governmental organizations concerned with human rights, and national civil society bodies;
- Facilitating relationships of cooperation between the public authorities and representatives of international organizations operating in the field of human rights, and between the state and civil society;
- Continuing to publicize the experience of the Advisory Council on Human Rights.

9. Preparing Reports

- Preparing the 2007 annual report on the status of human rights;
- Completing the final report on the monitoring and observation of the 2007 legislative elections.

10. The National Plan for Promoting Democracy and Human Rights

- Launching the process of drawing up the plan after the sponsorship agreement has been signed with the Council's partners in this field.

11. Assessing the Council's Regulatory and Administrative Mechanisms

This relates to the continuation of the general assessment of the internal organizational structures of the Council by examining the new tasks of the Council and the priorities that have been laid down in order to make the Council more efficient in performing these tasks.

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