



المجلس الوطني لحقوق الإنسان  
Conseil national des droits de l'Homme

Annual Report on Human Rights Situation in  
Morocco in 2019

# Effectiveness of Human Rights within an Emerging Model of Liberties

March 2020



1990 - 2020

[www.cndh.ma](http://www.cndh.ma)







Annual Report on Human Rights Situation in  
Morocco in 2019

**Effectiveness of Human Rights  
within an Emerging Model of  
Liberties**

—— March 2020 ——



## MESSAGE OF THE PRESIDENT

## INTRODUCTION

### CHAPTER ONE: HUMAN RIGHTS PROTECTION

#### **I- Right to life**

- A- Death penalty
- B- Hunger strikes in penitentiary institutions

#### **II- Allegations of torture and other cruel, inhuman or degrading treatment or punishment**

#### **III- complaints handling**

- A- Complaints by category
- B- Complaints by vulnerable categories
  - 1- Complaints relating to places of deprivation of liberty
  - 2- Complaints relating to children
  - 3- Complaints relating to persons with disabilities
  - 4- Complaints relating to Soulaliyate women and collective lands
  - 5- Complaints relating to migrants and asylum seekers
- C- Complaints relating to the judiciary system
- D- Complaints relating to the administration

#### **IV- Fundamental freedoms**

- A- Peaceful protest
  - 1- protests in public under normal conditions
  - 2- Protests that witnessed the intervention of public authorities
- B- Freedom of assembly
- C- Freedom of association
- D- Freedom of opinion and expression
- E- Freedom to practice religious rites and freedom of thought
- F- Right to private life

#### **V- Trial Observation**

#### **VI- Rights of specific groups**

- A- Child rights
- B- Rights of inmates in penitentiary institutions
- C- Rights of persons with disabilities
- D- Rights of older persons
- E- Rights of migrants, refugees and asylum seekers
- F- Rights of persons with mental and psychological illnesses

#### **VII- Rights of women and girls**

#### **VIII- Economic, social, cultural and environmental rights.**

- A- Right to employment
- B- Business and human rights
- C- Right to education
- D- Right to healthcare
- E- Cultural rights
- F- Environmental rights

## CHAPTER TWO: PROMOTING HUMAN RIGHTS CULTURE

### **I- Activities relating to the promotion of human rights culture**

### **II- The Rabat-Driss Benzekri Institute for human rights**

## CHAPTER THREE: RELATIONSHIP WITH THE LEGISLATIVE INSTITUTION

### **I- Monitoring parliamentary action in the field of Human rights**

A- Legislation

B- Monitoring the Government's action

### **II- Cooperation between the CNDH and the Parliament**

## CHAPTER FOUR: HUMAN RIGHTS AND THE MEDIA

### **I- Media coverage of human rights issues**

### **II- CNDH in the press**

### **III- CNDH in the digital space**

## CHAPTER FIVE: COOPERATION AND INTERNATIONAL RELATIONS

### **I- The United Nations system**

A- Human rights Council

B- Treaty bodies

C- Special procedures mandate holders

D- United Nations High Commissioner for Human rights

E- Counter-Terrorism Committee

F- Ratification of international human rights instruments

G- Moroccan experts within the United Nations human rights system

### **II- The United Nations' representations in Morocco**

### **III- The African Union**

### **IV- The regional and international networks of National Human Rights Institutions**

A- The Global Alliance of National Human Rights Institutions (GANHRI)

B- Network of African National Human Rights Institutions (NANHRI)

C- The Arab Network of National Human Rights Institutions (ANNHRI)

D- The Francophone Association of National Human Rights Commissions (AFCNDH)

### **V- At the bilateral level**

### **VI- European institutions**

### **VII- Non-governmental international organizations and other actors**



CHAPTER SIX: FOLLOW-UP ON THE IMPLEMENTATION OF THE  
RECOMMENDATIONS OF THE EQUITY AND RECONCILIATION COMMISSION

**I- Truth revealing**

**II- Individual reparation**

**III- Memory preservation**

CHAPTER SEVEN: NATIONAL MECHANISMS FOR THE PROMOTION OF  
HUMAN RIGHTS PROTECTION

**I- The National Preventive Mechanism against Torture**

**II- The National Grievance Redress Mechanism for Children Victims  
of Violations of their Rights**

**III- The National Mechanism for the Protection of the Rights of  
Persons with Disabilities**

GENERAL RECOMMENDATIONS





The Annual Report On The Situation Of Human Rights, published by the National Human Rights Council (CNDH), offers an opportunity to all actors and stakeholders in our country to diligently assess, from a sufficient distance, the powerful moments that marked Human Rights in Morocco throughout the year.

One of the objectives of this report is to provide the reader with a set of reliable and verified information in order to gauge the progress achieved by our country in the field of human rights and diagnose the causes behind our oversights, gaps and failures.

The year 2019 was a momentous year for the CNDH. Not only did the Council complete its structures, establish a scientific committee for the Rabat-Driss Benzekri Institute for Human Rights and review its philosophy and working framework, but it also adopted a new vision that combines critical thinking, consultation and human rights action in “a three-dimensional approach, the three P approach : “prevention, protection and promotion”.

Based on this triptych, the CNDH reached out and went to meet citizens through its twelve regional commissions, in a real proximity policy, as part of its monitoring of public policies. Likewise, The Council devoted a privileged position to the young people of Morocco, whom the CNDH never ceased to meet, listen to and mentor.

The campaign that the Council has launched against the marriage of minors under the theme “Abolish the Exception...Restore the Norm”, still resonates today in the public space and within Moroccan society, and has found a real success in raising awareness about the seriousness of this issue that affects the life and dignity of our children and women.

In addition, the establishment of the National Mechanism for Prevention against Torture constitutes a landmark in the Council’s institutional life and in the history of human rights in our country, and has earned Morocco an “A” rating from the United Nations Human Rights Committee . The same applies to the CNDH’s memorandum on the amendment of the Penal Code, whose publication was a feat of courage in fulfillment of its duty to enrich the democratic debate, offer solutions to pending issues and monitor the expansion of liberties in our country.

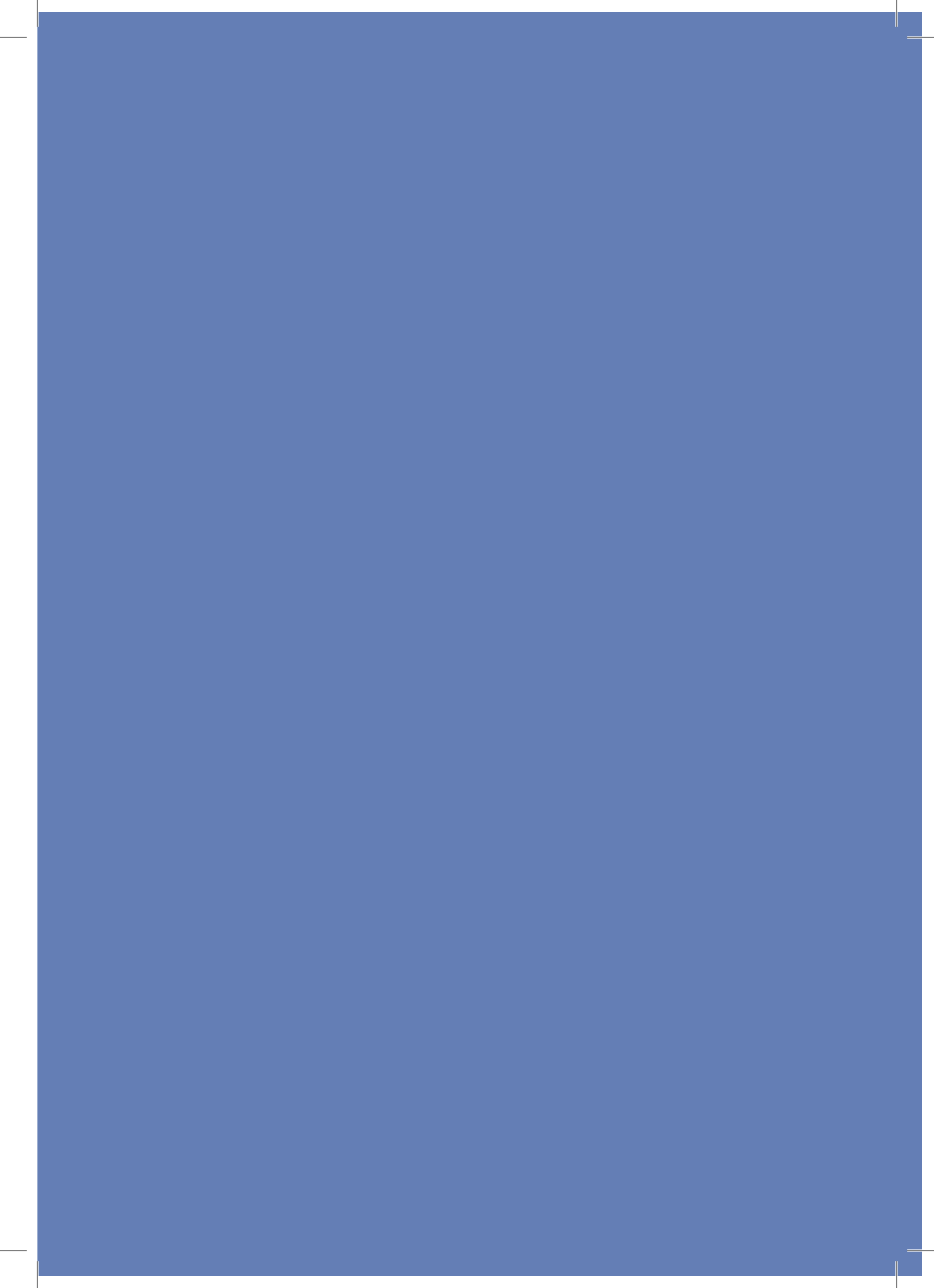
The expansion of freedoms in the public space, a ceaseless demand from our fellow citizens, poses, no doubt, the greatest challenge facing the institutions of our emergent democracy today. Our society's newly found freedom of speech poses, indeed, a major question that we must answer on a regular basis, and whose terms we must constantly redefine.

In this debate, whose premises are still not laid down, the Council, drawing on different international experiences, intends to play a leading role; and whatever answers we may find, the cultural diversity and plural identity of our country cannot be sacrificed, nor can the freedom of each and every individual.

The CNDH is fully aware that finding a Moroccan answer to this age-old question can only be done through a true evolution of mindsets and a necessary transformation of our legal doctrine. This is why the council will never miss an opportunity to remind everyone that there can be no exception to the principles legitimacy, necessity and proportionality in any Rule of Law country whose legislations, foreseeable and emanating from the General Will, serve as instruments for the State, defender of the rights, freedoms and interests of its citizens.

Amina Bouayach

President of the National Human Rights Council (CNDH)





## INTRODUCTION

The annual reports of the national institutions (NHRI) are of particular importance both at the national and international levels. At the national level, these reports constitute a mechanism for NHRIs to draw the attention of the government and all other relevant public authorities to the violations of right and liberties, and to call upon them to address such violations in accordance with their national and international commitments. Furthermore, the reports include recommendations to the government to strengthen public policies and ensure that they are based on a human rights approach. In addition, annual reports constitute a document the Parliament can use to harmonize national legislations with international standards and ensure accountability of the government of its complacency in the protection and promotion of human rights.

At the international level, the importance of annual reports stem from the fact that they are one of the tools on which NHRIs are evaluated by the international human rights mechanisms. This evaluation is based on two essential elements: standard assessment of the laws establishing those institutions and the degree of their compliance with the Paris Principles, and assessment of the practice, based on an analysis of the NHRI's reports which reflect the extent of their independence, effectiveness and commitment to the protection and promotion of human rights.

The 2019 report comes in implementation of the Law 76.15, adopted on 01 March 2018, which reorganizes the National Human Rights Council and broadens its mandate and areas of competence by entrusting it with new missions that reinforce its status as an independent constitutional institution defending, protecting and promoting human rights; ensuring their full exercise; and preserving the dignity, the rights and liberties of individuals and groups. The law 76-15 also enshrines the Council's contribution to promoting and developing the human rights system, taking into account the universal nature of these rights and their indivisibility, and to encouraging the implementation of the principles and rules of the international humanitarian law. The Law also brought several new developments regarding protection and prevention, through the creation of mechanisms provided for in international human rights instruments, including the National Mechanism for Prevention of Torture, the National Grievance redress Mechanism for Children Victims of Violations of their Rights and the National mechanism for the Protection of the Rights of Persons with Disabilities. While the creation of these mechanisms within the Council consolidates its role in the protection and promotion of human rights, it confers upon it further responsibilities that all contribute to the development of the system of human rights protection in our country in a way that

opens new horizons for the prevention of any potential violation. In addition, the developments also cover the financial management of the Council with the creation of a special chapter in the State's general budget that specifies the funds allocated to the Council. Moreover, the Law specifies time limits for public authorities to respond to the claims referred to them.

Thus, the Law 76-15 has responded to a number of Morocco's human rights international commitments especially the concerns expressed in 2015 by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) that assesses the work of these institutions in accordance with the Principles of Paris adopted by the UN General Assembly in 1993. The Act also responds to the recommendations addressed to our country by the international human rights mechanisms, namely the UN Committee against Torture (2011), the Committee on the Rights of the Child (2014), the Committee on the Rights of Persons with Disabilities (2017) and the Universal Periodic Review (2017).

Within the context of the implementation of the institutional aspect of this Law, His Majesty King Mohammed VI proceeded to the appointment of the President of the Council, Ms. Amina Bouayach, on 6 December 2018, and its Secretary General, the Chairs, members, presidents of the Regional Human Rights Commissions (CRDH) on 18 July 2019.

The Council's first General Assembly was held on Saturday 21 September 2019 with all members present. It was marked by the appointment of the coordinators and members of the three mechanisms, as well as the heads and members of the Permanent Committees. The members of the Regional Commissions will be appointed in March 2020. In addition, the Council's administration was reorganized to better respond to the institutional and legal developments. Moreover, the Council contributes to strengthening the human rights system through its membership in councils and commissions, a membership that allows it to implement the human rights approach in the fields of competence of these national councils and commissions.

Furthermore, this General Assembly discussed and adopted the Council's draft rules of procedure, which were later published in the Official Gazette in March 2020. It also discussed the themes and issues of interest, adopted the Council's strategy relevant to the effectiveness of human rights and approved the Council's Code of Ethics.

This report was prepared in a context marked by many human rights achievements made by Morocco throughout 2019, most notably the continued efforts to complete the institutional structures following the activation of a number of laws relating to



## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

other national institutions such as the Economic, Social and Environmental Council; the Kingdom's Mediator Institution; the High Authority for Audiovisual Communication; the Competition Council; the National Authority for Probity, Prevention and Fight against Corruption; and/or appointing their members, forming their structures and organs and implementing participatory democracy mechanisms. Several legislations pertaining to human rights and liberties were passed, namely the Framework Law on the System of Education, Teaching, Training and Scientific Research; the Organic Law which defines the implementation process of the official nature of Tamazight and the terms of its integration into the education system and into priority areas of public life. In addition, the conventional practice of our country was further strengthened by acceding to three conventions of the International Labor Organization and the Convention of the Council of Europe for the Protection of Individuals with regard to Automatic Processing of Personal Data.

This report is also prepared amid an international context marked by increased global challenges facing human rights, which transcend political, geographical, linguistic and sometimes religious and cultural borders. Among these challenges are the violations of the right to life, the persistence of gender inequality, the growing violence against human rights defenders including journalists, the shrinking space of democracy and the ensuing abuses, the increasing threats related to climate change, the growing frequency of anti-human rights political discourse such as hate and discrimination speech and xenophobia, the aggravation of immigration and asylum crisis management due to the tensions in a number of regions and the spread of fake news through modern technologies. Such challenges affect the democratic values, human rights, social stability and civil peace.

At the national level, the human rights dynamic kept its momentum in 2019 in light of the impact of the international context on the national one. Despite the significant achievements made in the field of human rights and liberties, reaching the desired level as enshrined in the Constitution faces new challenges, amongst which is the growing and diverse forms of public expressions, the emergence of a new model of public freedoms as various social categories in different regions use new social media to express their opinions, demands and aspirations. The trans-boundary digital revolution has accelerated societal dynamics and renewed the form and content of protest movements, especially with regards to the economic, social, cultural and environmental rights, and anchored the idea of social and spatial justice. In addition, social media networks have become platforms for upbringing, interaction, compromise and mobilization, as well as an incubator of the freedom of speech and other forms of public expression; which represents a development raising some issues that are difficult to subject to legal regulation. Accordingly, it would be difficult to conduct any mediation

with such expressions especially in the absence of a specific interlocutor. This dynamic is also characterized by the intensive involvement of the youth and most vulnerable groups.

While modern technologies have positive advantages, mainly with regards to favoring the openness to the world, the democratization of access to information and knowledge, as well as the strengthening of experiences sharing and electronic services use, they have created intertwined challenges such as the dissemination of fake news and information and the aggravation of their complex effects on the social, security, political and economic fields, which are deepened by the weakness of the culture of news verification and the diminishing confidence in conventional media and institutions. This situation further complicates any attempt to establish a balanced management of the various forms of public expression that ensures enjoyment of rights and practice of the public freedoms guaranteed by the Constitution and legislations and at the same time prevents from any abuse or infringement, emanating from either the authorities or those practicing these forms of freedom, which may jeopardize the gains or undermine rights and liberties.

Individual freedoms also pose another challenge. Although the attention given to these freedoms has been tied to the controversy provoked by societal issues, the Council views them as an integral part of the right to private life that is guaranteed by the Constitution, the source of all individual freedoms. In this context, the Council notes the substantial discrepancy between the constitutional enshrinement of individual freedoms in letter and spirit and the weakness of the legal arsenal that guarantees these freedoms for all in practice. Such discrepancy requires engaging seriously and responsibly in a thoughtful and pluralistic dialogue to address the human right issues triggered by the practice of individual freedoms in our country.

Furthermore, it is also noted that the human rights dimension remains weak in the public policies covering the economic, social, cultural and environmental fields. Arguably, the accumulated deficit in these fields is one of the main reasons of the increased frequency of the different forms of protest, both traditional and new, in some parts of Morocco which suffer from the unequal distribution of the fruits of economic development. These public policies have produced several spatial and social disparities that the adopted developmental policies failed to reduce.

Three big transformations explain the emerging challenges in the field of the protection and promotion of human rights, the first of which is the political openness and the increasing demand for democracy and human rights values. The second is the breakthrough in communication technologies and the emergence of a virtual public

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

sphere and the third is the demographic transition and the rise of youth values. The essential conclusion that the Council wishes to highlight in this context is that many of the emerging tensions in our society, the management of which is often a source of concern in terms of respecting international human rights standards, are largely associated with the growing demand for rights and liberties among the youth and their desire to emancipate, to embrace the future and to focus on their personal projects. Hence, it is natural for human rights actors and institutions to find themselves faced with unprecedented and qualitative challenges in the management of some human rights issues emanating from the changes that occur in the way young people conceive their relationship with the State and society.

Faced with these challenges and transformations in the general context of human rights in Morocco and based on its diagnosis of the human rights situation, the Council adopted a three-dimensional human rights approach: Protection, Prevention and Promotion; an approach that recalls the challenges facing our country in the field of human rights. The Council's approach takes into account the specificities of every region and places citizens at the heart of a dynamic that leads to a new social contract. This approach is translated through a number of measures and initiatives aiming to develop the Council's methodology regarding prevention, proximity, effectiveness, improving monitoring and handling process of both individual and collective human rights violations. These include but are not limited to the creation of a unit in charge of mediation, the development of an information system, and the promotion of the Council's digital capabilities to optimize the violations monitoring performance, facilitate the reporting procedures, develop methods of reception, orientation and listening; and increase the effectiveness of complaints handling.

With a view to giving effect to this approach, the Council adopted strategic orientations based on the principle of effectiveness of human rights. Through adopting this approach, the Council aims to reinforce its status as an effective protection mechanism easy to access, a platform for debate and diligence aiming to improve the situation of human rights in all fields and a framework for activating preventive measures and entrenching orientations that hinge on spontaneous response and proactive intervention in accordance with law in order to prevent any violation of human rights.

The Council decided to make advocacy for an effective promotion of rights and liberties a basis for its action strategy for the period 2019-2021. For the Council, addressing the new and numerous challenges in the field of human rights protection and promotion and prevention of their violation in the current context requires integrating the human rights-based approach in the new development model that should be adapted to the sustainable development goals, which constitute a framework to effective human rights.

To give effect to the strategic orientations, the Council gave special attention to a number of topics in 2019, most notably the addendum to the opinion it already formulated on the Law 10.16 on the amendment of the Penal Code. This addendum was designed to support the project of the penal reform and highlight the aspects to be amended either for being part of the above Bill or for being closely connected to its provisions. The addendum included a number of recommendations and proposals inspired mainly from the best practices from all over the world. It is also based on the constitutional provisions, the international conventions ratified by the Kingdom of Morocco and the recommendations of UN bodies addressed to Morocco in this regard. Moreover, it takes into account the deep social and ethical transformations the Moroccan society is undergoing.

In addition, the Council held regional meetings on the effectiveness of human rights as an approach to evaluate public policies and listen to people about the extent to which they enjoy the freedoms and rights guaranteed by law and the Constitution. Taking into consideration the need to providing adequate conditions to children raising, the Council has often given child rights due attention. Part of the needs in this area are the criminalization of girls' early marriage and the repeal of the articles exceptionally allowing it in the Family Code and the protection of children in the cyberspace. In this regard, the Council also suggested decriminalizing medical abortion and criminalizing clandestine abortion.

The present report seeks to make an objective assessment and a comprehensive survey of the situation of human rights in our country inasmuch as this falls under the Council's mandate in the protection and promotion of human rights through adopting an approach that takes into account the nature of the Council as an independent and pluralist institution endowed with extensive mandate. The report tackles seven main themes:

- 1- Human rights protection
- 2- Promotion of the culture of human rights
- 3- Relationship with the legislative institution
- 4- Human rights and the media
- 5- Cooperation and international relations
- 6- Follow-up to the implementation of the recommendations of the Equity and Reconciliation Commission
- 7- Actions accomplished as part of building the national mechanisms created at the Council.

## **ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019**

### Effectiveness of Human Rights within an Emerging model of Liberties

The topic of protection received significant attention and covered the largest part of this report given its key importance in the Council's action and its priority in the CNDH's strategic orientations. Thus, this report on the general conditions of human rights in our country includes at the same time the outcome of the Council's work in 2019 within the scope of its competencies and functions.

Moreover, the report contains some recommendations that were prepared in pursuance with the provisions of the Constitution and the international human rights instruments. The implementation of these recommendations depends on the cooperation of all stakeholders including the government, the Parliament, the judiciary and the other institutions and bodies concerned and organizations of the civil society.

This report was submitted to His Majesty the King following its adoption by the CNDH's General Assembly held in March 6-8, 2019. Copies of it were also addressed to the Head of Government and to the Chairmen of the two Chambers of the Parliament. It was published and made public. The Council will present in the parliament a report on the Council's actions.

# Chapter One: Human Rights Protection

---

## Key Figures

---

**4785**

Total number of received people

**3150**

Total number of complaints and requests

**3779**

Number of people received at the Regional Commissions

**1006**

Number of people received at the headquarters

**1419**

Number of complaints falling under the Council's competence

**2161**

Received by the Regional Commissions

**989**

Received by the headquarters

---

**53**

Trials observed

**92**

Number of visits to death row inmates

**857**

Prisoners' complaints received from prisoners

**170**

Visits to penitentiary institutions

CHAPTER ONE: HUMAN RIGHTS PROTECTION

- 1- The protection of human rights is a fundamental pillar of the Council's action. It has been strengthened by the new Law 76.15 that expanded the Council's prerogatives and provided for the creation of three new mechanisms for prevention and redress. The Council exercises its missions in full independence and professionalism especially through monitoring, observation and following up to the situation of human rights at the regional and national levels. It also publishes memorandums and advisory opinions on issues of interest falling under its competence, conducts the necessary investigations and enquiries on human rights violations, prepares reports thereon and submits them to the competent parties, and follows up the implementation of the recommendations included therein. Furthermore, the Council examines cases of human rights violations either at its initiative or upon a complaint. In addition, it urgently intervenes in cases of tensions that may result in a violation of a collective or individual human right, and undertake efforts of mediation and reconciliation it deems appropriate in cooperation with the relevant authorities.
- 2- During 2019, the Council finalized its institutional and administrative structures and mechanisms in line with the broad prerogatives and the developments included in its reorganization Law, with a view to keeping abreast of the societal transformations and the demands for promoting the enjoyment of rights and freedoms, and to also keep up with the widening gap between the developments in laws and legislations and the actual practice. To be noted that the Council's strategic orientations for the period 2019-2021 prioritize protection. With a view to ensuring effectiveness to its interventions, the Council makes sure to guarantee complementarity and convergence between all of its components to address the challenges in the field of the protection of human rights. In the same vein, the implementation of the protection functions is further fostered by the level of cooperation with the rest of official and non-official actors and their positive response to the Council's recommendations and proposals in order to consolidate an easily accessible and efficient protection system.
- 3- The Council has five permanent committees composed of its members. These committees are tasked with addressing the issues of human rights including the Permanent Committee on Protecting Human Rights and Monitoring violations. It also has, at its headquarters, a directorate for human rights monitoring and protection that comprises a number of divisions and services concerned with the different aspects of protection. At the regional level, the Regional Commissions include each a permanent committee in charge of protection and a service concerned with protection issues.

## **I- Right to life**

4- The right to life is the supreme fundamental human right enshrined in international instruments and in the Constitution<sup>1</sup>. Accordingly, the Council, within its powers, gives great importance to monitoring anything that may abuse the right to life especially through monitoring cases of death row inmates and cases of hunger strikes. The Council acts urgently to address the complaints and grievances it receives in this regard.

### **A- Death penalty**

5- The execution of the death penalty has de facto been suspended since 1982 with one exception in 1993. Yet, judges still pronounce death sentences. In 2019, courts rendered 11 first instance death sentences and 11 others at the appeal decisions. There are at this time, 70 death row inmates including one woman<sup>2</sup>. It is worth mentioning that between 2020 and 2019, 119 death row inmates benefited from the royal pardon, 36<sup>3</sup> of whom in 2019.

6- The Council pays particular attention to death row inmates and is keen on:

- Conducting enquiries on the conditions of death row inmates;
- Following up the health conditions of the death row inmates (chronic diseases, mental and psychiatric health problems);
- Following up the judicial processes including appointing a lawyer for death row inmates who didn't appeal their sentences;
- Supporting the vulnerable convicted persons and assisting in the reinsertion of death row inmates who benefited from exceptional pardon;
- Advocating for the abolition of the death penalty and supporting all national initiatives aiming at abolishing death penalty.

7- The draft Penal Code stipulates reducing the number of crimes punished by death sentence from 31 to 9. In turn, the Code of Military Justice Nr 108.13<sup>4</sup> reduced such crimes from 16 to 5.

---

1 - Article 20 of 2011 Constitution.

2 - Information of the « General Delegation of the Penitentiary Administration and Reinsertion (DGAPR) »

3 - 31 inmates have their sentences changed into life imprisonment on the occasion of the Throne Day in 2019.

4 - Published in the Official Gazette No. 6322 on 01 January 2015.



- 8- The Council monitored the condition of a woman on the death row who suffered from chronic diseases (diabetes, blood pressure, neurological disorders, cancer, etc.) and who lacked family support since she was sentenced to the death penalty. She was also undergoing chemotherapy after undergoing surgery. Given her health, psychological and social conditions, she benefited from the Royal pardon on the occasion of the Throne Day in 2019 and was released in September 2019. The Council continued supporting her at the social level, in coordination with other departments.
- 9- As part of preparing the Council's draft report on the death row inmates, the Council paid visits to these prisoners in various penitentiary institutions. On the occasion of the World Day Against the Death Penalty (10 October 2019), the Council president held a meeting with all death row inmates in the Kenitra Central Prison to discuss their detention conditions, listen to their testimonies and seek to inspire hope in them through encouraging them to join education and training programmes.
- 10- The Council is also keen on contributing to the national dialogue on this issue through participating and supporting various organizations operating in this field at the national and international levels, and also advocating with non-governmental organizations against the death penalty. The Council also launched an advocacy campaign on different media outlets in order to strengthen mobilization against the legislative hesitation over the abolishment of this sentence. In the same vein, the Council had consistently supported the new dynamic of restructuring the anti-death sentence parliamentary network.
- 11- In addition, the Council held a training session for trainee lawyers at the Rabat-Driss Benzekri Institute for Human Rights. The session was structured around the principles and values of the right of defense within the framework of human rights including opposing the death sentence.
- 12- At the international level, the Council took part in several anti-death penalty initiatives, including:
  - Establishment of a partnership with ECPM (Together Against Death Penalty Association);
  - Participation in the seventh World Congress against the Death Penalty held in March 2019 in Brussels upon ECPM's initiative. The Council organized, in cooperation with ECPM, a workshop with national human rights institutions to promote advocacy against the death penalty, which resulted in a call to the national institutions to strengthen and intensify their anti-death penalty efforts.<sup>5</sup>

---

5 - Final declaration of 7th World Congress against the Death Penalty issued on 1 March 2019 in Brussels.

13- Moreover, the Council provides observations and recommendations on draft laws, and pays special attention to the provisions pertaining to anti-death penalty and relevant issues. In this regard, the Council called on 28 October 2019 for the abolition of the death penalty through its opinion on the Bill 10.16 amending and supplementing the Penal Law.

Regarding the death penalty, the Council recommends to the Government to:

- Abolish the death penalty both in law and practice;
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty;
- Vote in favor of the UN General Assembly's resolution which proclaimed a global moratorium on the death penalty.

#### **B- Hunger strike in penitentiary institutions**

14- The Council followed with great concern deaths caused by hunger strike such as the case of Mr. Youssef Acheqri Bakdouri who passed away at the hospital as a result of a hunger strike. Mr. Bakdouri, pleading innocent, went on hunger strike on 21 June 2019 immediately after he was sentenced to four years imprisonment on charges of drug trafficking a day before. The judicial authorities and officials of the prison visited him and tried to convince him to put a stop to his hunger strike but he refused.

15- The Regional Human Rights Commission Tangiers-Tetouan-Al Hoceima paid a visit to Mr. Bakdouri to inspect his conditions at Larache Hospital on 9 August 2019 immediately after receiving a complaint referred from the Council's central services indicating that the inmate was at the hospital due to the deterioration of his health condition. During the visit, he announced to the visiting team that he stopped his hunger strike. However, three days later, he was declared dead at Lalla Meryem Hospital of Larache due to severe diarrhea.

16- Despite the fact that the administration of the Local Prison in Ksar el-Kebir issued a statement on this case explaining that the deceased inmate was under medical examination during his hunger strike, the Council notes some delay in responding to his health deterioration and calls to promptly address the shortage in medical and health staff at this penitentiary institution.

17- The Council notes an inadequacy in hunger strike management rules. Given the aggravation of this phenomenon in recent years, the Council and its partners<sup>6</sup>, are preparing a guide that defines clearly actors' roles to ensure good management of such cases.

6 - Ministry of Health, the International Committee of the Red Cross, the General Delegation of Penitentiary Administration and Reinsertion, and the Presidency of the Public Prosecutor.

With regard to hunger strike inside penitentiary institutions, the Council recommends the following:

- Conducting prompt and impartial investigations on all death cases that occur inside places of deprivation of liberty;
- Continuing efforts to set procedural rules for all the actors concerned with this issue in penitentiary institutions and place those rules among their action priorities;
- Calling the General Delegation of Penitentiary Administration and Reinsertion, to communicate with the families of hunger strikers to accompany them.

## **II- Allegations of torture and other forms of cruel, inhuman or degrading treatment or punishment**

- 18- The Council continuously monitors the cases of physical integrity violations, especially of the persons deprived of liberty, through the complaints filed by the persons themselves or by their families or through monitoring information published in the media or in reports.
- 19- The Council positively notes the circular No.44 on 16 October 2019, issued by the Public Prosecutor Presidency's, urging public prosecutors to positively interact with the National Mechanism for Prevention of Torture as well as the publication in 2019 of anti-torture guidebook for the public prosecutors which constitutes a reference document for the judge to ensure the protection of the rights, freedoms and security of individuals and groups.
- 20- The Council received 20 complaints on torture allegations and 58 on mistreatment or degrading treatment. It examined all of these complaints and communicated with the complainants, listened to them and received the testimonies of their families. Accordingly, the Council communicated with the competent parties about those allegations and made field visits to investigate them. As part of the following up process, 17 complaints of torture allegations and 49 mistreatment complaints were referred to the Regional Commissions to collect information and follow up the cases. At the central level, the Council handled the rest of cases: 3 torture and 9 mistreatment allegations.
- 21- Through the measures taken by the Council and its Regional Commissions, and following the completion of investigations and examination of those cases and the field visits paid to the persons concerned, it was found that most of those cases could not be considered as cases of torture and mistreatment. Some other inmates, when contacted by the Council, retracted their claims and considered that

the allegations reported by their families' were not what they expressed (the case of El Mortada Eaamrachen referred to in the section on the rights of penitentiary institutions' inmates and the case of Bassou Jabour). Other inmates were subjected to disciplinary measures by the prison administration and placed in disciplinary cells, and hence, their claims fall under the execution of a legal disciplinary sanction instead of torture. The persons concerned were informed about the outcome of their complaints. The Council continues to monitor the cases being investigated by the competent judicial authorities. The cases which claimed to have been subjected to torture and mistreatment and been investigated are presented below:

#### 1- The case of Mr. Said Feryakh:

- 22- The Regional Human Rights Commission Beni Mellal-Khenifra visited Said Feryakh on 19 December 2019 at Khouribga Local Prison to investigate his mistreatment complaint. During his interview, he stated that he had already addressed complaints to the General Delegate, the Public Prosecutor Presidency, the Public Prosecutor at the Court of Appeal of Kénitra, and the Royal Prosecutor at the Court of First Instance of Souk El Arbâa El Gharb on the degrading and ill-treatment he and his mother were subject to when she visited him at Souk El Arbâa Local Prison, adding that she was violently removed from the visit hall. Consequently, the General Delegation of Penitentiary Administration and Reinsertion conducted an administrative investigation into the incident. A hearing was also conducted by the judicial police on the same incident. Mr. Feryakh further stated that after the incident the staff member object of the complaint harassed and humiliated him in front of the prisoners. Some staff members and prisoners tried to convince him to withdraw his complaint against a staff member and the director of the prison. He added that because he refused to do so, the prison administration violently removed him from the cell on 13 May 2019, and a staff member, who was assisted by three prison guards, hung from his shackled hands for four hours causing his hands and toes to swell. He claimed that an inmate witnessed the incident. He also stated that those actions were carried out upon instructions from the prison director who accused him of inciting inmates against the administration. On the same day, and because he refused to withdraw the complaint, he was disciplined by confinement for 45 days in an individual cell of which he served 14 days, before he was transferred on 27 May 2019, to Khouribga Local Prison. The visiting team noticed some traces on his elbows which the inmate claimed to be signs of the torture he suffered at Souk El Arbâa El Gharb Local Prison. The prison director stated that the inmate was still being treated for the pain he was feeling in his hands at the Regional Hospital of Khouribga. The Council notes with concern that the traces observed on the body of the prisoner Said Feryakh may be caused by torture inflicted upon him in the prison. The council continues following up his case and positively notes the investigation opened by the judicial authorities thereon.

## **2- The case of Mr. Nasser Zefzafi**

23- The Council interacted with the news reported by some media outlets on 26 January 2019 regarding the health condition of Mr. Nasser Zefzafi at Aine Sebaâ I Local Prison in Casablanca, and tasked a team that included a forensic doctor to investigate his claims of medical neglect. The visiting team reviewed his medical file, held meetings with the prison administration and with the two doctors working therein and reviewed the recordings of the events of 26 January 2019. In addition, Mr. Zefzafi was subjected to medical examination. Based on this, the team concluded the following:

- Mr. Nasser Zefzafi underwent seven medical examinations in different specialties at the University Hospital Center Ibn Rochd in Casablanca. He also benefited from three medical check-ups;
- The report of the forensic doctor mandated by the Council confirmed that his health condition does not give cause for concern and recommended to the prison administration to carry out the additional examinations.

The Council notes that the recommendation made by the forensic doctor during his visit to Mr. Zefzafi was given effect through transferring Mr. Zefzafi to Sheikh Zayed Hospital in Rabat to undergo additional medical examinations. The Council concludes that the medical examinations carried out did not prove the torture allegations of Mr. Zefzafi.

24- Mr. Zefzafi had previously stated that he was beaten with a stick when he was arrested causing him a scalp injury; which was treated later. He added that after they cuffed his hands behind his back, he received a punch on his left eye and another one on his belly. At the same time, another person put a stick between his thighs (over his clothes), adding that he was punched and kicked in different parts of his body. He told the forensic doctor that “he preferred to be tortured instead of being verbally humiliated”. The two doctors affirmed that the treatment he was subjected to could be attributed to disproportionate use of force during arrest and recommended carrying out a psychological assessment and follow up for all inmates. Mr. Zefzafi’s lawyers stated that he was not subjected to any violence or torture when he was transferred to the National Brigade of the Judicial Police. The Thematic Report of the Council on Al Hoceima protests will tackle in detail this case and other cases relating to these protests.

## **3- The case of Mr. Bassou Jabour**

25- The Regional Human Rights Commission of Derâa-Tafilalet received two

complaints from the family of Bassou Jabour who is incarcerated at Zagora Local Prison, in which it stated that whenever he contacted his family he claimed to be physically and psychologically tortured, confined in an individual cell and deprived of visits. Consequently, the Regional Commission visited him on 2 July 2019 at the said prison. After a discussion of his conditions inside the prison, especially the allegations of psychological and physical torture and confinement in an individual cell, he stated that he did not suffer from torture or violence and that he was placed in an individual cell to serve a disciplinary sanction. Regarding denial of visitation rights to his wife, he said that she did not have the identity documents which facilitates her visit to him.

#### **4- The case of Mr. Anas Al-Kalâi**

26- In response to the complaint received by the Council from Mr. Anas Al-Kalâi who is incarcerated at Fez Local Prison, in which he claimed that he was tortured by the head of a prison ward, the Regional Human Rights Commission Fez-Meknes conducted a visit on 27 June 2019 to investigate his allegations. During the visit, he stated that he protested against depriving him from the reclassification of prisoners through a hunger strike and gagging of his mouth, the officers of the penitentiary institution placed him a whole night in the bathroom, tortured him through beating him on the soles of the feet (*falaqa*) for a quarter of an hour and depriving him of the phone and medical treatment. The Commission noted after having listened to him and based on the information collected during the visit that there was some contradiction in his statements regarding the date of occurrence of his allegations, and the time when he was assaulted as well as a lack of traces of beating.

#### **5- The case of Mr. Mohamed Eljaroudi**

27- On 27 June 2019, the Regional Commission of Fez-Meknes visited Mr. Mohamed Eljaroudi at Bourkaiz Local Prison in Fez after his mother contacted the Commission claiming that her son was mistreated by the prison personnel and deprived of some of his basic rights such as pursuing his studies in adequate prison conditions. During the hearing of Mr. Eljaroudi by the Commission's visiting team, he affirmed that he was unduly insulted and provoked by the prison officers. However, some inmates stated, when heard by the team, that he was not beaten by the officers. Accordingly, the visiting team concluded that the mistreatment allegations were unsubstantiated. They also noticed that some inmates suffered from some difficulties in getting medical treatment and medicines, pursuing their studies especially at the level of enrollment at the university, as well as a lack of school textbooks. As a result, the visiting team made some recommendations to the prison officials on medical treatment, pursuing studies, facilitating access to school curricula and library, and reclassifying some prisoner. The prison officials pledged to respond to them..

**6- The case of Mr. Rachid El Janati El Idrissi**

28- The Regional Commission of Fez-Meknes conducted a visit to Mr. Rachid El Janati El Idrissi on 18 December 2019, after receiving his mother on 9 December 2019, who declared that her son was tortured at Bourkaiz Local Prison. During the visit, Mr. El Idrissi said that had a fight and exchanged violence with another inmate and that he cut a part of his opponent's ear. The security team intervened to put an end to the mutual violence between the two inmates. He further stated that the physical traces of violence on his face are due to the fight, which makes torture allegations groundless.

**7- The case of Mrs. Latifa El Bouhali**

29- On 21 January 2019, the Council received a complaint from the mother of the prisoner Mrs. Latifa El Bouhali, incarcerated at Tifelt 2 Local Prison, stating that her daughter was subjected to mistreatment, insult and humiliation by one of the prison's women officers and that she was on hunger strike since Tuesday 15 January 2019 as a protest. In response to this complaint, a visit was made on 23 January 2019 to women's ward at Tifelt 2 Local Prison to investigate the allegations. After an initial meeting with the prison director and a visit to the facilities of women ward, a hearing was made in a room that guarantees confidentiality and freedom of speech, during which Mrs. El Bouhali stated that her personal belongings were checked, dispersed and thrown on the ground, and some were taken (two rosaries and an ointment) during the out-of-cell time. She added that when she asked the chief of the ward about her things, she told her that she took them because they were in breach of the internal regulations of the prison. She claimed that the chief insulted her with vulgar words, humiliated and threatened her. Consequently, she decided to go on hunger strike starting from 15 January 2019 without informing the administration, adding that the prison director visited the ward and had a hearing with her. On 21 January 2019, the ward chief restituted her belongings, and as a result, she cancelled her hunger strike. She also requested to be seen by a doctor, so the visiting team made a recommendation to the prison director in this regard. The Council notes the timely intervention of the prison administration to retribute the belongings to the inmate and stresses the importance of respecting the inmates' privacy, especially women.

**8- The Council's visits after the disciplinary measures taken against the inmates at Ras El Ma Prison in Fez.**

30- The Council interacted with information that circulated in some media outlets, on allegations of torture and mistreatment, made by some family members of the prisoners detained after Al Hoceima protests who were transferred to some other penitentiary centers as a disciplinary measure. On 7 and 8 November 2019, a

team composed of some Council members, staff and a forensic doctor visited the penitentiary institutions Tifelt 2, Toulal 2 (Meknes), Ras El Ma (Fez), Ain Aïcha (Taounate), and prisons of Taza and Guercif, and investigated those allegations. The team proceeded to:

- Visit the disciplinary cells where the six prisoners were placed and the infirmary where two others were placed;
- Hold private meetings with every inmate concerned in places ensuring confidentiality;
- Make a medical checkup for all the inmates;
- Review surveillance cameras recordings at the time of the incident;
- Conduct interviews with the involved prison guards, and collect and compare testimonies;

Accordingly, the Council concludes that:

- Based on the reviews of the recordings of surveillance cameras, the visiting team confirmed that on Thursday 31 October 2019, the inmates refused to leave the yard next to the control center and go back to their cells for more than two hours; a fact that was confirmed by the inmates during the individual meetings;
- All inmates , except one, were subjected to medical checkup immediately after their transfer from Ras El Ma Prison in Fez to other prisons,;
- The information collected by the Council confirm the occurrence of altercations between the prison guards and two inmates which resulted in bruises for the inmates and leave of absence from work evidenced by certificates for the guards;
- No signs of torture were noticed on the inmates;
- During the visits made by the team to Toulal 2 and Ain Aïcha Prisons, the Council noted the deplorable conditions of the disciplinary cells which were neither lighted nor ventilated;
- The Council was keen to inform those inmates about elements of torture practices and their inexistence in the cases pertaining to each one of them.



31- The incident is due to the cancellation of a privilege (daily telephone call for 30 minutes instead of the weekly call of 6 to 10 minutes as stipulated in the applicable rules) that the former director of Ras El Ma Prison allowed to an inmate . The Council recalls that pursuant to Article 16 of the United Nations Manual on Human Rights Training for Prison Officials, “Prisons should be safe environments for all who live and work in them, i.e. for prisoners, for staff and for visitors.”

Based on the above, the Council recommends the following:

- Strengthening the mechanisms of combatting impunity for anyone committing torture and mistreatment, given the gravity of the crime of torture, especially that it is often committed by a subordinate under the effective authority and control of a superior or his representative;
- Punishing with the same torture penalty the superior who is aware that one of his subordinates or anyone who works under his effective authority and control committed or almost committed torture, or voluntarily omitted information that clearly show it, or who was effectively controlling the activities connected with the crime of torture;
- Not invoking any order or instruction issued by a public authority, civil, military or other to justify torture;
- Adding a new provision to the draft Penal Code that provides for the non-applicability of statutory limitations to torture crimes;
- Harmonizing the definition of the torture crime with the one included in Article One of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, especially the relationship between the perpetrator of the crime and the public authority;
- Implementing article 12 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on “prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed” without the need for a written complaint;
- Publishing the findings of the investigations conducted by the Public Prosecutor even if the complainant withdraws his complaint on torture allegation, in application of the UN Fifth Principle on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

### III- complaints handling

- 32- In conformity with its mandate, the Council examines and handles the complaints it receives, issues recommendations on those falling under its competence and addresses them to the competent Public Prosecutor if the acts are criminalized by law. If the Council deems a complaint beyond the scope of its competence, it refers it to the authority or institution with the relevant competence and informs the complainant thereon. Moreover, it follows the course of the rest of complaints, provides advice to complainants and directs them to the competent authorities.
- 33- The Law 76.15 included some new provisions on complaints handling and the public authorities responses, and fixed time limits to respond to the Council's correspondences. In this regard, all authorities, institutions and competent parties relevant to the subject of the complaint referred to them by the Council should inform it, within 90 days, about all measures taken regarding the complaint submitted to them. This period may be reduced to 60 days in case the Council invokes the emergency of the situation.
- 34- In 2019 the Council and its Regional Commissions received 3150 complaints and requests, 989 of which were received by the central services (31.40%), while the Regional Commissions received 2161 (68.6%). They were received through available means as follows: 1310 complaints were directly submitted at the Council's headquarters or at its Regional Commissions, 113 through fax, 1538 by post mail, 95 via email, and 94 through telephone calls.
- 35- The Council and its Regional Commissions received 4785 citizens in 2019, 1006 of whom were received at the headquarters while 3779 citizens were received by the Regional Commissions. Some of citizens submitted their complaints when they were received by the Council or its Commissions .

*Table illustrating the distribution of complaints between the regional and central levels*

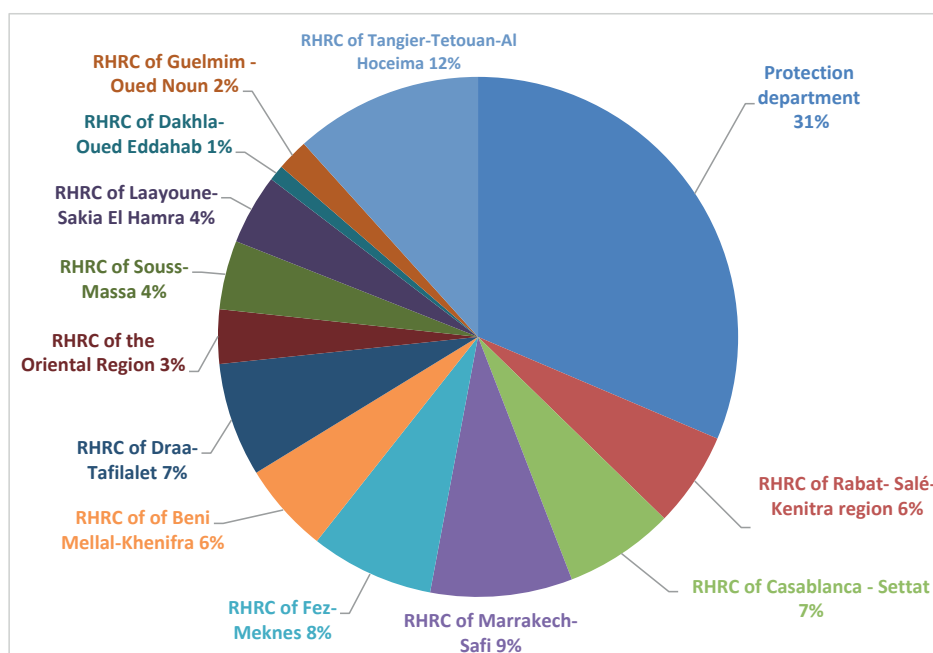
<b>Regional Commission/Protection department</b>	<b>Number of registered complaints</b>	<b>Percentage</b>
Department of Human Rights Protection and Monitoring	989	31.40%
Regional Human Rights Commission of Rabat- Salé- Kenitra	186	5.90%
Regional Human Rights Commission of Casablanca - Settat	215	6.83%
Regional Human Rights Commission of Marrakech-Safi	278	8.83%
Regional Human Rights Commission of Fez- Meknes	242	7.68%
Regional Human Rights Commission of Beni Mellal-Khenifra	177	5.62%

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

Regional Human Rights Commission of Draa-Tafilalet	223	7.08%
Regional Human Rights Commission of the Oriental Region	106	3.37%
Regional Human Rights Commission of Souss-Massa	135	4.29%
Regional Human Rights Commission of Laayoune- Sakia El Hamra	138	4.38%
Regional Human Rights Commission of Dakhla- Oued Eddahab	31	0.98%
Regional Human Rights Commission of Guelmim - Oued Noun	62	1.97%
Regional Human Rights Commission of Tangier-Tetouan-Al Hoceima	368	11.68%

Pie chart illustrating the distribution of complaints between the regional and central levels



36- In addition to the individual and collective handling of the received complaints and grievances, the Council proceeded to the following measures:

- Field visits to sites, centers institutions which were subject of individual or collective grievance (as an example: penitentiary institutions, social welfare centers, hospitals, etc.);
- Meetings with relevant government sectors to deliberate on issues subject of frequent complaints;
- Prompt interventions in cases of tension likely to lead to the occurrence of violations of human rights through exerting mediation and reconciliation efforts in coordination with public authorities.

#### **A- Distribution of complaints by themes**

- 37- After examining and handling the received complaints, it was noted that 1419 of them fall under the Council's competence. As for their themes, they are classified as follows: civil and political rights : 671; socio-economic rights: 721; cultural rights: 16; and environmental rights: 11. The rest of the complaints were beyond the Council's scope of competence and fall within the responsibility of other institutions.
- 38- The Council handles, both at the central and regional levels, grievances relating to public freedoms, especially those relating to the right of establishing or renewing associations, or practicing their activities in accordance with the applicable legal and administrative procedures. In this regard, the Council received 79 complaints and requests (56 complaints were handled at the central level and 23 at the regional level) from associations, association networks, trade unions, political parties and some individuals. These were classified according to their number and theme as follows:
- One collective complaint filed by a network calling itself the "Network of Bodies Victims of Ban and Restriction" composed of 132 central and local associations, 87 trade unions' branches and 08 political party branches;
  - 37 complaints filed by other associations; 4 by trade unions; 2 by political parties and 7 by individuals;
  - The Council also received 5 requests on different subjects.
- 39- It was noted, after the examination,, that the complaints fall under the framework of civil and political rights as they are all related to administrative decisions such as refusing to receive the legal file, receiving it without delivering temporary filing receipts, refusing to deliver the final receipt or claims regarding non-execution of a court ruling pertaining to the same case, or interdiction from practicing an associative or trade union activity.

- 40- The Council notes with concern the restrictions imposed on these associations and trade unions upon their establishment, renewal or organization of activities in public halls, and calls upon the relevant authorities to respect the constitutional and legal provisions and provide reasoned responses on any ban.
- 41- As for the interaction of government sectors with the Council's correspondences, replies were received from the Ministry of the Interior and from governors of provinces regarding the legal status of some associations and on preventing an association from organizing a cultural event. While the Council notes positively this responsiveness, it calls for the implementation of the relevant constitutional and legal provisions to ensure the enjoyment of public freedoms and provide all guarantees associated to it.

**C- Distribution of complaints by vulnerable categories**

- 42- The complaints emanating from vulnerable categories (persons with disabilities, children, immigrants, inmates of penitentiary institutions) varied quantitatively. Complaints regarding children increased from 83 in 2018 to 88 in 2019 while the number of those received from persons with disabilities was stable with 77 complaints in both years. Complaints from prison inmates decreased from 943 in 2018 to 857 in 2019. As for migrants, the number of complaints increased from 76 in 2018 to 173 in 2019. The complaints emanating from asylum seekers significantly dropped from 28 in 2018 to only 4 in 2019.

*I- Complaints relating to places of deprivation of liberty*

- 43- In 2019, the Council and its Regional Commissions received 857 complaints and requests related to places of deprivation of liberty, 742 of which were submitted at the central level. These complaints are categorized as follows:
- Death-related complaints<sup>7</sup>: 8;
  - Torture, mistreatment and violation of physical integrity: 100;
  - Hunger strikes: 13;
  - Right to healthcare: 48;
  - Trial proceedings: 203;
  - Detention conditions: 17;

---

<sup>7</sup> -The deaths are classified as follows : 1 at prison, 1 at the gendarmerie station, 1 at police station, 1 at a psychiatric hospital, (2 complaints), and 2 Moroccan detainees in Bahrain.

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

- Right to education and vocational training: 11;
  - Employment: 4;
  - Reinsertion: 2;
  - Communication with the outside world: 44;
  - Religious, cultural and artistic activities: 2;
  - Other requests pertaining to government administrations and sectors: 37;
  - Requests of restricted release: 5;
  - Pardon requests: 198;
  - Other requests: 50.
- 44- The Council's central services handled 384 complaints out of the 742 and referred 358 to the Regional Commissions for handling and follow up in application of the proximity principle. On their part, the Regional Commissions directly received 115 complaints all pertaining to the abovementioned topics.
- 45- Regarding the 8 complaints relating to death cases, 2 of them, which pertain to one case, were referred to the Regional Human Rights Commission of Beni Mellal-Kenifra, which is still following it up with the competent parties. After investigating 4 complaints and conducting hearings of the relevant persons, the Council concluded that they were in sub judice before the court and persons concerned were thus advised to follow their files with their defense and the competent jurisdiction. The Public Prosecutor Presidency, having being contacted by the Council over one complaint, indicated that the case was closed following the outcomes of the legal investigations it conducted. Another complaint was included with its file since the complainant had already been received and the necessary measures had been taken thereon.
- 46- The Council notes the responsiveness of the relevant sectors on the following:
- Recommendation on granting conditional release to a woman inmate suffering from cancer in an advanced stage;
  - Requests of conditional pardon and restricted release for prisoners without criminal responsibility;

- Treatment of a number of issues especially those relating to the transfer and classification of prisoners.

2- *Complaints relating to children*

47-After examining the 88 complaints the Council received in 2019, it was noted that they essentially pertain to the right to education, the right to protection against violence and the right to fair trial, and that they concern children in vulnerable situations. The Council notes that they were submitted by the parents and not by children themselves; a fact that drew the Council's attention to the necessity to reconsider accessibility to the buildings. In late 2019, the Council proceeded, in cooperation with UNICEF, to the preparation of a special space to receive children according to the international standards on "children friendly institutions". It also proceeded to the development of communication tools for children given that communication is part of accessibility as defined by the United Nations Child Rights Committee. It was also noted that protection interventions are also conducted by other institutions including governmental ones as well as civil society organizations, which necessitates coordination to ensure a comprehensive national protection system.

3- *Complaints relating to persons with disabilities*

48- In 2019, the Council received 77 complaints and requests, 36 of which were requests for assistance and the rest were generally grievances about the nonpayment of orphan allowances by the Moroccan Retirement Fund (CMR), judicial decisions, the right to inclusive education, and mistreatment of children with disabilities within some associations; and requests for benefiting from the Social Cohesion Support Fund, recruitment in the public service, reducing working hours for reasons of health conditions or disability within the framework of reasonable facilitation arrangements, and restituting leased transport licenses.

49- The Council notes the positive responsiveness of pension funds institutions, in particular the Moroccan Retirement Fund, to the Council's correspondences on allowing entitled persons with disabilities to benefit from their parents' pensions. However, the Council notes the weak responsiveness of government sectors to the correspondences, including the Ministry of Solidarity, Social Development, Equality and Family as the concerned sector.

50- It is worth mentioning that the person with disability benefits equally with his mother from 50% of his dead father's pension and continues benefiting from it until he/she gets married. This has been an obstacle for persons with disabilities as they find themselves stuck between the need to establish a family and deprivation from benefiting from their parents' pensions; a situation that requires modifying the relevant legal provisions.

51- The Council notes that children with mental disabilities (children with autism and trisomy) and deafness still face difficulties in access to educational institutions despite the launch of the National Programme for Inclusive Education by the Ministry of National Education, Vocational Training, Higher Education and Scientific research, which represents discrimination based on disability.

#### 4- *Complaints relating to Soulaliyate women and collective lands*

52- In 2019, the Council received 62 complaints related to collective lands<sup>8</sup>, of which 30 emanated from Soulaliyate women who complained about deprivation of their rights to land ownership and exploitation and about their share of the compensations due to their groups, or about the encroachments on their properties, as well as other complaints regarding the representatives of the Soulaliyate groups, such as abuse of power. These complaints were examined and referred to the governors of provinces as per territorial competence to take the necessary measures. The Council received replies from governors of provinces and it informed the complainants about the outcome of their complaints.

53- The Council notes the decrease of Soulaliyate women's complaints compared to the complaints on collective lands. This is due to the implementation of the Ministry of the Interior's Circular No. 60 of 25 October 2010 requiring representatives of collective lands to grant Soulaliyate women the right to benefit from the compensations in cash and in kind, same as men right holders, or settle the problems locally by the representatives of collective lands or the associations operating in this field.

54- Complaints pertaining to collective lands<sup>9</sup> involve a number of issues, especially encroachment on collective lands by third parties. Most of these complaints are sub judice before courts and the complainants are advised to complete the judicial procedures with the competent jurisdiction.

---

8 - In Morocco, some tribes and rural villages called Soulaliyate still apply laws based on outdated customs and habits including deprivation of many Soulaliyate women of obtaining their share in inheritance under the pretext of fearing that they marry men from outside the tribe and consequently the ownership of the land goes to strangers. Those patriarchal customs and habits grant men the right to deprive women of their right to inherit their parents' property. This custom, which goes back to the French colonial era, is applied by more than four thousand tribes.

9 - At the legislative level, the adoption of three new laws designed to reform and organize collective lands marked a qualitative progress in this regard. The first one is Act 62.77 on the administrative control and management of the property of collective lands. This Act aims to modify in form and content the Dahir (Royal Decree) of 27 April 1919. Second, Act 63.17 on the administrative delimitation of the lands of Soulaliyate Communities aims to modify the Dahir of 18 February 1924 on the administrative delimitation of Soulaliyate properties. Third, Act 64.17 modifying Dahir 1.69.30 on the collective lands situated in irrigation areas.



**5- *Complaints relating to immigrants and asylum seekers***

55- The Council received 173 complaints relating to immigrants and 4 relating to asylum seekers. It was noted that more than a half of them were linked to the exceptional regularization operations which the Council had previously recommended. The Council notes that the two regularization operations contributed to improving the situation of many, though some were faced with some procedural difficulties to obtain and renew their residency permits. In addition, there are some cases related to the rejection of special visas needed for family reunification and to refusal of entry into the national territory. Other complaints were about the right to stay, regularization of the situation, and the right to have access to healthcare, education, employment, as well as complaints about identification procedures.

**C- *Complaints relating to the judiciary***

56- The Council notes that the complaints relating to the judiciary represent a significant portion of the 413 received complaints. The complaints are divided as follows:

- 190 complaints about court rulings wherein the complainants request their reconsideration. Accordingly, the complainants were advised to follow the relevant legal procedures;
- 70 complaints about the non-execution of final civil judicial rulings;
- 74 allegations of procedural violations during court proceedings;
- 17 allegations of delay and procrastination in ruling on the cases filed with courts;
- 54 allegations of delay/or dismissal of complaints addressed to the Public Prosecutor;
- 8 complaints against lawyers.

**D- *Complaints relating to the administration***

57- The Council received 190 complaints relating to the administration. It was noted that they cover the following issues and topics: the non-execution of final judicial judgments establishing innocence and ordering a return to employment position especially for police and gendarmerie officers; administrative suspension or dismissal decisions; grievances about internal promotions in different administrations; regularization of the administrative and financial situation; regularization of

retirement situation; grievances of some civil servants about their administrative situation; expropriation for public interest without compensation; and complaints against social welfare funds regarding the regularization of the retirement situation and healthcare coverage. Some complainants were referred to the competent authorities to follow up on their cases, , and for the rest, the complainants were advised to follow the relevant administrative and judicial procedures.

Regarding complaints handling, the Council recommends to government sectors, public institutions and all bodies and administrations to:

- Respect the legal time-limits for responding to the complaints the Council refers to them and take the necessary measures on issues where the violation is clear and the responsibility is confirmed;
- Deal positively with citizens' complaints, execute judicial decisions that the courts rendered in their favor and implement the recommendations of the Kingdom's Ombudsman.

#### IV- Fundamental freedoms

58- The Council attaches great importance to public freedoms as a fundamental pillar of human rights, a condition for citizenship participation and practice and at the same time an indicator of the respect of those rights on the ground. In this regard, the Council notes the existence of a number of obstacles still preventing the full enjoyment of these rights and freedoms. Such obstacles are linked to some practices that emanate from administrative authorities; a situation that undermines the ability of our country to fulfill its international commitments and implement the constitutional provisions that guarantee the practical enjoyment of those rights.

59- The Council pleaded, throughout 2019, to guarantee the practice of those freedoms through the organization of a national symposium on 12 July 2019 in Rabat under the theme: "Spatial Justice and the Challenge of Facing the Emerging Public Expressions" with the participation of a number of experts, associations and representatives of some civil actors from Al Hoceima and Jerada. To be recalled that, on the 60<sup>th</sup> anniversary of the Dahir (Royal Decree) on Public Liberties, the Council organized in 2018 in cooperation with the House of Councillors, a study day on the Dahir, which was attended by several civil society organizations operating in and concerned with public liberties.

##### A- Peaceful protest

60- Regarding the right to peaceful protest, having monitored the different protests using the streets as a space to act and based on the information available, the

Council notes that such protests are steadily increasing with an average of 46 protests a day. It also notes that the characteristics of these protests differ from those protests Morocco used to witness in the past, both in terms of their duration and the nature of the claims, which mirrors a growing and stronger awareness of citizens of their rights.

- 61- The Council notes that these protests have changed from a centralized action carried out within the framework of law into a protest action that is different in its themes and claims and practiced all over the national territory. Most often, protestors do not abide by the legal and procedural measures organizing the practice of this right. This distinctive tendency of the emerging public expressions often raises the level of tensions between protestors and law enforcement authorities.
- 62- In this context, the Council monitored and observed protests and gatherings, some of which went under normal circumstances while others witnessed the intervention of security forces. This part of the report will address some of them.

#### **1- Street protests held in normal conditions**

##### **Akal Movement**

- 63- The Akal Coordination for “Land and Resources”, composed of tribes representatives and the beneficiaries of the collective and Soualalyate lands, organized a national march in the city of Agadir (August 2019) to affirm their demand for changing Act 13.113 organizing pastoral areas. It also organized two marches in Casablanca (December 2019) and Rabat (February 2019). All of these three marches were carried out under normal conditions. The Council notes the peaceful nature of these marches and stresses the urgent need for radical solutions to the issue of over-grazing which may cause social tensions and negative effects on the rights of individuals and communities.

##### **The march of blind and partially sighted Persons**

- 64- On 12 October 2019, the National Coordination of Blind and Partially sighted Persons organized a national march in Rabat. The protests concentrated on the right to employment in the civil service, free transportation, healthcare and education. The Council notes that this demonstration was held under normal conditions.

##### **Protests of contract teachers, employees of the Regional Academies**

- 65- Contract teachers held a series of demonstrations in the streets including sit-ins and marches in Rabat or in other cities hosting the headquarters of the Regional Academies of Education and Training. Through these protests, they aimed

to change their administrative status and be integrated in the civil service instead of being hired based on employment contracts. Most of these protests took place in normal conditions. In this regard, the Council monitored the activities and press conferences, as well as the pickets and marches organized or called for by the National Coordination of Contract Teachers whose representatives were received on 12 April 2019 and they expressed their demands. Following this meeting, the Minister of National Education was contacted to inform him about the mediation undertaken by the Council. On 13 April 2019, a meeting was held between the representatives of the National Coordination and the General Secretary representing the Minister, at the Center of Trainings and National Symposia, in the presence of the Council's representatives. The Ministry issued on the same date<sup>10</sup> an official communiqué on the issue. For its part, the National Coordination presented to the public opinion its positions and opinion expressed during the dialogue through a communiqué published in the media and on the internet.

**March of the families of the persons detained in connection with of Al Hoceima protests.**

66- On 21 April 2019, a march was organized in Rabat. The Council also monitored the night protest organized on 26 June 2019 in front of the Parliament, by the families' association in coordination with the Moroccan Association for Human Rights. Both demonstrations took place in normal conditions. The Council also monitored the pickets organized by the detainees' families on 8 November 2019 in front of the central administration of the General Delegation of Penitentiary Administration and Reinsertion.

**Students of the Faculty of Medicine, Pharmacy and Dental Medicine**

67- The Council monitored the protests organized by the National Coordination of the Students of the Faculty of Medicine, Pharmacy and Dental Medicine in front of the faculties while they boycotted the theoretical and practical classes. On 10 June 2019, the Coordination decided to boycott exams, while a number of other students decided not to. Students' parents organized parallel protests in front of the faculties to support their children. The Council intervened to bridge views between the relevant Ministry and the National Coordination, considered as the students' official interlocutor. Thanks to the Council's efforts and mediation, the parties reached an agreement to end tension, undertake exams and maintain dialogue as a way to find solutions to all pending issues.

---

10 - [Medi1.com/article/115015](http://Medi1.com/article/115015)

## **X Imider sit-in on the Mount Albban in the province of Tinghir**

68- This sit-in, centered on socio-economic demands, was suspended on 09 September 2019 following the series of dialogue between the protestors and Managem Company. The Council notes that the continuity of this sit-in for more than eight years questions the quality and effectiveness of the interventions of all actors especially that it affected fundamental rights such as the right to education as some students from the region left school to join the sit-ins. It also highlights some emerging human rights issues that are linked to business and human rights and the companies' responsibility regarding the negative effects on human rights that may be caused by their activities.

### **2- Protests that witnessed the intervention of security forces**

69- The march organized in Rabat to celebrate the 8<sup>th</sup> anniversary of the 20 February Movement witnessed the intervention of security forces to disperse it. The Council notes that the protestors were notified through loud speakers by a police commissioner wearing a badge who ordered the protest dispersed. Faced with the resistance of protestors, security forces used water cannons and force to disperse them.

70- The National Coordination of Contract Teachers called, between 5 and 9 March 2019, to organize sit-ins in front of the headquarters of the Regional Academies of Education and Training as well as marches in the streets. Some of those marches witnessed the intervention of security forces to maintain order and disperse them using force and water cannons.

71- On 23 April 2019, the National Coordination held a night sit-in in Rabat. The local authorities entered into dialogue with the Coordination in order to break it up with a promise to provide buses to transport protestors to their destinations. As the Coordination refused to break-up the sit-in, security forces intervened, through motorcycle police, and used disproportionate force in an attempt to disperse the protestors. As a result of this intervention, the father of a female protestor, who sustained some bruises and fractures, was rushed with his daughter by an ambulance to Ibn Sina University Hospital where he later died on 27 May 2019. The Ministry of the Interior issued a communiqué wherein it explained that the intervention was proportionate and met the legal conditions. On 28 May 2019, the Royal Prosecutor at the Rabat Court of Appeal issued a communiqué in which he announced "the opening of a judicial investigation on the circumstances of the death of a person at Ibn Sina University Hospital after he had been rushed to it following his injuries during the dispersion of "a sit-in" of Contract Teachers in Rabat on 24 April 2019"<sup>11</sup>. The Council notes an excessive use of force to break up

11 - Communiqué of the Royal Prosecutor at Rabat Court of Appeal on 28 May 2019.

the sit-in and some irregularities during the dispersion of protestors by motorcycle police.

- 72- On 19 July 2019, the city of Laayoune witnessed some riots after the end of an Africa Cup of Nations football match held in Egypt, when a group of persons went out to the streets to celebrate. However, this celebration turned into riots causing damage to public and private property and violent confrontations with security forces which resorted to water cannons and rubber bullets to control the situation. Following these events, a young woman aged 24 died at the hospital due to an accident caused by an Auxiliary Forces' car which was engaging in an emergency intervention. The General Prosecutor at Laayoune Court of Appeal issued a communiqué on the incident in which he announced the opening of an investigation on the circumstances of the incident. In the same vein, public authorities announced that 169 elements of public forces and 4 protestors sustained wounds with varying degrees of severity. Thirteen persons were detained, four minors of whom were released while the others were prosecuted by the competent judicial authorities in Laayoune. According to the testimonies received by the Regional Human Rights Commission of Laayoune- Sakia El Hamra when monitoring the events, some injured stated that they did not go to hospital because they feared arrest. A delegation of the Council visited the family of the deceased woman, who reaffirmed demands for a thorough investigation to uncover the circumstances of the incident. In addition, the delegation visited the detainees in connection with the events at Laayoune Local Prison to inquire about their conditions. To be noted also that the Council followed up the proceedings of their trial.

#### **B- Freedom of assembly**

- 73- The Council followed up all the developments related to the sealing of some houses of the leaders of *Al Adl Wal Ihsane*, which is an unauthorized association, and the decisions to demolish those houses. 11 houses in the cities of Oujda, Nador, Kenitra, Agadir, Casablanca, El Jadida, Fez and Tangiers, were concerned by these decisions in the reporting period.
- 74- The decisions were based on the provisions of the Dahir of Public Liberties organizing public assemblies, given that those houses, which are private residences, were turned into places for collective praying and for "advice councils". The decisions were also based on Law 12.90 on planning and construction as modified by Law 66.12 on controlling and sanctioning violations in the field of planning and construction, given that those houses were modified without authorization. To be noted that this case is sub judice.

Regarding the right to protest and assembly, the Council recommends the following:

- Providing the possibility of online prior declaration to organize demonstrations in application of the principle of digital administrative services;
- Substituting custodial penalties and maintaining the fines provided for in Article 9 on violating the provisions of Chapter 1 on public assemblies, and those provided for in Article 14 on violating the provisions of Chapter 2 on protests in the streets.
- Not imposing restrictions on the right to protest and assembly other than those allowed by the Constitutional and legal provisions as well as the international human rights instruments, namely the International Covenant on Civil and Political Rights;
- Guaranteeing the right to protest and peaceful assembly even if the declaration or notification procedure is not respected;
- Providing provisions placing the use of force under the monitoring of the Public Prosecutor;
- providing provisions that explicitly guarantee the protection of all human rights defenders including journalists and media professionals who cover peaceful protests.

### C- Freedom of association

75- Associations are a key partner in protecting and promoting human rights, stimulating the democratic life and realizing sustainable development. The number of associations in Morocco has significantly increased in recent years. Today, there are approximately 200000 associations operating in various fields. The roles of these associations have also been reinforced by the Constitution of 2011 especially in the fields of participatory democracy and the submission of petitions. However, the Council noted the persistence of obstacles and administrative practices contrary to law, that undermine the freedom of associations and restrict the civil activities especially with regards to the establishment and renewal of associations and to the use of public halls and organization of some activities. Furthermore, the local administrative authorities sometimes require from associations to produce some documents not provided for in Article 5 on the declaration of associations, or a number of copies of the documents that is above the number specified in the same Article. Moreover, there are other difficulties that still face associations,

most notably their limited financial and human resources which prevent them from fulfilling their roles especially in providing guidance and consolidating the knowledge with regards to participatory democracy, and the weakness of networking between them that undermines their capabilities in advocacy and in influencing decisions and policies.

76- The Council followed up the case of the Association “ Racines” , against which a lawsuit was filed by the administrative authorities. On 5 August 2018, the Association hosted at its headquarters a roundtable as part of the programme “The saga of the nihilists” broadcasted on YouTube under the title “1 dîner, 2 cons”. On 9 November 2018, the governor of the prefecture of Casablanca Anfa filed a request with the Public Prosecutor to legally dissolve the Association for violation of the objectives set in its statutes and offending the Islamic religion and national institutions. Accordingly, a lawsuit was initiated upon the motion of the Prosecutor at the First Instance Civil Court of Casablanca. After judicial proceedings, a ruling dissolving the Association was issued on 26 December 2018, which was confirmed by the Court of Appeal on 16 April 2019. All the while stressing the necessity of respecting the freedom of association by the public authorities, and observing the principle of the judiciary independence enshrined in the Constitution, the Council still follows up this case and looks forward to the Court of Cassation to reconsider the decision through the reassessment of the law applied to this case.

77- The council noted that a sit-in, intended to be held by Amnesty International – Morocco Branch under the theme “Stop the Application of the Death Penalty in Morocco” was banned. It also noted that a theatrical show, to be performed in the street facing the Parliament under the theme “Justice doesn’t kill... it rather supports life!” was also banned. The Council notes that the decision taken on banning this activity is not legally justified especially that the Association stated that it informed the authorities without receiving any reply thereon. Moreover, the Council notes the existence of deficiencies in laws governing associations and draws the attention of all stakeholders and actors concerned with this issue to contribute more effectively to expand the civil space and promote the legal guarantees related to the protection of human rights defenders.

Regarding the freedom of assembly, the Council recommends the following:

- Revising the legal provisions governing the procedure of associations’ establishment, renewal, funding and benefiting from public halls for organizing activities in such a way as to ensure the practice of the freedom of association in accordance with the Constitution and the International Covenant on Civil and Political Rights;
- Revising the legal provisions governing associations through substituting



custodial penalties with fines;

- Enabling children aged between 15 and 18 to set up associations in application of the right to participation;
- Encouraging dialogue between public authorities and associations to overcome obstacles and constraints that prevent associations from assuming their roles;
- Implementing the recommendations of the Kingdom's Ombudsman on the establishment and renewal of associations, political parties and trade unions;
- Encouraging associations to resort to the administrative justice as a remedy mechanism in conflicts opposing the administrative authorities and associations, by working on the execution of judicial judgments and decisions issued in favor of associations.
- Expanding the scope of the judges' practice of the freedom of organization to guarantee their right of establishing and running civil associations and trade unions in application of the fundamental principles of the independence of the judiciary.

#### **D- Freedom of opinion and expression**

78- Throughout 2019, the Council monitored a number of legal prosecutions related to of the publication of contents on the Internet, especially on social media. Thus, the Council notes with concern the conviction of some prosecuted persons to custodial penalties, especially for forms of expression that are protected under the international human rights system.

79- As regards the freedom of the press, the Council followed up the case of the four journalists who were sentenced by the First Instance Court of Rabat to a six-month suspended prison sentences and a fine, and who were accused of publishing information on the proceedings of the Parliament's enquiry committee on the Moroccan Retirement Fund. In this regard, the Council notes that the Court respected in the text of its ruling, the right of journalists to protect their sources of information and that it stressed on several times, their right not to disclose their sources of information. The Council also notes that the custodial sentence rendered at first instance and confirmed by the court of appeal is a suspended sentence<sup>12</sup>. Yet, the Council recalls the relevant international standards, especially the General Comment No. 34 on the freedom of opinion and expression

---

<sup>12</sup> - Article 14 of the Organic Law specifying the working methods of parliamentary enquiry committees stipulates a prison sentence of one year to five years and provides for doubling that sentence in the event of publishing information on the testimonies' content of the persons heard.

issued by the Human Rights Committee, which calls member states to recognize and respect that the limited journalistic privilege not to disclose information sources is an element of the right of freedom of expression. the Council recalls Recommendation No.31 issued by the national dialogue on “Media and Society” on upholding the special nature of practicing the freedom of speech and information by “protecting it from any penalty involving deprivation of liberty” and favoring civil and symbolic compensation in press offences.

80- Sometimes, the way the media deal with human rights issues triggers some problems that are, in a way or another, linked to the handling methods, namely the rules and ethics of journalism and the degree of its respect of the principles and values of human rights. The major problems that mostly hold the Council’s attention are defamation, slander, dissemination of hate speech, promotion of discriminatory or racist contents and stereotypes (against women, foreigners, etc.), violation of private life and abuse of the presumption of innocence.

81- These practices and violations urged the Council to generalize in September 2019 a communiqué on the case of a woman whose arrest sparked off a heated debate on individual liberties and voluntary abortion. In this communiqué, the Council expressed its rejection of insults, slander and defamation of a discriminatory nature, uttered by some media outlets and social media against the concerned woman.

82- It is noted that such practices are repeated and become even more acute whenever the case involves the private life of individuals and their individual freedoms especially in electronic press and even more particularly on social media. Such practices are generally as follows:

- Publishing and circulating pictures, taken overseas, of a public figure belonging to a political party who was wearing clothes different from the ones he/she is known to wear. This was associated with defamation and attacks on his/her dignity and the dignity of members of his family;
- Circulating a video and pictures of a person who was arrested wearing a woman’s dress on New Year’s Eve in Marrakech ..He was subject to defamation and a photo of his National Identity Card as well as information on his professional life were published on social media. The Council notes the positive response of the General Directorate of the National Security which opened an administrative enquiry on the failure to protecting personal information of the arrested person. The enquiry showed that four police officers with different ranks, were involved and they were subjected to disciplinary sanctions;
- Continued publication of pictures and names of complainants in a case that was

largely covered by the media since it started in 2018, in a way that undermines their dignity and right to one's image were abused especially that the case was combined with "rape" and "sexual assault";

- Publishing negative stereotypes against immigrants from Sub-Saharan African countries when handling information about offences or violations committed by immigrants. These information materials are primarily published because of the migrants involvement. The titles of some articles are associated with the nationalities of the perpetrators. Some titles and articles consulted by the Council adopt the description: "Africans" without even associating it with the word "immigrants" such as "African of Oulad Ziyane", "arrest of Africans", "African gang", "African women" and "Africans' camp".
- 83- The Council follows up with concern the consequences of the description and the publication of stereotypes and common value judgments associating belonging to Africa with the black color of the skin, which may carry stigmatization that may fuel racist trends or xenophobia.
- 84- The Council notes the issuing of a number of decisions, namely Decision No. 14-19 (February 2019), Decision No. 69-19 (September 2019) and Decision No. 56-19 (July 2019), by the High Authority for Audio-visual Communication, on some cases containing offences to women's dignity and a dissemination of stereotypes against women on many occasions.
- 85- In this regard, the Council notes the importance of the "Charter of Ethics of the Press" issued by the National Press Council on 9 August 2019. This Charter is likely to promote protection and uphold the principles of respect for the private life of individuals, their honor, dignity, right to one's image and presumption of innocence. However, since the Rules of Procedure of the National Press Council are not published in the Official Gazette, the obligation to respect the provisions of this Charter is still not implemented.

With regard to the freedom of opinion and speech including freedom of the press, the Council recommends the following:

- Compiling all legal provisions relating to the Press and Publication Code;
- Not holding informers and press sources accountable except in cases provided for by the law and adopting policies based on transparency to enable general public access to information, especially information that serves public interest and does not undermine the national security and private life of individuals;
- Inviting the judicial authorities to adhere to the principles of necessity and

proportionality in a way that does not undermine the right to free speech and the freedom of the press and does not subject them to custodial sentences;

- Amending all of the provisions of the Penal Code related to the freedom of speech, in accordance with Article 19 of the International Covenant on Civil and Political Rights, and ensuring that any restriction imposed on this freedom is provided for by an explicit and accessible legal provision, and that these restrictions are necessary to respect the rights and reputation of others; to protect national security or public order or public health or public morals.
- Opening a public debate, with the participation of relevant actors, on the “freedom of speech, opinion and press” that takes into consideration the changes linked to this topic, especially social media platforms in a way that ensures this freedom without compromising the private life of individuals.

#### **E- Freedom to practice religious affairs and freedom of thought**

- 86- The development of the legal system in Morocco, notably the Penal Code, requires its harmonization with Morocco’s commitments to the international covenants it ratified which protect the right of belief. In this regard, the Council notes that the sanctions related to worships in the Penal Code are inconsistent with the provisions of the Constitution and the international human rights standards. In its memorandum on amending the Penal Code<sup>13</sup>, the Council tackled the issues in this regard and made some special recommendations on Articles 220 and 222.

Concerning the practice of religious affairs and freedom of thought, the Council recommends the following:

- Deleting paragraph 2 of Article 220 of the Penal Law;
- Revising the formulation of paragraph 1 of the said Article through adding the protection it provides to include forced conversion to a particular religion;
- Deleting Article 222 of the Penal Code.

#### **E- Right to private life**

- 87- The protection of the right to private life is a prerequisite for the implementation of a number of rights, particularly the freedom of speech and opinion and the right to hold opinions without interference. It is also a pillar of the democratic societies. International instruments and the provisions of the Constitution stipulate that privacy shall not be violated and prohibit unlawful interference in a person’s

<sup>13</sup> - [https://www.cndh.ma/sites/default/files/cndh\\_-\\_web\\_code\\_penal\\_va.pdf](https://www.cndh.ma/sites/default/files/cndh_-_web_code_penal_va.pdf)

affairs, or home, or family, or mail. While technological development has largely contributed to improving instant communication, promoting information sharing and access, and opening new fields of expression for the human rights defenders, it has provided environments that sometimes host violations of private life. Such violations are basically associated with publishing personal information without the consent of their owners and using it for defamation purposes or for other criminal or profit activities. The gravity of these violations increases when they involve women or public or famous figures. The Council detected these circumstances in 2019 in the case of Hajar Raissouni and others involved in the same case, as well as in the case of the female MP. In this regard, the Council made several recommendations<sup>14</sup> in its memorandum on the draft amendment the Penal Code.

88- The Council notes positively the accession of the Kingdom of Morocco to the Council of Europe's Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108) on 28 May 2019.

89- The Council followed up the topic of consensual relationships between adults since it falls under the framework of the respect of private life. The great number of judicial prosecutions in this regard draws the Council's attention to the fact that the considerable undergoing societal changes and the necessity to protect individuals, preserve their dignity and ensure the moral harmony and social cohesion require to reconsider the criminalization of the consensual sexual relationships between adults. This does not exclude the obligation to criminalizing all forms of sexual exploitation especially of minors, preserving public decency without exaggeration in widening its meaning in conformity with the principle of legitimacy, as well as maintaining the criminalization of forced sexual relationships<sup>15</sup>. The Council's memorandum<sup>16</sup> identified the provisions of the Penal Code that violate or undermine the practice of this freedom, including Articles 489 to 483, and recommended repealing them.

As regards the right to private life, the Council recommends the following:

- Giving effect to the principles included in the abovementioned Convention CETS No. 108 through harmonizing domestic laws with its provisions;
- Promoting the protection of individuals from the exploitation of their personal information without their consent by Internet companies and data brokers and ensuring their accountability in case they committed such acts, in application of the principle of the companies' responsible behavior;

14 - Ibid.

15 - Report of the UN Special Rapporteur: Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity, A/72/172, 19 July 2017, A/HRC/38/43

16 - [https://www.cndh.ma/sites/default/files/cndh\\_-\\_web\\_code\\_penal\\_va.pdf](https://www.cndh.ma/sites/default/files/cndh_-_web_code_penal_va.pdf)

- Strengthening the financial and administrative autonomy of the National Commission for control Personal Data Protection (CNDP), with similar autonomy granted to governance institutions;
- Amending the Penal Code in a way that ensures the decriminalization of all consensual sexual relationships and criminalization of marital rape, where the element of consent is absent and the victim is hurt.

#### V- Trials monitoring

- 90- The right to a fair trial is a fundamental human right, ensured by the international instruments and national legislations through a set of guarantees that aim to protect the accused from all violations that may undermine this right pre-, during, and post-trial. The Council and its Regional Commissions monitored 53 trials in 2019, some of which were related to the right to protest in the streets such as the trials in connection with Al Hoceima and Jerada protests, others were related to individual rights, freedom of speech, protection of individuals, and other trials that caught the attention of the national and international public opinion.
- 91- The Council monitored a trial that falls under the topic of the right to access to information and freedom of the press and publishing. The Court of First Instance of Rabat sentenced a member of the Confederation Group at the House of Counsellors and four journalists to six months suspended imprisonment and a fine of 10,000.00 dirhams
- 92- The Council also monitored the trial of Ms. Hajar Raïssouni and Mr. Rifaat Al-Amine *et al* who benefited from royal pardon after the Court of First Instance of Rabat had sentenced some of them to imprisonment and some others to suspended imprisonment.
- 93- The Council monitored the trial of Mr. Ahmed Ouihmane, Chairman of the Moroccan Observatory against Normalization, who protested against the participation of an Israeli company in the International Date Fair at the Commune of Arab Sebbah Ziz, near the city of Erfoud. He was convicted by the Court of First Instance of Errachidia on the charge of physical assault against an authority officer.
- 94- The Council followed up the case of the minor K.A. who was later known as the "Tattooed Girl". She was kidnapped by some young men for two months at the Commune of Ouled Ayad, Province of Fkih Ben Salah and was exposed to rape, physical and psychological torture, and tattoos were put on her body. This incident was covered by various media outlets and social media platforms. The first hearing of this case was scheduled for 26 March 2019 and is still sub judice.

- 95- The Council is still monitoring the trials of Mr. Maati Monjib et al, Mr. Abdelali Hamieddine, Mr. Taoufik Bouachrine and rapper Mohamed Mounir (Lgnaoui) who was sentenced by the first instance and appeal courts in Sale to one-year imprisonment and a fine.
- 96- The Council made the following conclusions regarding the proceedings of trials:
- **The publicity of trials:** The Council noted the fulfillment of the publicity requirements in all of the trials it monitored in 2019, as all observers including the press, the media, associations, as well as national and international institutional observers were allowed to access courtrooms and to follow up all the proceedings of the trials;
  - **Police custody phase:** The Council investigates incidents that happen during police custody based on hearing minutes, statements of detainees before the Public Prosecutor or the investigating judge during the interrogation period, or during the hearing of suspects by the Court.
  - **The rights of the suspect during police custody:** In general, during this phase, suspects complain about the hygienic conditions of cells, lack of sufficient number of toilets, hygienic conditions of toilets, inexistence of women cells equipped with special toilets and separate from the places where other prisoners are placed, as well as complaints about meals ;
  - **Rights of suspects:** During the interrogation phase, either before the investigating judge or before the Public Prosecutor, suspects benefit from the presence and support of their defense unless they waive this right. In case they cannot appoint a lawyer for any reason, they can still benefit from the support of a lawyer as part of the judicial assistance;
  - **During suspects hearing at the trial phase:** The Council notes that the suspects benefited from sufficient time when making their statements or responding to the charges brought against them, or when answering the questions from the Judges, Defense and Public Prosecutor. They are also entitled to give a last word before the court renders its ruling.
  - **The time limit to inform suspects and prepare their defense:** In most of the trials that the Council monitored, the Court informed the suspects about their cases in a reasonable time limit and allowed them sufficient time to prepare their defense. However, the Council noted the conviction of the student H. A. in Laayoune and the student A. M. in Meknes, who were referred by the Public Prosecutor to the Court which convicted them at the first hearing and sentenced them to custodial sentences at first instance.

- **Rights of defense:** The defense practices all of its rights provided for by law, traditions and customs of the profession at all stages of the trial, as well as the right to respond to the Public Prosecutor and make motions and preliminary requests.

97- The Council notes that during the presentation of the formal pleas or when starting pleadings in the case, the defense invokes comparative law and international human rights conventions and protocols that Morocco ratified or acceded to.

Regarding trial monitoring, the Council recommends the following:

- Inviting the judiciary to deploy efforts to uphold the implementation of the international human rights standards ratified by our country and the implementation of the principle of the supremacy of these standards over the national legislations in application of the Constitution preamble;
- Revising the Penal Code in a way that reinforces the legal and judicial guarantees for a fair trial, especially by extending the presence of defense during the preliminary investigation starting from the moment a suspect is placed under police custody, and establishing the use of audio-visual recording equipment at the moment of drafting the minutes of judicial police.
- Stipulating procedural provisions on enquiry and investigation about allegations of torture and cruel, inhuman and humiliating treatment; and resting the burden of proof with the Public Prosecutor;
- Revising and simplifying the system of judicial assistance in a way that ensures the right to access to justice especially for the vulnerable categories;
- Reserving places for police custody that meet hygiene and ventilation standards.

## VI- Rights of specific groups

### A- Child rights

98- The year 2019 was marked by the creation the National Grievance Redress Mechanism for Children Victims of Child Rights Violations in pursuance of the Convention on the Rights of the Child and in line with the guiding principles of the United Nations Committee on the Rights of the Child (CRC) included in its General Comment No. 2. The members of the Mechanism started preparing an annual action plan based on the gains made by the Council in the field of child right during the plan's preparatory activities, especially the outcomes of the interactive meeting held by the President of the Council with children in February 2019 on the



sidelines of the International Book and Publishing Fair.

- 99- In 2019, the Council prepared a strategy in protective intervention based on child rights approach that considers the child a key actor in the protection system both at the level of formulation and implementation or at the level of follow up and assessment. In this context, the Council scheduled visits to Child Protection Centers with the initial aim of listening to children in difficult situations and to children in conflict with the law and directly interacting with them to identify their expectations from the Council in general and from the National Grievance Redress Mechanism for Children Victims of Rights Violations in particular. Moreover, consultative meetings were held with the Ministry of Youth and Sport and with officials responsible of Child Protection Units in the Region of Rabat-Salé-Kenitra.
- 100- At the level of monitoring, the Council established a mechanism for a daily follow-up of the child rights-related contents published by the printed press and audio-visual media in order to ensure prompt response to potential violations and to follow up the national and regional dynamic in child rights protection. In this vein, the Council, in cooperation with the Regional Coordination of National Solidarity of the Rabat-Salé-Kenitra Region, proactively intervened in four cases to place four children at the Social Welfare Institutions, and to set up a multidimensional care programme in favor of a child whose situation draw the attention of the national public opinion. Furthermore, the Council contributed to the efforts that gave children in street situation in the cities of Rabat, Beni Mellal, Khouribga, Casablanca, Kenitra and Sidi Kacem access to the services of the Child Protection Units.
- 101- In 2019, the Council continued the follow-up of the implementation of the recommendations included in its Thematic Report on the child Protection Centers, especially those related to the care provided to children, and those related to supporting the relevant institutional actors, through partnering with the Ministry of Culture, Youth and Sport in organizing a number of activities. In this regard, the Council:
- Organized two training workshops for the directors of the Child Protection Centers; the first one was held on 30 April 2019 on the Child rights approach, and the second one was held on 15 June 2019 on the Grievance Redress Mechanism for Children Victims of Rights Violations and ways of interaction between this mechanism and the Child Protection Centers;
  - Organized four visits to the Child Protection Centers and prepared an updated database thereon;
  - Contributed to the exchange workshops on setting up an internal grievance mechanism in the Centers;

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

- Contributed to the development of new standardized tools;
  - Contributed to the effective implementation of the participation principle by supporting the staff of the relevant ministry in implementing the Child Councils and the participation of these councils in the decision-making process.
- 102- At the level of advocacy, in order to promote the harmonization of the national legislations pertaining to the rights of the child, and as part of interacting with the national debate on the Bill 58-19 on the Covenant on the Rights of the Child in Islam, the Council collected a set of quantitative and qualitative data which were used to conduct a preliminary comparative study of the Covenant on the Rights of the Child in Islam and the Convention on the Rights of the Child with the aim of formulating a advisory opinion. In addition, the Council held, in September 2019 exchange sessions with civil society organizations operating in the fields of Child rights and human rights in general.
- 103- The Council continued to stimulate societal dialogue on the revision of Article 20 of the Family Law on authorizing child marriage, through the organization of awareness raising meetings by the Regional Human Rights Organizations and a national meeting that gathered a number of relevant national and international actors. This awareness raising and advocacy actions showed that the problem of minor girls marriage poses a set of societal challenges that are essentially linked to the institutional and legislative protection on the one hand, and to the societal dynamic on the other hand. The Council expressed its concern over the exponential curve of minor girls' marriages, given in particular that this practice directly affects the rights of the child, namely the right to education, healthcare, protection and growth.
- 104- Given that the national periodic report to the United Nations Committee on the Rights of the Child (CRC) will be submitted in 2020, the Council organized in July 2019, in cooperation with the UNICEF and the State Ministry of Human Rights, a training workshop for civil society associations operating in the field of Child rights, that focused on developing and preparing parallel reports. It's worth mentioning that the Council had contributed in 2018 to the international dynamic on the follow-up indicators, as part of its cooperation with the International Coalition and the UN Committee on the Rights of the Child (CRC).
- 105- Regarding the contribution to building capacities of the actors and partners working in the field of child rights, the Council organized 9 training workshops in 2019 which aimed at strengthening the national competencies. The workshops benefited 180 participants representing directors of the Child Protection Centers of the Ministry of Culture, Youth, and Sport; the child rights focal points operating

within the Child Protection Units of the National Solidarity institution, the regional delegates of the same institution in Rabat-Salé-Kenitra Region, and other civil society associations operating in the field.

- 106- One of the major challenges that still persists in the field of child rights is the implementation of the participation principle which is not yet harmonized with the international standards despite the existence of important initiatives that deserve encouragement (the Child Parliament, Child Councils at Child Protection Centers, Child Friendly Groups, child committees at the education institutions and some other care facilities for children). The participation of children largely depends on their access to the adapted public information. While preparing its joint action plan with UNICEF, the Council was keen on producing a set of media that will be adapted and made available to all categories of children and on involving children in the process of preparing the Council's special report during the examination of the Universal Periodic Review (UPR) by the UN Committee on the Rights of the Child.

As regards the rights of the child, the Council recommends the following:

- Ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and responding to the recommendation of the United Nations Committee on the Rights of the Child (CRC) relating to establishing a Child code that covers all of the CRC relevant fields;
- Protection of the right of the child to paternal filiation regardless of the family status of the child's parents;
- Inviting the relevant actors to ensure convergence between the integrated public policy for children and the integrated public policy for the youth;
- Speeding up the implementation of the integrated public policy for the protection of the child especially its second strategic objective on the creation of the territorial integrated protection mechanism and developing a national unified information system for the protection of the child rights;
- Giving effect to the Consultative Council of the Family and of Childhood and providing it with the sufficient financial and human resources to enable it to discharge its roles in public policies, namely fulfilling the fifth strategic goal of the Integrated Public Policy for the Child and implementing the Measure 261 of the National Action Plan on Democracy and Human Rights.

#### **B- Rights of penitentiary institutions' inmates**

- 107- The Council monitors the conditions of inmates at penitentiary institutions<sup>17</sup>

<sup>17</sup> - There are 76 penitentiary institutions housing about 84000 detainees.

through the handling of complaints received at the central and regional levels; visits undertaken by the Council's members and officials to all penitentiary institutions either on an own initiative basis, or as a follow up on specific cases and conditions, or based on a complaint, grievance or request formulated by detainees or their families or representatives. The Council's action prioritizes the cases pertaining to the right to life, to torture and mistreatment allegations and to the right to education and training, and it favors coordination with other institutional actors in order to protect and promote detainees' rights.

108- The Council notes the continuity of cooperation with the General Delegation of Penitentiary Administration and Reinsertion and its positive response on many occasions to the recommendations made by the visiting teams from the Council and its Regional Commissions, aiming to improve the detainees' conditions.

109- In addition, the Council notes the persistence of overcrowding in the penitentiary institutions, which negatively affects the inmates enjoyment of their rights, in particular the right to healthcare, hygiene and education. Moreover, this phenomenon does not facilitate the respect of the internationally recognized minimum surface area per prisoner.

110- Regarding visits to the penitentiary institutions, the Council and its Regional Commissions made 170 visits in 2019 that covered all of the 76 penitentiary institutions. Reports on the visits were prepared together with recommendations to humanize these places and ensure that the inmates enjoy their fundamental rights. In this vein, the Council referred those recommendations to the competent authorities and follows up on their implementation process. These visits are part of the inspection visits undertaken by the Council and its Regional Commissions or fall within the context of handling the received complaints. Visits included persons prosecuted on terrorist charges or in connection with protests, individual cases (Mr. Taoufik Bouachrine, Mr. Hamid Mehdaoui, Ms. Hajar Raïssouni and Mr. Rifaat Al-Amine *et al*) or cases belonging to vulnerable groups (women, foreigners, persons with disabilities, etc.) We present below some of these cases:

#### **Mr. Ali Aarras:**

111- The Council monitored Mr. Ali Aarras' prison conditions since he was convicted to 12 years imprisonment. The monitoring was undertaken following complaints sent by his lawyers or the statements of his sister posted on social media in 2019. A delegation of the Council paid a visit to the Tifelt 2 Local Prison on 28 May 2019. During the meeting with him in his cell, he specifically requested the intervention of the Council to enable him to benefit from some dental examinations. Accordingly, the prison administration pledged to take the necessary action and an appointment

was taken to conduct the medical examination at the Faculty of Dental Medicine.

***Mr. Abdelkader Belairej***

- 112- Based on his wife's visits and complaints, the Council made several interventions in favor of Mr. Abdelkader Belairej who is sentenced to life imprisonment. This included facilitating family visits (duration and number of visitors), and facilitating his access to magazines and newspapers. Mr. Belairej regularly calls the Regional Commission of Fez-Meknes which is following up his conditions at Meknes Local Prison. Following a phone call, the Commission paid him a visit on 20 June 2019, during which he requested the Council's mediation to enable him to benefit from the programme "reconciliation" and to be transferred to the Loudaya Local Prison in Marrakesh in order for him to be closer to his family. His request was accordingly referred to the General Delegation of Penitentiary Administration and Reinsertion.

***Mr. Mohamed Rachid Laghribi***

- 113- Mr. Mohamed Rachid Laghribi was arrested on 2 June 2003 and was sentenced to 20 years imprisonment for committing terrorist acts. He was placed in many prisons (Salé 2, Kenitra Central Prison, Tangiers and Toulal 2 in Meknes). The Regional Commissions of Fez-Meknes and Tangier-Tetouan followed up his situation. His wife submitted complaints or requests related to a transfer to another prison, improving his detention conditions, or benefiting from the royal pardon. The Regional Commission of Fez-Meknes visited him twice in 2019 (16 April and 20 June). Mr. Laghribi went on hunger strike twice to protest against the terrorism charges brought against him and to demand his release. The visiting team explained to him that his requests fall under the competence of other administrations and that they require special procedures and regulations. After discussion with the team, he decided to stop his hunger strike. He was transferred to Oukacha Local Prison in Casablanca following his request which was supported by the regional Commission.

***Mr. El Mortada lamrachen***

- 114- Mr. El Mortada lamrachen was convicted by the Rabat Court of Appeal on 14 November 2018 to five years' imprisonment after having been sentenced by the Chamber of First Instance in Charge of Terrorism offences at the Annex of the Court of Appeal of Salé. Since the beginning, the Council monitored his situation, following a complaint submitted by his brother. On 23 August 2019, the Council visited him in Salé 2 Prison. The complaint included allegations of humiliation and beatings inflicted upon him by the director of the prison. The director of the prison was on vacation when this visit was conducted. The inmate claimed that he was victim of humiliations inflicted on him by the prison director and categorically

refuted being beaten contrary to his brother's allegation. In addition, he did not express his willingness to prosecute the director despite the complaint he addressed to the General Delegation of Penitentiary Administration and Reinsertion and to the Public Prosecutor. After the meeting, the inmate asked the Council to support his request to be transferred to a prison close to his family. He also expressed his desire to pursue his studies and vocational training. His requests were referred to the administration of the prison.

#### *Visiting a number of girls at Tifelt Local Prison:*

- 115- As part of a general visit to Tifelt Local Prison on 28 May 2019, the Council's team visited the women' ward where they met a group of girls who were sentenced to imprisonment for periods varying between two and five years on terrorism charges in July 2017. At that time, seven girls were minors. During the collective interviews and individual interviews with some of them, the Council's team noted that most of the girls have very low educational level. Five of them regretted the acts of which they were convicted, and expressed their desire to be reintegrated in society. Based on this information, and during a meeting with officials from the General Directorate of Penitentiary Administration and Reinsertion, the Council's representatives presented a recommendation to implement a programme to reinsert them when they leave prison. In response to this recommendation, the General Directorate prepared a special programme in cooperation with the Council and other actors in favor of these girls. This programme that lasted about two months, helped them in their social reinsertion. On 10 January 2020, they benefited from the royal pardon.

#### *Mr. Taoufik Bouachrine*

- 116- The Council and the Regional Commission of Casablanca-Settat made six visits to Mr. Taoufik Bouachrine in 2019 following complaints received from him personally and from his wife, communications from non-governmental organizations, or upon the initiative of the Council. Meetings with Mr. Bouachrine were conducted in conditions that respect confidentiality and freedom of speech. He complained of neglect, namely lack of healthcare, disrespect of privacy during family visits, insufficient duration of visits and phone calls as well as isolation during out-of-cell time. After every visit, the Council issued appropriate recommendations to which the prison administration responded positively such as fixing rendezvous for external medical examinations, allowing him to walk in company of other inmates, benefiting from the sufficient period for telephone calls; reducing the number of guards during family visits and increasing visit duration. During the last visit made on 13 December 2019, the prison administration pledged to provide him with writing instruments.

*Mr. Hamid Mehdaoui*

117- The Council monitored Mr. Hamid Mehdaoui's trial and his situation since his detention. The Regional Commission of Casablanca-Settat visited him several times at Oukacha Local Prison in Casablanca. On 19 June 2019, he was visited following a complaint of his wife who frequently visits the Council. Accordingly, the Council addressed some recommendations to the General Directorate of Penitentiary Administration and Reinsertion on improving his detention conditions, especially healthcare and respect of the diet prescribed by the prison doctors. In addition, the Council recommended flexibility during his family visits. The General Directorate of Penitentiary Administration and Reinsertion responded positively to these recommendations.

*Visiting the detainees convicted in connection with Al Hoceima protests*

118- The Council and its Regional Commissions monitored the detention conditions of the detainees arrested in connection with Al Hoceima Protests, through providing support to their families in organizing visits and also through monitoring their trials' proceedings, or coordinating efforts with the General Directorate of Penitentiary Administration and Reinsertion when hunger strikes were announced by some inmates.

119- The Regional Commission of Fez-Meknes made 47 visits to the detainees arrested in connection with Al Hoceima Protests, 25 of which were made in 2019. These visits, which covered the prisons of Ras El Ma, Bourkaiz in Fez, Ain Aicha in Taounate, Azrou Local Prison, and Toulal 1 and 2 in Meknes, were intended to handle the received complaints on mistreatment allegations, follow up on the health conditions of some detainees, or follow up on hunger strikes and undertake the necessary mediation in this regard. The last visit to the detainees at Ain Sebaâ Local Prison was made on 25 May 2019 and to other detainees in other prisons on 19 August 2019.

120- The Regional Commission of Tangier-Tetouan-Al Hoceima made 16 visits to detainees arrested in connection with Al Hoceima protests after they were transferred from Oukacha Prison on 11 April 2019. These visits are broken down as follows: 11 visits to Tangier Prison, 3 visits to Tetouan Prison when Mr. El Majaoui was there and 2 visits to Al Hoceima Prison. In addition, the Commission monitored the conditions of detainees through regular phone calls (11 calls) and followed up the visits organized by the Council in favor of the detainees' families (17 visits: 13 visits to Tangier 2 Prison and 4 to Ras El Ma Prison) in order to support the families, facilitate the process of visits and conduct mediation efforts. Moreover, the Commission monitored the health condition of Mr. Al Asrihi when he was outside the prison to receive medical treatment. The Commission also organized three

meetings; the first one with the detainees' families on 18 April 2019; the second with the "Support Committee for the Rif *Hirak* Detainees and their Families" on 8 May 2019 and the third with the detainees' lawyers on 16 May 2019.

- 121- The Regional Commission of Casablanca-Settat made 44 visits to Al Hoceima protests detainees who were tried before the Appeal Court of Casablanca. The Commission conducted those visits to investigate torture allegations, monitor detention conditions and follow up on the health condition of some detainees, particularly during hunger strikes. Moreover, the Commission paid visits to hospitals to follow up on the conditions of Mr. Rabie Al-Ablak, facilitated family visits (51 visits) and organized by the Council. It also held several meetings with the families and civil society representatives, namely the "Support Committee for the Rif *Hirak* Detainees and their Families".
- 122- Giving effect to the initiative announced by the Council President on 12 April 2009, the Council held a series of hearings for the families of detainees arrested in connection with Al Hoceima and Jerada incidents to interact with them and follow up on their conditions and those of the detainees. In this context, the Council held a meetings on 23 and 24 May 2019 with the families of Mohamed El Majjaoui, El Hannoudi El Habib and Mohamed Al Asrihi, on 30 May 2019 with the families of Rabie Al-Ablak, Nabil Ahamjik and Mohamed El Haki, and on 17 June 2019 with Nasser Zefzafi's mother, Youssef El Hamdioui's mother and wife, Karim Amghar's wife and Soulaïman El Fahili's mother. The Council also met on 5 July 2019 with the mother and/or brothers of the detainees El Houcine Idrissi, Hassan Barba, Mounir Ben Abdellah, Fouad Saidi, Achraf El Yakhloufi and Brahim and Othmane Bouziane.
- 123- The Council also interacted with civil actors and initiatives through meetings held by its President with Thafra Association on 20 May 2019, with the delegation of the "Rif Civil Initiative" on 21 May 2019, and with "Al Hoceima Committee" on 20 June 2019. These meetings discussed the issues relating to the incidents and their repercussions on the socio-economic, cultural and political levels.
- 124- Throughout 2019, the Council monitored the implementation of the recommendations included in its Thematic Report on the "Crisis of Prisons; a Common Responsibility: 100 Recommendations for the Protection of the Rights of Prisoners"<sup>18</sup>. As regards the provision of legislative guarantees, the Council prepared, upon the letter received from the General Secretariat of the Government on 8 March 2019, an opinion on the draft law governing prisons which aims to revise Law 23.98 on the organization and management of penitentiary institutions. To prepare its proposals, the Council gathered data on international experiences of penitentiary institutions and examined some studies conducted thereon, while



taking as a reference its two reports on prisons and child protection centers, the complaints and grievances received and to the conclusions of field visits to the penitentiary institutions. The Council suggested including some amendments in the text form to ensure an equilibrium of the text structure and preserve the cohesion and harmony of its articles; which requires deleting some articles and paragraphs, joining some others with other articles with the same content, or refer them to the rules of procedure given their detailed or organizational nature. At the level of content, the Council suggested adding some articles to strengthen the draft law in order to ensure its harmony with the relevant international standards. The Council's suggestions were designed to promote the fundamental rights of prisoners, prohibit discrimination and give more attention to some vulnerable categories such as persons with disabilities, delinquent minors, pregnant women, foreigners and persons suffering from chronic and mental diseases and allow them to benefit from social assistance and psychological support. The recommendations covered also the issue of classification which may contribute to deprivation of rehabilitation programmes unless it is rationalized.

- 125- Regarding trainings of the penitentiary institutions staff, the Council contributes to building their capacities, especially after the establishment of The Rabat-Driss Benzekri Institute for Human Rights, through organizing a number of training sessions for the staff at its own initiative or upon requests of the General Directorate of Penitentiary Administration and Reinsertion. In this context, the Council oversaw training sessions on the rights of prisoners at Tifelt and Ifrane training centers, which benefited the staff in charge of security interventions inside the penitentiary institutions (about 900 staff members).
- 126- To be noted that preparations to investigate the conditions of foreign prisoners were initiated in 2019 . In this regard, preparation of the terms of reference and field research tools were launched. The project is due to be finished in 2020. The Council also monitors the detention conditions of inmates with disabilities with the aim of enabling them to enjoy their rights and benefit from the facilitation measures such as access and sign language interpretation services which is provided with the support of the National Solidarity Institution. This Institution placed sign language interpreters at the disposal of the General Directorate of Penitentiary Administration and Reinsertion at the national and regional level.

Regarding the rights of prisoners, the Council reaffirms the following recommendations:

- Taking prompt measures to reduce overcrowding inside penitentiary institutions by rationalizing police custody, revising pardon procedure, activating restricted release and raising awareness about it among inmates, and expediting the adoption of alternative penalties;

- Facilitating the access of civil society associations and expanding partnership with them in a way that ensures fulfillment of their role in awareness raising;
- Taking special measures to protect vulnerable categories inside the penitentiary institutions such as persons with disabilities and persons suffering from serious chronic and psychological diseases;
- Increasing the number of doctors and health staff inside the penitentiary institutions.

#### C- Rights of persons with disabilities

127- The year 2019 was marked by the establishment of the National Mechanism for the Protection of the Rights of Persons with Disabilities in application of the Articles 12 and 19 of Law 76.15 reorganizing the Council and pursuant to Article 33 of the Convention on the Rights of Persons with Disabilities (CRPD).

128- As a result of monitoring public policies related to the rights of persons with disabilities, the Council notes the qualitative development in Morocco after ten years of ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol (2009-2019) through adopting the Framework Law 97.13 on the Protection and Promotion of the Rights of Persons with Disabilities, the Integrated Public Policy for the Promotion of Persons with Disabilities 2016-2026, and the National Action Plan for the Promotion of the Rights of Persons with Disabilities 2017-2021.

129- Regarding the right to education and vocational training, the Council notes the adoption by the Ministry of National Education of the National Programme of Inclusive Education. It also calls for its appropriate implementation at the regional and provincial levels through measures likely to ensure access to this right, such as providing all the administrative and material resources, training the staff on its implementation and combating negative representations and stereotypes that further increase discrimination against children with disabilities.

130- The Council also notes the implementation of several projects of the National Integrated Policy on Disability. With a number of measures, government sectors are implementing inclusive education and employment projects especially through standardized recruitment procedures within the inter-ministerial bodies in charge of persons with disabilities, through the launch of a training programme in favor of social workers who provide care for children with autism (1200 social worker every year), and also through coordinating the adoption process of a the organic decisions of Law 10.03 on accessibilities and launching the “Accessible Cities” programme in partnership with the territorial communes.

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

- 131- Throughout the period covered by this report, the Council promoted the participation of persons with disabilities through the creation of consultation and communication spaces at the regional level with organizations operating in the field of disability in all its forms (mobility, mental, visual and sensory).. In celebration of the International Day of Persons with Disabilities (December 3<sup>rd</sup>), the Council held 13 regional communication and awareness raising meetings with 161 networks and associations representing all forms of mobility, mental, visual and hearing disabilities.
- 132- The Council contributed to the proceedings of the international symposium organized by the Supreme Council of Education, Training and Scientific Research, held on 7 and 8 January 2019. As part of the partnership with Hanane Association for the Protection of Children with Disabilities, the Council supported the organization of the International Symposium on the Realities and Prospects of Inclusive Education on 13-14 February 2019.
- 133- Regarding the right to employment and labor, the Council participated through a scientific intervention in the National Forum on Disability on 26 March 2019 organized by the Administration of Mohamed VI National Center for the Disabled on the National Day of the Disabled celebrated every year on March 30th. The Council's contribution shed light on the legal and procedural framework to ensure effectiveness of the mentally disabled is accessibility to the right to decent work, and on the role of the national human rights institutions in following up, monitoring and implementing the relevant public policies.
- 134- Regarding capacity building, the Council supervised, between 12 and 17 April 2019 at the National Center of Staff Training in Tifelt, three training sessions which benefited 360 staff members of the General Directorate of Penitentiary Administration and Reinsertion. It also supervised from 18 to 20 June 2019 a training workshop held in favor of representatives of the Francophone ombudsman institutions on the roles of the national mechanism for the protection of the rights of persons with disabilities in independent monitoring of disability public policies.

As regards the rights of persons with disabilities, the Council recommends the following:

- Expediting the promulgation of the legislative provisions completing the Framework Law 97-13, especially those relating to the social protection and access to fundamental rights;
- Giving effect to all the measures of the National Action Plan on Democracy and Human Rights relevant to the rights of persons with disabilities, given their crucial importance in ensuring the effectiveness of this category's access to their fundamental rights;

- Speeding up the implementation of the project of standardization of the Moroccan sign language as a linguistic identity for the deaf, and prioritizing it among the objectives of the National Council for Languages and Moroccan Culture;
- Implementing the recommendations of the UN Committee on the Rights of Persons with Disabilities (CRPD) after the examination of Morocco's initial report in 2017, namely the recommendations pertaining to equality, non-discrimination and participation.

#### D- Rights of older persons

- 135- The Council monitored in 2019 the situation of the older persons in Morocco through the participation in the debate on the National Strategy for the Protection of the Rights of Older Persons, the establishment of a binding legal framework that protects them and promotes their rights, and the participation in the initiatives of the relevant governmental sector designed to deepen consultation with the different actors concerned.
- 136- The Council notes the diminishing role of the family in providing sufficient care for the older persons, the weak government interventions in providing the right to social protection, healthcare and geriatric healthcare and deficiencies in proximity of the cultural facilities special to this category.
- 137- The Council also notes that despite the efforts deployed by the relevant Ministry, the functions discharged by the Social Welfare Centers are still weak as some of them lack appropriate reception and accommodation conditions that preserve human dignity, together with the fact that some of them do not actually provide social welfare, namely the multi-purpose centers of the local authorities (Centers of Tit Mellil, Industrial Complex Ain Atiq, Bab El Lkhokha in Fez as examples)

As regards the rights of older persons, the Council recommends the following:

- Introducing a framework law on the older persons in a way that is consistent with the relevant international standards especially the UN Principles for Older Persons of 1991;
- Rehabilitating social welfare institutions, increasing the financial and human resources allocated to them and strengthening the capacities of their staff;
- Providing financial support for vulnerable older persons within the framework of mutual assistance and social solidarity;

- Speeding up the implementation of the Universal Periodic Review's recommendation No. 160 of 2017 on the basic healthcare coverage.

**E- Rights of immigrants, refugees and asylum seekers**

- 138- Regarding entry to the Moroccan territory, the Council notes that Act 02-03, which is being implemented, does not determine the procedures of applying for entry visa to the Moroccan territory for the foreigners concerned. Regarding the electronic authorization reserved to the nationals of the three countries exempted from entry visa to Morocco (Mali, Guinea Conakry and Congo Brazzaville), the special procedures related to the criteria on which granting or rejecting decisions is based are not yet published.
- 139- Regarding the right to residency, the Council notes the measures taken on issuing residence permit for 3 years, which constitute a factor of stability and legal protection. Accordingly, it notes that its implementation was not undertaken according to a nation-wide standard methodology and that its implementation led to the emergence of some forms of inequality vis-à-vis some foreigners.
- 140- The Council notes positively the Moroccan authorities' decision to reject rounding up immigrants and keeping them in special centers and their decision to reject establishing centers for processing asylum applications on the Moroccan territories. By contrast, the Council and its Regional commissions<sup>19</sup> received some testimonies on the arrest of a large number of foreigners in different places (at home, in the street) and in different ways (individually or collectively) and their transfer without their consent to cities other than those where they live or their deportation outside the national territory without taking into consideration the applicable legal procedures. The Council expresses its concern that these operations may involve abuses of the rights of immigrants such as discrimination, arbitrary arrest and the disproportionate use of force.
- 141- Regarding access to fundamental rights, the Council continued the monitoring of the procedural measures aiming at promoting the access of foreigners to their fundamental rights, especially the right to education, health employment and identity. In 2019, the Council, in partnership with the UN High Commissioner for Refugees, initiated consultations aiming at supporting the implementation of the mechanisms of promoting effective access to the right to education
- 142- The Council notes that despite the procedural measures taken to facilitate foreigners' access to healthcare services, there are difficulties that still impede the effectiveness of this right, some of which are linked to the challenges faced by the Moroccan healthcare system in general. The Council also notes that the convention

19 - The Regional Commissions of Tangier, Nador, Oujda, Agadir, Casablanca, Beni Mellal and Errachidia.

signed in 2015 to enable foreigners to benefit from a healthcare coverage equal to the Medical Assistance System (RAMED) is not fully implemented. In this regard, the Council organized a workshop in November 2019 on the theme “Towards a comprehensive healthcare coverage: issues and challenges of including foreigners”. The Council also notes the existence of disparities between the Kingdom’s regions in effective access to the right to healthcare. It further notes the existence of some difficulties associated with provisions relating to documentation and procedures.

143- The Council notes that some public hospitals do not deliver the birth declaration unless the invoice is paid by the healthcare beneficiaries. This measure is contrary to Circular 108 issued by the Ministry of health on 11 December 2008 which stipulates that the right to normal delivery and caesarian section are free in public hospitals. The non-delivery of the birth declaration is a violation of a number of rights including the registration of the child in the civil status records and the right to education and access to most of the services associated with the rights of the immigrant child.

144- Regarding the right to identity and registration in the civil status records, the Council continued the organization activities aimed at protection and followed up the implementation of its previous recommendations including those addressed to the government on facilitating the registration of newborns of foreign nationalities. The contribution of the Council was as follows:

- Contribution to the mainstreaming among civil society actors of the information relating to the national campaign to register non-registered children in the civil status records.
- Preparing a draft field study in cooperation with the UN High Commissioner for Refugees to evaluate the situation of foreign children registration in the civil status records;
- Organizing two regional workshops to exchange information in May 2019 in Marrakesh and Agadir during which the Council communicated with civil society actors and identified the constraints on the local level associated with the civil status.

145- As regards combating discrimination against foreigners, the Council prepared two guidebooks on prevention against discrimination. In the same vein, a delegation of the Council participated in a study visit to Spain in October 2019 to exchange expertise in combating racial discrimination. The Council also launched in cooperation with public institutions from Spain a project entitled “Coexistence without Discrimination: Human Rights Approach and Gender Dimension” aiming to promote public mechanisms and policies designed to combat racism and

- xenophobia in Morocco through the protection of immigrants' fundamental rights.
- 146- The Council interacted with the news circulated by the press and social media, and by some civil society organizations in October 2019, claiming that a transport company asks some foreign clients to present their residency permits before selling them travel tickets. Accordingly, the Council issued a communiqué on the issue calling for respect of the Constitutional provisions combating discrimination and announcing investigations and communications with the relevant parties. It is worth mentioning that the company subsequently issued a communiqué denying the act attributed to it and stating that the picture attributed to one of its agencies is not pertaining to it and that the company respects its clients regardless of their origins.
- 147- Up to December 2019, 9756 refugees were registered in Morocco with the UN High Commissioner for Refugees (UNHCR), of whom 6656 were recognized as needing international protection, including 2676 Syrian nationals. Through monitoring the conditions of this category, the Council notes the following:
- Although hearings for some of these persons were organized, particularly Syrian asylum seekers, recognition of their situation is still pending;
  - The suspension of the hearings by the Inter-ministerial Committee during the period between March 2017 and December 2018 led to widening the gap between the number of individuals recognized by UNHCR representation as refugees and those officially recognized by the Moroccan authorities.
- 148- The Council notes the importance of the decision to reactivate the Inter-ministerial Committee on 4 December 2018 and resume the hearings, which gave new momentum to regularizing the situation of asylum seekers.
- 149- The Council and its Regional Commissions contributed to a number of activities on the protection of immigrants' human rights including:
- Roundtables organized on 3 October 2019 in Casablanca, Rabat and Tangiers in cooperation with the UNHCR and the Ministry Delegate in Charge of Moroccans Living Abroad and Immigration Affairs; the aim being to publicize the national action plan to implement the Global Compact on Refugees and prepare Morocco's contribution to the First Global Refugee Forum held on 16-19 December 2019 in Geneva;
  - A workshop on the legal framework for immigration and asylum, organized on 5 October 2019, as part of the Euro-Mediterranean Working Group on "Migration and Asylum Rights", wherein the Council presented its recommendations on the Law 66.17 on Asylum Right and the Conditions

governing its Granting;

- Participation in the session on the legal protection of refugees and immigrants in Morocco at the international meeting organized by Heinrich Böll Foundation in Rabat on “Migration Crossroads inside Africa” on 19 October 2019.

As regards immigration and asylum, the Council recommends the following:

- Expediting the adoption of Law 72.17 on Immigration and Foreigners’ Entry and Stay in the Kingdom of Morocco in a way that ensures that immigrants enjoy their fundamental rights as provided for in the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, while taking into consideration the constitutional provisions and the principles included in the Global Compact for Safe, Orderly and Regular Migration (GCM);
- Expediting the adoption of Law 66.17 on Asylum and Conditions of its Granting in a way that ensures the practical recognition of the refugee status that is granted by the UNHCR, while taking into consideration the constitutional provisions and the principles included in the Global Compact on Refugees;
- Speeding up the issuance of the organic text that determines the places where foreigners be kept, for the period preceding their deportation, if urgent necessity dictates it, as provided for in Article 34 of Act 02.03 on foreigners’ entry and stay in the Kingdom of Morocco and illegal immigration;
- Promoting the respect of the principle of non-forced deportation of refugees and reducing the authorities’ discretion margin in taking the decision of refugees’ repatriation in a way that guarantees their rights as refugees;
- Amending Article I of Law 00-04 on Compulsory Fundamental Education, which stipulates that “fundamental education constitutes a right for all Moroccan students of both sexes who reached the age of six”, through deleting reference to the Moroccan nationality;
- Streamlining the procedures of enrolment in public institutions especially in case of lack of registration documents in civil status records, administering level tests to orient children to the appropriate educational levels, and providing linguistic adaptation to take the tests;
- Taking the necessary measures to put an end to practices that contradict the right to have access to healthcare services and the principle of free delivery such as the confiscation of documents in the event of non-payment of treatment costs.



**F- Rights of persons suffering from mental and psychiatric disorders**

- 150- The Council notes the delay in adopting the Law 71.13 on combating mental disorders and protection of the rights of persons suffering from them, which is referred to Parliament since 2016. The current Law, which goes back to 1959, does not keep up with the societal developments and consequently leads to undermining the rights of this category. The Council notes the insufficiency and weak capacity of the facilities dedicated to accommodating this category of persons; the shortage of medical staff, human resources and equipment and the poor services given to inmates.
- 151- The Council monitored the situations of the persons suffering from mental and psychiatric disorders. In this regard, the Regional Commission of Beni Mellal-Khenifra noted the death of a patient in the division of mental and psychiatric diseases at the Regional Hospital of Beni Mellal in the night of Monday 7 October 2019. On Tuesday, 8 October 2019, nurses working in that division organized a sit-in in front of the Wilaya of the Region of Beni Mellal-Khenifra denouncing their working conditions including overcrowding, lack of medicines and the legal charges brought against them by the Public Prosecutor following complaints from the patients' families when they are beaten or injured, or in the event of their escape. They gave as an example the ruling issued by the Court of First Instance of Beni Mellal against one of their colleagues on the charge of leaving a weak patient in a place likely to expose him to violence and danger, sentencing him to two months suspended imprisonment and payment of judicial costs.
- 152- As part of collecting preliminary information on the issue, it was determined that the Regional Hospital of Beni Mellal has a special division for mental and psychiatric diseases and a clinic with a capacity of 25 beds supervised by two doctors working according to the administrative timing who examine patients and prescribe medicines to them. In case of emergency, they may decide to place a patient at the division's clinic for treatment even if the bed capacity is exceeded. The doctors, out of their professional duty and fear from medical responsibility in case they don't place at the clinic a patient whose situation requires it to protect him and the society, insist that the decision of placing patients at the clinic is justified by medical necessity even at the detriment of the bed capacity of the clinic. However, the administration and nurses reject these decisions maintaining that the bed capacity should not be exceeded for fear of the medical and administrative responsibility, and adding that possible dangers increase with large numbers. The Regional Commission notes the existence of tension among nurses, administrations and doctors thus affecting the situation of the patients in the clinic.
- 153- The Council contributed to the strategy developed by the relevant Ministry on the mental and psychological health, which includes building hospitals, creating

psychiatric medical services at the provincial public hospitals, providing sufficient medical and administrative staff, building capacities and improving the conditions.

As regards the rights of persons suffering from mental and psychiatric diseases, the Council recommends the following:

- Speeding up the adoption of Law 71.13 on combating mental disorders and protecting the rights of their patients in a way that is consistent with the international standards and in line with the new realities of the mental health in the country;
- Giving effect to the Council's recommendations included in its Thematic Report on Mental Health and Human Rights, namely those relating to infrastructures, specialized medical staff, human resources and medical equipment;
- Implementing the procedure included in the National Action Plan on Democracy and Human Rights, especially the procedures 128 and 139.

## **VII- Rights of women and girls**

154- Morocco has made several achievements in the field of women' rights. In addition to the constitutional provisions which guarantee equality, parity and non-discrimination, a number of relevant legislative and administrative texts have been issued in recent years including Law 103.13 on combating violence against women and Law 62.17 on the administrative control and management of the properties of Soualiate Communities. In the same vein, defenders of women and girls' rights have continued their advocacy and awareness raising campaigns about equality and parity and denouncing assaults, especially the sexual ones against women. Likewise, gender-sensitive budgets are being adopted.

155- Nevertheless, many challenges still prevent women and girls from fully enjoying their rights, including their poor economic empowerment, lower access to decent employment, weak political participation and access to decision-making centers as well as the persistence of higher rates of violence against them. The Council also notes the delay in giving effect to the two constitutional bodies: the Authority for Parity and the Fight against all Forms of Discrimination and the Consultative Council for the Family and Children, despite the issuance of the Council's founding law in October 2017, and the Authority's law in August 2016. In addition, the Council considers that the Organic Law 02.12 (2012) on senior-level appointments does not include any provisions on parity. Moreover, the decree issued to implement this law does not provide for any motivational procedures to promote women's representation in positions of responsibility given that this decree stresses the criteria of seniority, which in itself is a discrimination against women.

- 156- The year 2019 was marked by the entry into force of law 103.13 on combating violence against women with the issuance of the preliminary judicial applications of the novelties brought in by this Act, such as the criminalization of a number of practices including forced marriage and sexual harassment in public spaces and on social media; and the implementation of protection measures including prevention from communication and placing the person subjected to violence at a psychotherapy clinic. The Council also commends the issuing of a court ruling criminalizing spousal rape.
- 157- However, the Council notes the persistence of impunity in several cases of violence against women due to the difficulty of proving and the failures to report acts of violence. It also notes the limited reparation with the absence of a trust fund that pays the civil damages instead of the convicted persons in case they fail to pay. In this regard, the preliminary outcomes of the Second National Research on the Spread of Violence against Women in Morocco, published in May 2019, showed that 54.4% of Moroccan women were subjected to violence over the 12-months period preceding the research, especially married women. However, what is striking from this research is the extremely high rate of victims (93.4%) who do not file complaints. The findings of the Research also showed the multiplicity of forms of violence against women. Psychological violence is the most widespread, followed by the economic, physical and sexual violence. The abuses inflicted on women include rape, physical assaults, deprivation of schooling, dismissal from work, wage discrimination and deprivation of inheritance. According to those findings, the rate of violence in the public space was 12.4%, and the average of spread of harassment, insult, blackmail and defamation acts on social media was 13.4%. These figures confirm the weakness of caring mechanisms for women victims of violence provided for in Act 103.13, which contains some shortcomings such the absence of sanctions against spousal rapes and the provision of centers for accommodating women victims of violence.
- 158- Within the framework of the European Programme for Human Rights Education for Legal Professionals which aims to reinforce the capacities of judges, lawyers, public prosecutors and academicians in human rights issues, namely gender-based violence, the Council contributed to preparing an international course on combating violence against women. The course is divided into two units; one dedicated to the international and regional standards framework on women's human rights and gender-based violence, and the second one to the issues of care provided to women survivors of violence. The Council of Europe, in cooperation with the Council and the Higher Institute of the Judiciary, organized in Rabat, on 25-26 November 2019, a training session on violence against women and domestic violence. The session was dedicated to professionals keen to improve their knowledge and skills in relevant international standards, their importance within the Moroccan legal context and the modalities of their implementation in reality.

- 159- The Council also participated in the Arab Regional Meeting on “Violence against Women: Application of Laws and Jurisprudence” on 25 November 2019 in Casablanca. The Meeting aimed to assess the implementation of Law 103.13 after a year of its entry into force, discuss the problems posed by its implementation as well as the best ways to address them, and shed light on the degree of effectiveness and efficiency of care mechanisms in a comparative perspective with the regional best practices in the field.
- 160- The Council gave significant importance to the phenomenon of child marriage. Celebrating the International Women’s Day on March 8<sup>th</sup>, and in line with the recommendations of the National Action Plan on Democracy and Human Rights urging to continue the societal dialogue on revising Article 20 of the Family Law allowing marriage of minors, the Council launched a national campaign under the theme: “Marrying minor girls: abolish the exception ...restore the norm”. Under this campaign, the Council and its Regional Commissions organized a series of awareness raising activities and panel discussions to tackle the topic of the marriage of minors from different perspectives and dimensions.
- 161- Over 30 events were organized within this campaign, including the screening of a number of documentaries, radio programmes and shows such as “Marriage of minors in light of international conventions and Moroccan law”, “Role of the media in raising awareness of women’s rights: marriage of minors as an example”, “Legal and social forms relating to the marriage of minor girls and ways to end it”, “Marriage of minor girls between the legal texts and application”, etc. as well as a series of awareness-raising meetings that targeted a number of categories including minor girls, parents, female staff members and inmates of penitentiary institutions, etc. The campaign benefited more than 1000 participants from various government sectors, judges, students, journalists, etc. in 27 prefectures and provinces. It was also marked by a great interaction on social media and digital platforms at the local, regional and international levels.
- 162- It is worth mentioning that, in consistence with international conventions, especially those pertaining to children, the Moroccan legislator has adopted 18 years of age as the legal age of marriage and allowed child marriage in exceptional cases. Article 20 of the Family Code stipulates that “the family judge in charge of marriage may allow the marriage of a girl or a boy under majority age..., by a reasoned decision showing therein the interest and the reasons justifying his decision after hearing the parents of the minor or legal guardian, and having assistance of medical expertise or undertaking a social investigation”. Practice showed that child marriage numbers are increasing and that the phenomenon is growing resulting in violations of the socio-economic and health rights of this category. While some underestimate the scope of minor girls marriage through fixing its rate at 11% of all marriages, the application of Articles 16, 20 and 21 of the Family Law, according

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

to the High Commission for Planning, makes that a third of the married minor girls have at least one child.

- 163- Giving due attention to the issue of abortion, the Council notes that the phenomenon of unsafe abortion poses problems for a large category of women, some of whom are minors, and many of them live in difficult social conditions that push them to resort to abortion in risky conditions for their physical and psychological health and even for their lives. The Council presented in a supplementary memorandum issued on 28 October 2019 its recommendations on this issue.”<sup>20</sup>
- 164- Regarding advocacy for equality and parity, the President of the Council presented at the UN Regional preparatory Meeting for Beijing +25 , the issues of gender equality in public policies, and how to promote economic participation of women and use modern technologies in this regard. In the same vein, the Association “*Quartiers du Monde*”, organized in November 2019 and in partnership with the Council, a meeting on the international parenthood campaign in Rabat. The aim of this meeting was to prepare a working platform to abolish gender inequality. Regarding education on equality and reducing gender-based stereotypes, the Council organized a workshop on the media and stereotypes. With the aim of creating a press that is friendly to women’s rights, the workshop addressed human rights values, the issues of stereotypes, biases, discrimination, xenophobia, intolerance and racism.

As regards women’s rights, the Council recommends the following:

- Speeding up the completion of ratification procedure on the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (OP-CEDAW);
- Acceding to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;
- Implementing the Authority in charge of parity and combating all forms of discrimination and implementing the Consultative Council for the Family and Childhood;
- Repealing or amending all legal provisions that may involve discrimination against women in order to implement the principles of equality and parity enshrined in the Constitution;

20 - See the Council’s supplementary note, p. 29 and the following on this link: [https://www.cndh.org.ma/sites/default/files/cndh\\_-\\_web\\_code\\_penal\\_va.pdf](https://www.cndh.org.ma/sites/default/files/cndh_-_web_code_penal_va.pdf)

- Amending the Family Code, particularly abolishing the exception included in Article 20 which allows children marriage;
- The necessity of building the legal provision related to the abortion on the basis of the pregnant woman' health, and especially on the definition of health as defined by the World Health Organization Constitution :“Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”;
- Adopting a gender-based approach, in a systematic manner, in preparing, implementing and evaluating the national and regional policies while prioritizing the most vulnerable women;
- Completing the implementation of the procedures pertaining to the rights of women included in the National Action Plan on Democracy and Human Rights, namely the procedures on sexual harassment and combating violence and discrimination based on stereotypes against women in the media and school curricula and programs.

#### **VIII- Socio-economic, cultural and environmental rights**

165- The Council notes the efforts exerted by the country in the socio-economic, cultural and environmental fields, especially through reforming legislative and institutional, launching inclusive public policies and improving infrastructures and public services. The Council also positively notes the launch of the national consultations on the new development model and looks forward to seeing the human rights-based approach govern the formulation of this model in a way that leaves no one behind and ensures meeting the Sustainable Development Goals of the Agenda 2030. Yet, the country's efforts are not reflected in the effective enjoyment of these rights for a large portion of citizens especially those living in vulnerable conditions as the social and territorial disparities are rooted in the socio-economic structures. Today, such disparities are no longer acceptable as they constitute a condemnation to public policies and the governance of the socio-economic system, especially amid the growing expectations of citizens and their increased awareness of rights and liberties.

166- Within its strategic orientations, the Council gave special importance to the socio-economic, cultural and environmental rights, recognizing the importance of the effectiveness of these rights in ensuring decent living for citizens and achieving social justice and sustainable development, and being mindful of the relationship between social protests and the implementation of these rights, especially the right of access to employment, education, healthcare and water.

- 167- In this regard, the Council organized, through its twelve Regional Commissions, between 24 October and 24 November 2019, several consultation and suggestion meetings on the topic of the effectiveness of rights and freedoms in Morocco. In this regard, a national meeting will be organized to synthesize and promote the ideas and reports resulting from these regional meetings. The effectiveness of rights and freedoms was also tackled at the scientific symposium held in Rabat on 12 July 2019 on territorial justice and the challenges of the emerging public expressions. The participants discussed the guarantees and ways to promote the enjoyment of the socio-economic rights according to a territorial approach that takes into consideration the impact of territorial disparities in access to their effectiveness.
- 168- Based on these consultative meetings, the Council will give its opinion on the effectiveness of the socio-economic and cultural rights as part of the debate on the new development model. This report will address the right of access to employment, education, healthcare and water.

#### A- Right to employment

- 169- The Council notes positively the government's ratification on 14 June 2019 of the following three conventions of the International Labor Organizations: Migration for Employment Convention (No. 97), Social Security (Minimum Standards) Convention (No. 102) and Promotional Framework for Occupational Safety and Health Convention (No. 187). These conventions will enter into force in the country in 14 June 2020.
- 170- During the last quarter of 2019, the Moroccan active population was 11.9 million people and the number of employed active population was 10.7 million people. Unemployment rate, which reached 9.4%, was very high among young people especially in urban areas<sup>21</sup>. Ensuring the effectiveness of the right to employment constitutes a major challenge for the country, particularly for young people and women, including persons holding high education degrees, persons with disabilities, workers in rural areas, persons without degrees, persons exercising informal activities and simple jobs. This situation may be due to the failure of the current economic model to create sufficient job opportunities, inadequacy between the educational system and the requirements of job market, the growing difficulties in having access to employment because of the high requirements, especially those imposed by modern technologies.
- 171- The Council notes that despite all of those measures and efforts, many issues still prevent enjoying the right to employment including gender equality. Although access to employment is guaranteed for all, the proportion of working women is low. In 2018, their proportion among the active population was only 24.4% at the

21

- Report of Bank Al-Maghrib Monetary Policy, last quarter of 2019.

national level<sup>22</sup>. Likewise, the rate of women entrepreneurs is remarkably very low. As for employment at the public service, the proportion of women stands at 39%, and the percentage of women holding responsibility positions is 22.2%<sup>23</sup>.

172- The Council notes the poor integration of persons with disabilities in the job market compared to the rise of their percentage among the population which is 6.8% or 2.2 million people. Among them, the proportion of persons at the active age is just 51.3%, of whom 27% exercise a permanent or temporary activity (11% are women). The rate of unemployment among this category is 24.6% of which women account for 38.1%. This can be due to the slow pace in taking measures that reduce disability-based discrimination in having access to employment, the lack of accessibilities in facilities, facilitation of work procedures in public and private institutions, and other issues associated with access to education (its percentage remains low).

173- Child labor is among the most difficult issues that continue to be a source of concern for the Council, given its complex nature and its negative impact on the child's life and health and on his ability to enjoy his rights. According to statistics issued by the High Commission for the Planning in 2018, the number of working children between 07 and 17 of age is 247,000, accounting for 3.5% of the 7,049,000 children. The number of children exercising risky jobs is 162,000, of whom 10.6% still go to school. While the Moroccan law reflects the orientations enshrined in the International Labor Organization Conventions No. 138 and No. 182, primarily relating to the minimum age for admission to employment or work and the prohibition of exploiting children in hazardous works that jeopardize their safety, health and personality, the Council notes the insufficiency of the exerted efforts.

174- Regarding social protection and healthcare coverage<sup>24</sup>, the Council notes that despite the fact that the law guarantees for all workers in the public and private sectors the right to benefit from these systems, more than 1.2 million workers are not registered<sup>25</sup> in any social protection system and others work in the informal sector. Furthermore, healthcare coverage is still very low despite the government's adoption of the Mandatory Healthcare Coverage and the Medical Assistance System (RAMED).

175- The Council considers that the inspection system, which is one of the most important mechanisms that protect the rights of workers, has witnessed a significant development over the past period. Yet, it still needs to be strengthened

22 - Bank Al-Maghrib's annual report for 2018.

23 - [https://www.mmsp.gov.ma/uploads/documents/EffectifsPersonnelCivil\\_AdministrionsPubliques](https://www.mmsp.gov.ma/uploads/documents/EffectifsPersonnelCivil_AdministrionsPubliques)

24 - Convention No. 102 on the Minimum Standards of Social Security.

25 - According to the information issued by the Moroccan Association of Labor Inspectors (AMIT).



in terms of competencies and human and financial resources, given that the ratio of inspectors to institutions subjected to inspection is 1/1000, and 1 inspector for every 15,000 workers.<sup>26</sup> These figures constitute a source of concern, reflect the poor efficiency of the inspection system and make its impact low on quality and conflict management.

176- Regarding the inspection of the conditions of hygiene and occupational safety in workplaces, the Council, based on its analysis of the statistics of the relevant actors, notes that the number of the specialized doctors in this field is very low with only 800 occupational doctors exercising their functions all over the country, given that law provides for the existence of one doctor at every company having more than 50 workers.

#### **B- Business and human rights**

177- The Council gave crucial importance to the question of business and human rights as an emerging issue that it is directly linked to the socio-economic and environmental rights. Since 2011, The Council was engaged in strengthening businesses' respect of human rights, by organizing activities aiming to build capacities and raise awareness on the relevant international standards, especially the United Nations Guiding Principles on Business and Human Rights (UNGPs). Moreover, the Council participated in the standardized consultations and dialogues organized by the United Nations on this topic in its capacities as an NHRI or as president and later vice-president of the working group on businesses and human rights of the Global Coalition of National Human Rights Institutions (GANHRIs). The consultations and dialogues focused on setting up an international binding instrument on business and human rights, preparing the General Comment No. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities issued by the UN Committee on Economic, Social and Cultural Rights, preparing a draft framework of the African Union's policies on businesses and human rights, and the project of the UN High Commissioner for Human Rights related to extrajudicial remedies and accountability.

178- In 2019, the Council took a number of measures, primarily relating to promoting remedies, through the adaptation of received complaints. In 2019, the Council handled 19 complaints involving environmental issues, labor disputes, right to healthcare and housing, and disputes with management. It also follows up the implementation of protection measures on the business and human rights which it had already suggested in the National Action Plan on Democracy and Human Rights, in order to ensure the legal protection for complainants. Furthermore, the

---

<sup>26</sup> - Achievements of Human Rights in Morocco: Institutional and Legislative Development and the Results of Public Policies' Implementation after 2011 Constitution, Ministry of State for Human rights, July 2019.

Council takes part in the ongoing discussion on preparing a national action plan on businesses and human rights that meets the international standards in this field.

179- In March 2019, the Council participated in a roundtable on sport events and human rights in Africa upon the initiative of the British Embassy in Morocco and the Centre for Sport and Human Rights headquartered in Geneva. During this event, the Council affirmed that sport is one of the key tools to promote the culture of human rights. In the same vein, the Council took part in an international forum on sport and human rights held in Geneva in November 2019. The forum gathered international actors in this field including representatives of the International Federation of Association Football (FIFA) and several Olympic commissions from many countries.

180- As part of its membership in the National Contact Point for Responsible Business Conduct, chaired by the Moroccan Agency for the Development of Investments and Exports and established by our country pursuant to the circular of the Head of the Government issued on September 2014 in application of the Guiding Principles of the Organization for Economic Co-operation and Development (OECD), the Council, together with the other members (ministerial sectors and national institutions) treats the complaints this Mechanism receives. This non-judicial grievance mechanism exerts considerable efforts to make its mediation competencies known, especially after the Government provided it with financial allocations.

181- At the level of capacity building, the Council participated in a training session, held in October 2019 in Rabat, on the OECD Guiding Principles related to the treatment of complaints about human rights abuses that may be committed by companies.

As regards the right to employment, employment standards, businesses and human rights, the Council recommends the following:

- Promoting our country's conventional practice, especially through the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, Convention No. 87 on the Freedom of Association and Protection of the Right to Organize, and Convention No. 189 on Domestic Workers Convention;
- Completing the ratification procedures of the draft Organic Law No. 97.15 laying down the procedures and conditions for the practice of the right of strike, and harmonizing it with international standards, namely the observations

of the Committee on Freedom of Association relating to imposing custodial sanctions on workers for peaceful participation in strikes and not forcing them to work.

- Activating the institutionalization of the trilateral social dialogue and strengthening its mechanisms in order to keep up with the developments in the field of employment, and encouraging collective negotiation especially the sectorial one;
- Promoting the competencies of the labor inspection institution and providing it with the working tools and the necessary financial and logistical resources, and building its capacities;
- Amending Article 288 of the Penal Law which contains some injunctive provisions, be consistent with Article 8 of the International Covenant on Economic, Social and Cultural Rights; and facilitating the establishment of trade unions;
- Adopting the Recommendation 202 on the social protection platforms issued by the International Labor Organization which stresses that the aim behind these platforms is to eliminate poverty, inequalities, social exclusion and social insecurity, and promote equal opportunities and gender equality;
- Promoting immigrants' access to employment within the National Strategy for Immigration and Asylum adopted by our country, and facilitating the access immigrants by in irregular situation to the labor inspection institution;
- Implementing the procedures on business and human rights included in the National Action Plan on Democracy and Human Rights, namely Measure 211 on preparing and adopting a national action plan on business and human rights with the involvement of all relevant actors from governmental sectors, Parliament, private sectors, trade unions, governance institutions, participative democracy and human rights bodies, and civil society organizations;
- Urging businesses to implement the principle of human rights due diligence, in respect to the relevant OECD guidebooks;
- Promoting plurality in the National Contact Point on a responsible Business Conduct through expanding membership to include representatives of trade unions and employer associations, and increasing the financial and logistical support allocated to it.

#### C- Right to education

182- The Council notes the adoption of the Framework Law 51.17 on the System of Education, Training and Scientific Research<sup>27</sup> as a framework of the fundamental goals of the State's activities in the field, ensuring new techniques and mechanisms for the system of education and training; establishing preschool education and making it accessible to all children aged between 4 and 6 and integrating it gradually into the primary education; and combining primary and secondary education under the compulsory education level.

183- According to government statistics, the schooling rate for children aged between 6 and 11 stood at 99.7% during the school year 2018-2019, 91.7% for the age category 12-14 and 67.2% for age category 15-17. The schooling rate remarkably decreases in the rural areas where it stands at 45% compared to 55% in the urban areas, and reaches 48% for girls compared to 52% for boys.

184- The two urgent issues that received special attention from the Council are the school dropout rate and preschool education. Based on the available statistics, the Council notes school dropout rates are still very high with 269,000 cases in 2018 compared to 400,000 in 2016, thus contributing to the high levels of illiteracy at the national level<sup>28</sup>. The primary level dropout rate was 10.1 %, at the preparatory mid school level 12.02%, and 10.15% at the qualifying high schools level. The schooling years average for the Moroccan population aged 15 and more is 5 years and 6 months in primary schools. According to the Supreme Council of Education, Training and Scientific Research, the deficiency that is accumulated by Morocco in the average number of schooling years can be attributed to two main reasons: the impact of illiteracy despite its decrease on the one hand, and the failure to expand qualifying secondary and higher education on the other hand. Consequently, the population aged 15 and more who reached higher education level remained relatively low<sup>29</sup>.

185- Regarding the problem of preschool education, the Council notes the importance of the preschool education strategy in improving the quality of the system of education and training and in reducing school dropout rate. Nevertheless, the Council notes that this strategy will fall short of its goals unless the challenges of universalization, quality, and territorial and gender disparities in having access to this right are addressed. The number of children at the age of preschool education (4-5 years) is 1,426,185 including 726,920 children not attending preschool classes,

27 - Dahir No. 1.19.113 issued on Hijja 1440 (9 August 2019) implementing Framework Law No. 51.17 on the System of Education, Training and Scientific Research published in the Official Gazette No. 6805 on 19 August 2019.

28 - Achievements of Human Rights in Morocco: Institutional and Legislative Development and the Results of Public Policies' Implementation after 2011 Constitution, Ministry of State for Human rights, July 2019.

29 - The report of the Supreme Council of Education, Training and Scientific Research: "Territorial Atlas of education disparities in 2017".

i.e. 49.6% nationally, which represents more than half the children at the age of preschool education. The number of girls attending preschool is 321,430, i.e. 44.21% of all schooled children<sup>30</sup>. The Council notes that the relevant statistics confirm the disparity in numbers between the children attending preschool and those at the age of preschool education. This situation is even worse among girls. The disparity is also manifest in the urban-rural territorial distribution. This can be attributed to the absence of universal access to education, disparity in access to the right to preschool education, gender inequality, absence of a unified reference framework due to the existence of the duality of modern-traditional education and the multiplicity of actors in this field.

186- The Council notes the importance of the private education as a partner in developing the system of education and training and as an actor in promoting the quality of the educational offer. Nevertheless, it expresses its concern over the growing privatization of education amid the difficulties faced by public education, and the transformation of some private schools into businesses seeking primarily profit. All of this poses challenges of quality, parity and equal opportunity for all learners from different social classes.

187- One of the greatest deficiencies of the educational system is its failure to meet the requirements of the job market. The official statistics included in reports of national official institutions<sup>31</sup> show that 3 out of 5 workers do not have any educational qualification. This rate decreases to 44.2% among employees and 72.2% among self-employed and varies according to sectors.

Regarding the right to education, the Council recommends the following:

- Taking urgent measures to address the problems associated with the quality of public education, school failure and dropout;
- Establishing adequate educational system and programme while focusing on preschool education, its universalization and training of its staff;
- Taking additional measures to improve the rates of girls enrollment at schools in rural areas;
- Taking measures ensuring equal opportunities and quality for learners in both the public and private educational sectors;
- Implementing the recommendations relating to the quality of public and private education, the fight against school failure and dropout rates, issued by the Committee on the Socio-economic and Cultural Rights following the examination of the Kingdom's Fourth Periodic Report.

30 - The presentation of the minister of National Education, Vocational Training and Higher Education before the Supreme Council of Education and scientific research on 16 July 2018. Published on the website.

31 - Bank Al-Maghrib's annual report for 2018.

**D- Right to health**

188- The Council notes the territorial and spatial disparities and the shortages at the levels of hospital institutions and healthcare staff. The doctor-population ratio decreased from 1/4151 in 2011 to 1/4260 in 2018<sup>32</sup>, thus negatively impacting the right to have access to healthcare services.

189- Despite the lack of criteria to assess the sufficiency of medical staff and the flagrant disparities between countries especially in Africa and Europe, the World Health Organization considers that the countries having fewer than 23 healthcare staff (doctors, nurses and midwives) per 10000 people will probably not achieve the recommended levels of healthcare coverage in the key interventions of primary healthcare.

190- As for healthcare coverage, two systems were created: the Compulsory Health Insurance (AMO) and the Medical Assistance System (RAMED) intended for the disadvantaged groups. In 2019, a budget of 1.6 billion dirhams was allocated to RAMED which benefited more than 12 million people. Despite the government's efforts in this field, the results have shown the persistence of some implementation deficiencies affecting the deserving targeted categories and the ability to expand the basket of healthcare services.

191- While the State has deployed great efforts in the Compulsory Health Insurance (AMO) and the Medical Assistance System (RAMED), the national healthcare services covered only 62% of the whole population. The remaining 38%, who are not covered by any healthcare coverage system, are facing great challenges in enjoying their right to health.

192- The Council also expresses its concern over the sexual and reproductive healthcare given the high rate of maternal mortality during delivery or post-partum especially in rural areas. With 72.6 deaths per 100,000 people in 2018, the situation is still preoccupying despite the significant decline in mortality rates. Mortality of infants under five stood at 22.16 deaths per 1000 live births; the mortalities of infants under one year of age were 18 per 1000 births; and the neonatal deaths were 13.56 per 1000 in 2018. This is due to the inadequate quality of care provided to sick children as well as the deficiencies in providing constant care for children from pregnancy to delivery and post-partum. Moreover, neonatal babies are not given due attention in the programmes and strategies of the relevant sector.

193- Concerning Acquired Immune Deficiency Syndrome (AIDS), the State has made great efforts in prevention, access to treatment, psychological and social support

32 - Achievements of Human Rights in Morocco: Institutional and Legislative Development and the Results of Public Policies' Implementation after 2011 Constitution, Ministry of State for Human rights, July 2019.

and other measures. Yet, the Council notes the weakness of the measures targeting adolescents and young people and the limited initiatives intended to raise their awareness about the seriousness of the sexually transmissible diseases, which is due to the lack of an effective strategy targeting pupils and students.

194- The Council made several initiatives in this regard including its participation in establishing a steering committee composed of representatives of the Ministry of Health, the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Joint United Nations Programme on HIV/AIDS (UNAIDS), civil society and the National Human Rights Council (CNDH), tasked with following up the implementation of the National Strategy on AIDS and Human Rights 2018-2021.

195- Regarding tuberculosis, the Council organized on 16 January 2019 a study day at the Parliament on tuberculosis and the means to fight it. The Council also held on 25-26 February 2019 at the Population Department in Rabat, in partnership with the Ministry of Health (Epidemics Department) a consultative workshop on human rights and tuberculosis as part of the National Strategic Plan on the control and Prevention of Tuberculosis in Morocco for the period 2018-2021. Moreover, it took part on 17-18 July 2019 to a workshop on funding sustainability of the programmes of eradication of AIDS and tuberculosis in Morocco. In addition, the Council participated in a workshop held on 30 September and 01 October in Rabat to discuss and adopt the action plan on preparing the process of sustaining funding of the fight against AIDS and tuberculosis in Morocco.

196- Furthermore, the Council took part in the meeting, organized by the Ministry of Health on 8 April 2019 in Rabat in celebration of the World Health Day, on the theme: "Comprehensive World Health Coverage: Health for all to benefit all". The Council also participated in the meeting on the Global Action Plan for Healthy Lives and Well-being, held on 20 June 2019 in application of Goal 3 of the Sustainable Development Goals.

As regards the right to health, the Council recommends the following:

- Expediting the adoption of the necessary measures to improve admission in hospitals especially the emergencies departments; and providing the necessary resources to ensure access to the right to health;
- Emphasizing the Council's recommendations on healthcare included in its Thematic Report on prisons, Child Protection Centers and forensic medicine.
- Taking emergency measures in favor of public healthcare staff, particularly through improving their working conditions and increasing their numbers in a way that ensures primary healthcare key interventions and satisfies the relevant

programmes and plans;

- Revising the measures related to the areas of healthcare coverage to include all vulnerable categories, and giving special attention to the persons with disabilities, immigrants and refugees;
- Increasing the financial allocations earmarked for the health sector.

#### **E- Cultural rights**

197- The Council notes the issuance of the Organic Law 26.16, which defines the process of adopting Tamazight as an official language, its integration into the education system and into priority areas of public life<sup>33</sup>. The adoption of this law opens new horizons for upholding the values of equality and rejecting all forms of discrimination, linguistic and cultural bias in our country. The Council further notes the issuing by the Head of the Government of the ministerial circular No. 19/2019 on 10 December 2019 calling ministers to provide him, no later than the end of January 2020, with sectorial plans including time schedules that take into consideration the dates and time limits stipulated in Articles 31 and 32 of the said Law. This is related to the establishment of a permanent ministerial committee , which will be tasked with following up and evaluating the process of the Amazigh language (Tamazight) officialization. In this vein, the Council, notes that several ministries interacted with this circular and launched preparations of those plans (Ministry of Health; Ministry of the Interior; Ministry of Culture, Youth and Sport and the Ministry of Endowments and Islamic Affairs)

198- By contrast, many issues in several areas still need concrete solutions. The Council notes reluctance in many fields such as the education where the integration of Tamazight remained stalled. In a few cases, it is even regressing as the generalization of Tamazight classes in many regional and provincial directorates was stopped and Tamazight teachers were assigned to teach other school subjects; Tamazight classes were turned into oral communication exclusively; and teaching of Tamazight became irregular due to the shortage of teachers or to their transfers.

199- In 2019, the Parliament was not able to establish a mechanism of instant interpretation into Tamazight during its plenary sessions thus provoking reactions from MPs who intervene in Tamazight.

200- The Council notes the insufficient use of Tamazight in the judiciary, which may undermine the right to fair trial. It also notes that many administrative departments have not adopted Tamazight as an official language to facilitate access to their services.



- 201- Concerning the promotion of the rock engravings heritage, the Council and its Regional Commissions<sup>34</sup>, prepared a programme in partnership with the Regional Academies of Education and Training, the regional TV Channel of Laayoune and the territorial communes where the rock paintings and engravings exist, to promote the rock art heritage. The programme, which benefited citizenship and human rights clubs, aimed at raising awareness about the importance of its protection and preservation against damage and destruction. The programme is also intended to advocate among the territorial communes to inscribe the engravings sites on the national register on the one hand, and the other hand inscribe the engravings and rock art as an international heritage. The Council is working on preparing a study on the cultural rights and a thematic report on the rock engravings art heritage.
- 202- The Saharan Studies Center issued, since its establishment in partnership between the Council, the Faculty of Letters and Human Sciences of Mohamed V University in Rabat, the Cherifian Phosphates Office (OCP) and the Agency for Economic and Social Promotion and Development in the Southern Provinces, 64 publications on the culture and heritage of the Saharan regions including the following three works published in 2018 and 2019: "History of Saharan Morocco through Time", a book on Tarfaya region entitled "Khnifiss Tarfaya", and another book in French entitled "*Le Sahara, lieux d'histoire et espaces d'échange*".
- 203- The Regional Commission of Guelmim-Oued Noun took part in the 14<sup>th</sup> session of the Moussem of Tan-Tan held between 14 and 19 June 2019 in Tan-Tan. This session, which focused on the right to culture, celebrated the intangible cultural heritage in the region. The Commission presented a number of publications on various human rights issues, and organized workshops on the cultural and child rights, as well as a photo exhibition on the Baydane culture. For the record, the Moussem of Tan-Tan was proclaimed in 2008 intangible cultural heritage by the United Nations Educational, Scientific and Cultural Organization (UNESCO).
- 204- With the support of Phosboucraa Foundation, the Council produced the audio version in Hassani dialect of "The Little Prince" by Antoine de Saint-Exupéry, which had been translated into Hassani in 2017.

Regarding the cultural rights, the Council recommends the following:

- Speeding up the adoption of the organic law on the "National Council for Languages and Moroccan Culture" and providing it with the financial and human resources that will allow it to discharge its missions in the best conditions;
- Promoting the efforts aiming at making Tamazight an official language within

34 - Regional Commissions of Draa-Tafilalet, Guelmim - Oued Noun, Laayoune- Sakia El Hamra, Dakhla- Oued Eddahab

schools, universities, courts and the other public administrations, and providing the sufficient funds;

- Implementing the recommendations of the UN Committee on Economic, Social and Cultural Rights (CESCR), issued following the examination of Morocco's Fourth Periodic Report of 2015, on facilitating access to culture and science for all, including access to the Internet and the right to cultural participation.

**F- Environmental rights**

205- The Council notes the positive steps taken in the field of environmental rights, both in the conventional practice and in the legal and constitutional framework, with Morocco's ratification or accession to 110 international and regional conventions, including the Paris Agreement on Climate Change. This practice is further strengthened by Article 31 of 2011 Constitution which provides for the right to live in a safe environment. The Council also notes the recent issuance of a set of laws including the Framework Law 99.12 establishing the National Charter for the Environment and Sustainable Development (2014), Act 81.12 on the coast (2015), and Act 36.15 on Water (2016). This trend constitutes a qualitative leap that filled up a legal vacuum in the field of the environment.

206- In the same vein, the Council notes the efforts deployed by the government in terms of its public policies, namely those involving renewable energies, the Green Morocco Plan, the National Water Plan and the National Strategy for Sustainable Development.

207- Nevertheless, the Council notes that some laws relating to the environment are outdated such as the law on the preservation and exploitation of forests issued in October 1917, and the Dahir issued on 25 August 1914 organizing classified institutions. Such laws fail to keep up with the developments linked to the environment, especially climate changes that directly and adversely affect the possibility of enjoying a set of fundamental rights, most notably the right to life, food, water, healthcare, sanitation, housing, development, etc. Furthermore, some fields are not yet covered by the legal protection including mountains, soil, noise and climate. It is worth mentioning that a Bill on climate has been submitted to the House of Representatives since 2017.

208- Despite the fact that environmental laws contain some important injunctive provisions, the Council notes that the environmental lawsuits filed within Moroccan courts were of limited number. Similarly, the number of relevant complaints the Council treated in 2019 were just 11. This is largely due to the low public awareness of environmental issues.

- 209- The Council positively notes the dynamic prompted by the organization of the COP22 in Morocco in 2016, which contributed in placing the topic of the environment and climate changes at the top of civil society and human rights networks agendas.
- 210- In 2019, the Council continued its participation in this dynamic. In this regard, it participated in November 2019 in a webinar with the UN Special Rapporteur to Human Rights and the Environment and presented its experience in the field of environmental rights, and in a symposium on “the socio-economic, cultural and environmental rights of women and youth within the framework of the Action Plan on Democracy and Human Rights” held by the Forum of Ethics and Values in March 2019 at the Royal Institute of the Amazigh Culture.

With regard to environmental rights, the Council recommends the following:

- Implementing the recommendations pertaining to issues of the environment and climate changes issued by the UN Special Rapporteur on the Right to Food following her visit to our country in 2015;
- Speeding up the adoption of a draft law amending and supplementing Law 28.00 on the management of and disposal of waste and of a draft framework law on climate;
- Updating the law on the preservation and exploitation of forests to meet the new developments especially those associated with climate changes; and amending the Dahir of 25 August 1914 organizing classified institutions;
- Expanding the mandate of the National Council for the Environment to keep up with the developments in the fields of the environment; and expanding membership therein to include constitutional institutions concerned with human rights and environmental issues, namely the Economic, Social and Environmental Council and the National Human Rights Council;
- Submitting the laws pertaining to the environment to the National Human Rights Council to express its opinion thereon from a human rights perspective;
- Supporting and encouraging the civil society operating in the field of human rights to pay attention to and prioritize environment protection, through funding its relevant projects and building its capacities in monitoring and advocacy;
- Implementing the measures included in the National Plan on Democracy and Human Rights (Measures from 184 to 210).

# Chapter Two: Promoting the Culture of Human Rights

---

## Key Figures

---

670

The number of students  
who visited the Council

413

The number of people who benefited  
from the training sessions

11

The number of training  
sessions

30000

The number of people who visited the  
Council' pavilion at  
the International Book and Publishing Fair

## CHAPTER TWO: PROMOTING THE CULTURE OF HUMAN RIGHTS

211- Promoting the culture of human rights is the second key mission of national human rights institutions, as expressly set forth in the Paris Principles. The promotion efforts aim at creating a society wherein human rights are widely respected. In this vein, the Council and its Regional Commissions deploy many efforts that fall within this framework, mainly disseminating the culture of human rights, carrying out awareness-raising campaigns, advocacy, human rights education, strengthening the capacities of various actors (e.g. law enforcement agents, civil society, official actors), organizing meetings, workshops and seminars, enriching the societal debate and dialogue, spreading knowledge and information, etc. In order to strengthen its action in this area, the Council created a training institute, which was reorganized in 2019 by creating a scientific committee composed of national and international experts.

### **I. Activities related to the promotion of a human rights culture**

212- In 2019, the Council, while performing its missions in promoting human rights as well as human rights culture, carried out several activities that ranged from strengthening capacities, awareness-raising, human rights education especially in schools, and participating in outreach activities.

213- The Council coordinated the celebration ceremony in Morocco of the 70<sup>th</sup> anniversary of the Universal Declaration of Human Rights in Rabat on 20 December 2018. This ceremony was marked by a message from His Majesty the King and the issuance of a postage stamp in coordination with the post office administration and a commemorative coin in cooperation with Bank Al-Maghrib.

214- The Council contributed to preparing the executive plan related to the implementation of the National Action Plan on Democracy and Human Rights (2018-2022). This contribution includes the measures to be implemented by the Council and the measures that it can share the implementation responsibility with other parties. The Council also contributed to institutional restructuring and mobilization of additional resources.

215- The Council organized three training sessions for 94 trainee educational inspectors (17 females – 77 males) on the 2 and 9 January and the 17 April 2019 at the Educational Inspectors Training Center in Rabat which is attached to the Ministry of National Education. These training sessions focused on the mandate and missions of the Council, particularly in the area of human rights education.

216- Fifteen activities were organized to present the three national mechanisms established within the Council to students. The activities benefited more than 1800

persons. The presentation sessions focused on the missions of each mechanism, their terms of reference, the nature of their composition, their relation with the Council, and the reporting and grievance methods.

- 217- Within the framework of strengthening the capacities of law enforcement agents, the Council moderated two training sessions for more than 150 officers of the Royal Gendarmerie School in Ain Harrouda on the 13 and 16 May 2019, including 40 from sub-Saharan Africa. The first training session focused on introducing the human rights standards provided for in international law and the Kingdoms' constitution as well as introducing the missions and composition of the Council. The second training session focused on the challenges of respecting human rights in the context of peacekeeping and the guidelines for security forces during the processes of maintaining order.
- 218- The Council also participated in moderating a training session organized in October 2019 by the Ministry of Foreign Affairs, African Cooperation and Moroccan Expatriates, for 10 diplomats originating from English-speaking African countries. The session topics focused on the Council's missions as well as the advances and challenges in the area of human rights in the country.
- 219- The Council contributed to moderating the Human Rights University, organized by the National Observatory for the Rights of the Elector, through two training workshops for 30 beneficiaries, organized in Tangier on 6 July 2019. The Council also moderated two meetings on migration for the teaching staff; the first meeting was organized on 27 February 2019 for 14 beneficiaries (6 males – 8 females) working in educational institutions in Temara, and the second one, which was organized on 4 March 2019 in Salé, focused on immigration in Morocco and the role of the educational actors in inclusion, in favor of 12 educators and coordinators of civic education and human rights clubs in schools within the provincial directorate of Salé.
- 220- Regarding the dissemination of the human rights culture in schools, the Council received a total of 670 visitors from several public and private educational institutions. These visits involved introducing the Council, its composition, missions, the national mechanisms it established, as well as presenting its publications. Copies of the Council's manual on civic education and human rights and a number of CD-ROMs containing the Council's publications were made available to the institution organizing the visit.
- 221- In order to promote scientific research, more than 200 Moroccan and foreign university students were received at the Council. Presentations on the researches they are conducting were made, as well as an introduction to the Council's work, its competencies, its historical and institutional development and all the issues it works on.

- 222- The Council received a number of delegations which were briefed on the historical course of its establishment since 1990 until the issuance of the new Law in 2018, its most recent developments, missions and its relationships with various national and international actors. These delegations included the following:
- 13 journalists and bloggers from media organizations and regional radio stations, received on 18 February 2019;
  - 33 members of Al-Hilal Association for Sports and Moroccan Culture based in Italy, received on 1 April 2019, through Hassan II Foundation for Moroccans Residing Abroad;
  - Members of the Executive Board of the National Media and Human Rights Center, received on 9 April 2019;
  - Prometheus Institute for Democracy and Human Rights, on 10 April 2019, within the framework of its project of supporting and accompanying female students in qualifying secondary schools in the rural areas. This communication meeting benefited 50 female students.
- 223- Concerning scientific participations in the activities organized by the civil society, the Council participated in the following activities:
- A roundtable organized on 15 February 2019 by the Moroccan Human Rights Committee on “The Advisory Council for Youth and Associative Action : Challenges and perspectives”;
  - A symposium organized on 30 May 2019 by the Amazigh Citizenship Network on “The stakes of establishing a fair and diverse multilingual policy in light of the relevant Framework Law”;
  - A seminar on “Mechanisms and Advisory Bodies for Advanced Regionalization”, organized by the non-governmental Doukkali associations network on the 20<sup>th</sup> of April 2019 in El Jadida;
  - A symposium on “the Economic, Social, Cultural and Environmental Rights of Women and Youth within the framework of the Action Plan on Democracy and Human Rights”, organized by the Ethics and Values Forum on 16 March 2019 in the headquarters of the Royal Institute of Amazigh Culture;
  - A symposium on “the New Development Model and the Roles of the Civil Society”, organized by the National Observatory for the Rights of the Elector on 26 April 2019 in Rabat,

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

- A symposium organized by the Damir Movement on “Individual Freedoms and Societal Transformations” on 4-5 July 2019.
- 224- The Council participated in an international symposium organized on 7-8 January 2019 by the Supreme Council of Education, Training and Scientific Research on the topic of “Inclusive Education: A Conceptual Shift, Transformation in Practices and Challenges related to Evaluation”, the purpose of which was to reduce the exclusion of children with disabilities, encourage their inclusion and secure their right to education. The Council’s contribution focused on the implementation of the right to education and training for persons with disabilities, especially from the viewpoint of implementing the value of equality and non-discrimination.
- 225- The Council participated in the seminar on “The Framework Law No. 17.51 related to reforming the education and training system: “Obstacles and Perspectives for the Advancement of the Moroccan School”, organized by the Moroccan Coalition for Education for All on 23 February 2019 in Rabat, in partnership with Alternatives Forum Morocco.
- 226- Within the framework of the Council’s participation in the 25<sup>th</sup> edition of the International Book and Publishing Fair, organized between 7 and 17 February 2019 in Casablanca, the Council devoted its participation to the topic of “Migration : Rights without Borders”. Through its activity program, the Council aimed at taking stock of the outcome of Moroccan policies in the area of migration and asylum and their regional and international dimensions, discussing immigrants’ access to economic and social rights, sharing a range of citizens’ initiatives in the area of protecting and promoting the rights of foreigners in Morocco, raising the awareness of children and teenagers regarding the rights of the migrants, bringing the scientific and literary productions closer to readers and interested people, as well a paying tribute to a number of civil society actors working in the field of immigration and the protection of immigrants’ rights. 30,000 visitors visited the Council’s pavilion, and approximately 100 national and international actors participated in the events organized therein.

## II. Rabat - Driss Benzekri Institute for Human Rights

227- Rabat-Driss Benzekri- Institute for Human Rights was restructured in May 2019 through creating a scientific committee composed of Moroccan and foreign experts, researchers, professors and law professionals<sup>35</sup>. The objective of

35 - Raji Essourani (the founding president of the Palestinian Human Rights Center) – Palestine. Souhir Belhacen (former president of the International Federation for Human Rights) - Tunisia. Hany Majli (prominent human rights activist and expert in human rights) – Egypt. Amina Bouayach (former president the Moroccan Organization for Human Rights and former president of the International Federation for Human Rights – President of the National Human Rights Council) – Morocco. Mabassa Fall (Professor of political science and a founding member of the African Union of



## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

restructuring the institute, besides making it a reference center in the area of human rights and capacity-building, is to create a space for discussions around a range of issues relating to human rights and a center for research and publishing, especially through using modern communication technologies and consolidating knowledge relevant to human rights.

228- The Institute's scientific committee is entrusted with the task of coordinating and ensuring the scientific quality of the Council's publications so as to better consolidate a human rights action which is proactive in preventing violations, effective in protecting victims and resolute in promoting a human rights culture. The Institute and the scientific committee are also tasked with moderating training sessions, by identifying their objectives, formulating their programs, as well as evaluating their outcomes and efficiency and, if need be, intervening to make the relevant reform and orientation.

229- The scientific committee held an open meeting on 15 May 2019, attended by its members, university presidents, college deans, members of Parliament, representatives of governmental sectors and civil society. During this meeting, emphasis was placed on pursuing and perfecting the efforts made by the Institute, in a way that makes the beneficiary groups capable of effectively intervening to protect and promote human rights.

230- From 24 to 26 June 2019, the Institute hosted a training session for 23 members and executives from Francophone national institutions for human rights on the tasks of the anti-torture mechanisms. In July 2019, a training workshop was also organized in partnership with the Arab Network of National Human Rights Institutions on accreditation by the Global Alliance of National Human Rights Institutions. On 12 and 13 July, the Institute hosted a seminar on refugee protection regulations, in accordance with the Global Compact on Refugees, attended by representatives from national African institutions. In order to communicate about its tasks, the Institute received a delegation from the National Commission for Human Rights in

---

Human Rights) – Senegal. Mbarek Bouderra (former member of the Equity and Reconciliation Committee) – Morocco. Asmae Lamrabet (interested in issues of religious reform and the problematic of women in Islam – member of the academic committee of the equality network in Kuala Lumpur) – Morocco. Marcela Cubillos (Professor specialized in social history and vulnerable groups) – Chile. Ahmed Chaouki Benyoub (Expert in human rights and former member of the Equity and Reconciliation Committee – Delegate minister of human rights) – Morocco. Hassan Tariq (Professor of political science and president of the Moroccan Association for Political Science) – Morocco. Tayeb Biad (Professor of modern and contemporary history) – Morocco. Mohamed Benillou (Professor of Penal Law and criminal procedure at the Higher Judicial Institute) – Morocco. Katerina Rose (the coordinator of the Global Alliance of National Human Rights Institutions in Geneva) – Germany. Mustapha Rissouni (former president of the Bar of Lawyers in Morocco and former member of the Equity and Reconciliation Committee) – Morocco. Mohamed Lamhifid (Professor of political philosophy and religious philosophy) – Morocco.

Sudan on 21 October 2019.

231- On 28 November 2019, the Institute hosted a meeting on “Universal health coverage: stakes and challenges of integrating immigrants”, attended by 35 staff members from the Council and civil society representatives. Another meeting was held on 11 December 2019 on “Human rights education: between the academic approach and the human rights civil action”, which was attended by 18 participants, in collaboration with the Moroccan Human Rights Organization. On 28-29 December 2019, the Institute hosted an interactive workshop for 11 educators in primary schools and the Regional Center for Education and Training of Teachers on “the theater as a vector of human rights values at schools”.

232- In 2019, the Institute also hosted three training sessions for 90 beneficiaries (30 per session) from different categories (students, researchers, professionals, civil society activists) belonging to the Yemeni community in Morocco, in partnership with the Yemen embassy in Rabat. These training sessions were moderated by experts from within and outside the Council, and included presentations on the core human rights instruments and the International Humanitarian Law.



# Chapter Three: Relationship with the Legislative Institution

---

## Key Figures

---

2

Memoranda about laws

125

Thematic recommendations

30

General  
recommendations

CHAPTER THREE: RELATIONSHIP WITH THE LEGISLATIVE INSTITUTION

233- The Council has endeavored to strengthen its relationship with the legislative institution, thus implementing the Belgrade Principles on the Relationship between National Human Rights Institutions and Parliaments. Two memoranda of understanding were signed between the two institutions to support adopting the human rights-based approach in the work of the legislative institution, namely in law-making process, monitoring of Government work, assessment of public policies and parliamentary diplomacy. The Council created an administrative unit in charge of mediation and relationships with the Parliament given the importance of cooperation between the two institutions and the promotion of their excellent relationship.

**I – Monitoring parliamentary action in the field of human rights**

**A. In law-making**

234- The Council notes a growing interest in human rights during the legislative year 2018-2019. This appears through the law-making and monitoring outcome in relation with human rights and other relevant activities. From a human rights perspective, the year 2019 witnessed the adoption by both chambers of the Parliament of 16 legal texts<sup>36</sup> broken down in terms of legal nature to 12 bills, 3 draft organic laws and 1 draft law.

235- The Council also followed the discussion of the draft Finance Law of 2020, namely Article 9 which bans the seizure of the assets and properties of the State or the territorial collectivities upon execution of court decisions and orders. This legal provision is likely to seriously undermine the rights of citizens, business contractors, businesses and investors, and weaken their trust in orders and decisions issued by the justice.

---

36 - Bill 31.13 related to the right to obtain information; Bill 103.13 related to fighting violence against to women; Bill 65.15 related to social welfare institutions; Bill 38.15 related to the organization of the judiciary; Bill 44.18 related to military service; Bill 33.18 to amend and complete the Penal Law; Bill 89.18 to amend and complete Act 22.01 related to Penal Law; Bill 76.15 related to the reorganization of the National Human Rights Council; Bill 14.16 related to the institution of the Ombudsman; Draft framework law 51.17 related to the system of education, training and scientific research; Bill 01.19 on the headquarters agreement signed in Marrakech on 10/12/2018 between the Government of the Kingdom of Morocco and the African Union related to the creation of the African Observatory on Migration in Rabat; Bill 62.17 related to the administrative supervision of Soulaliyate communities and the management of their properties; Draft organic law 04.16 related to the National Council of Languages and Moroccan Culture; Draft organic law 26.16 on the process of adopting Tamazight as an official language, its integration into the education system and into priority areas of public life; Draft organic law 86.15 on laying down conditions and modalities to implement Article 133 of the Constitution; Proposed law to complete Article 9 of the Dahir 1.03.194 of 11 September 2003 to promulgate the Act 65.99 related to Labor Law.

## **B. In monitoring Government action**

- 236- The Council observed Parliament Members' monitoring of governmental action during the legislative year 2018-2019 through questions asked to the members of the Government on different issues of concern to the citizens. The members of Parliament asked a total of 406 questions directly linked to human rights, 275 of which were written and 131 were oral questions. The House of Representatives addressed to the Government 298 questions whereas the Chamber of Counselors, according to information available to the Council, addressed 108 questions.
- 237- The total number of questions related to the rights of specific groups (children, youth, women, persons with disabilities, older persons, foreigners, and persons with mental and psychiatric conditions) is 209; those related to public freedoms (freedom of unions and associations, freedom to protest ...) 58 questions; those related to business and human rights 32 questions; those related to the judicial system 51 questions; those related to prisons and prisoners 26 questions; those related to the follow-up of the implementation of the recommendations of the Equity and Reconciliation Commission 13 questions; and those related to the Al Hoceima protests 17 questions.

## **II – Cooperation between the Council and the Parliament**

- 238- The Council received the members of the exploratory mission team initiated by the Justice, Legislation and Human Rights Committee in the House of Representatives, and provided them with all information available to the Council that would be useful to them as they visited the prisons of "Moul Lbergui" in Safi, "Oukacha" in Casablanca and "Toulal" in Meknes in February 2019. The Council also followed up the temporary exploratory mission on quarries initiated by the Infrastructure, Energy, Mines and Environment Committee of the House of Representatives in January 2019.
- 239- The Council was keen on attending most of the national and international conferences and seminars related to human rights organized by the legislative institution during the year 2019. Those events were organized by the House of Representatives or the Chamber of Counselors and sometimes on initiatives of parliamentary groups and sub-groups. In the field of transitional justice, the Council co-organized the International Conference about "Experiences of National Reconciliation" held in Rabat in January 2019. This event was initiated by the Chamber of Counselors in partnership with the Association of Senate, Shoora and

Equivalent Councils in Africa and the Arab World. As regards the reform of the judicial system, the Council participated in the seminar on “The Role of Forensics in Helping the Judiciary Authorities”. The Council also participated in other events related to social and territorial justice, strengthening fundamental rights and the rights of specific groups such as foreigners, children, women and persons with disabilities.

240- On 11 December 2019, the Chamber of Counselors co-organized with the Council a seminar on the topic “Contribution of the Parliament in following up the implementation of the recommendations to support the Universal Periodic Review”. The event was an opportunity to strengthen consultation and identify action procedures to follow up the recommendations to be adopted during the next session of the Universal Periodic Review, and follow up on the implementation of regulations related to human rights. Many staff members of the Council participated in the discussions about the issues and recommendations of the Universal Periodic Review, namely in the fields of the rights of children, women and persons with disabilities.

241- The Council participated in a seminar organized in the premises of the Chamber of Counselors on 13 December 2018 on “Citizenship and Human Rights”. The contribution of the Council underlined the importance of human rights values in shaping and consolidating citizen’s conduct based on the universal human rights references. It also participated to a national conference co-organized by the Organization Alternatives for Children and Youth and the Chamber of Counselors on 26 December 2018. During this event, the Council made a presentation on the public policies on the promotion of the children’ situation in Morocco.

242- The Council is keen on maintaining and strengthening its communication with the legislative institution, through providing the parliamentary entities with its various publications and receiving international parliamentary delegations visiting the legislative institution, to discuss topics of common interest.

With regard to strengthening the role of the legislative institution in promoting human rights, the Council recommends the following:

- Completing the ratification process related to the draft organic law No. 97.15 laying down the conditions and modalities to exercise the right to strike.
- Completing the ratification process of the draft and proposed laws pertaining to

Law 10.16 amending and completing the Penal Code, the Bill on the organization of the practice of forensic medicine, and the Bill on the fighting mental disorders and protecting the mentally ill.

- Seeing to the adoption of the human rights approach while examining and discussing partial budgets of governmental bodies and other institutions.

- Extending the missions of the Justice, Legislation and Human Rights committees in a way that is consistent with the conclusions of the report of the Office of the United Nations High Commissioner for Human Rights A/HRC/38/25.

- Supporting the approach adopted by the Government through strengthening Parliament Members' participation in the negotiations related to the preparation and follow-up, in all stages, of reports submitted to international human rights organizations, including UN bodies, and participation in the events organized in this regard, namely in the sessions of the Human Rights Council and the Universal Periodic Review.

- Supporting the initiative of the Parliamentary Network against the Death Penalty and supporting its advocacy aiming at abolishing the death penalty.





# Chapter Four: Human Rights and the Media

---

## Key Figures

---

447.000

Visits of the Council website

6000

Articles on the Council

16781

Articles on human rights

42291

Followers of the Council  
on Facebook

134.000

Visitors of the Council  
website

18000

Followers of the Council  
on Twitter

3000

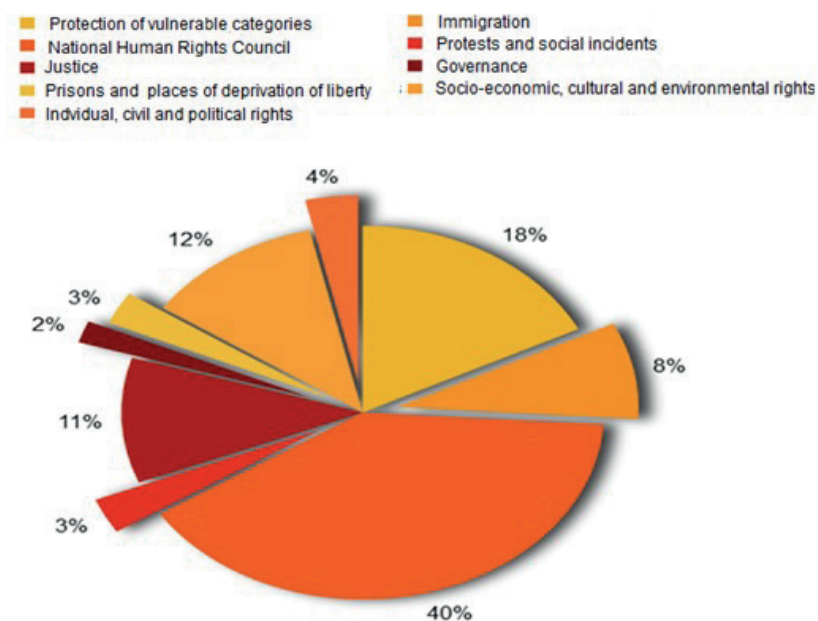
Communication media

CHAPTER FOUR: HUMAN RIGHTS AND THE MEDIA

**I – Media coverage of human rights issues**

- 243- The Council follows on a daily basis the information published in the press and the various new media. It considers the media as a tool to measure the effectiveness of human rights, follow the new developments and identify issues related to violations of human rights. The Council has a permanent observation unit in charge of monitoring human rights in the press (newspapers and a number of information websites). The detected press materials are kept in the Council's internal database which allows, up to the end of 2019, the consultation of more than 143 thousand materials (75% of them from Arab-speaking press organizations). They are classified in an exhaustive thesaurus or a hierarchy of subject headings, that classifies press articles according to the right or the rights they handle. The Council started using this tool in 2013 and the database shows how the media have been dealing with human rights issues.
- 244- The number of articles in national newspapers monitored by the Council as covering issues related to human rights amount to 16,781 in 2019. The analysis of this material shows that the topics relating to the protection of persons in vulnerable situations captured the interest of the press in 2019 with a total of 2,627 articles, representing 18% of the total observed material. Articles related to the right of persons with disability represented 9% and those dealing with the right of older persons only 1%.
- 245- Topics related to the socio-economic and cultural rights came in the second place with 2,046 articles, followed by those treating justice issues with 1,664 articles and migration issues with 1,145 articles. Issues related to civil and political rights ranked among the last in the classification as they represent only 4% of the monitored articles, ahead of issues related to prisons, places of deprivation of liberty and social protests with 3% each, and topics related to governance with 1%.

**Figure 1: Representation of articles**



## II – The Council in the press

246- The year 2019 was marked by the continuation of the Council’s efforts in contributing to raising human rights issues in the public sphere and facilitating and moderate public debate around them. The media covered the Council’s campaigns (such as the campaign against marrying minor girls, as mentioned earlier in this report), meetings, conferences and seminars. The Council also participated in TV and radio shows and gave interviews to newspapers and information websites and posted human rights content in social media.

247- In 2019, newspapers and information websites dedicated 6,000 articles to cover the activities of the Council (compared to 5,210 in 2018). Though the Council-related articles made the headlines in newspapers 254 times in 2019 (roughly the same number in 2018), the majority of articles covering the activities of the Council were of informative nature in 97% of cases.

248- The figures related to media coverage of the Council underline the interest of the newspapers and other media in its activities and their keenness on providing the public opinion with the news related to human rights from the angle related to the Council’s attributions. Those figures also reveal the amount of challenges that the mass media have to face in promoting media approaches based on stimulating public debate on human rights issues; promoting human rights concepts through facilitation and dissemination; and making advocacy of human rights through the media.



Figure 1: The Council in the press in 2019

249- As the graph above shows, media coverage increase was linked to some major events, such as the designation of the President of the Council in December 2018, the coverage of the activities of the Council’s pavilion in the International Publishing and Book Fair, the participation of the Council in the Medi I TV show called “Chabab Vox” in February 2019, the designation of the Council’s General Secretary and members in July 2019, the issuance of the new arbitration decisions granted to six hundred twenty-four (624) persons in August 2019 as part of the ongoing implementation of the recommendations of the Equity and Reconciliation Commission (ERC), and the holding of the first general assembly of the Council in September 2019 whereby the Council completed the establishing of its bodies and adoption of its rules of procedure.

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

250- The Council's presence in the media showed some decline by the end of the summer of 2019 but started to increase between October and December 2019. The above graphic and the following one show these trends. This is due to the additional memorandum issued by the Council in late October 2019 on Bill 10.16 related to the amendment of the Penal Code and the great interest raised by this memorandum in the media.

251- The comparison of data available in the Council's abovementioned database shows that 40% of all articles monitored in the media about human rights issues in Morocco handle them in relation to the Council, and this percentage keeps practically unchanged during the year.

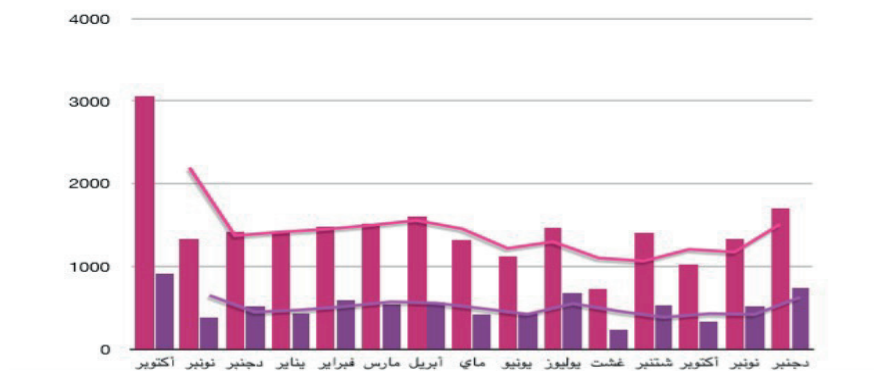


Figure 2: The Council compared to human rights in the press in 2019

### III – The Council in the digital space

252- The Council is keen on assuring a regular presence in the digital space and uses capacities and tools available online to publicize its missions, attributions, activities, achievements, reports and news. It also releases information on its activities to insure a better dissemination of the human rights culture as well as a better and direct communication the citizens. The presence of the Council is materialized in the digital space through its website and through social networks.

253- The CNDH website, built in four languages (Arabic, French, English and Spanish), is the official information media. It informs its visitors on a daily basis of the news, projects and work horizons. It further provides them with documents and data on human rights through four major components: Information (communiqués, latest news, bids); Documents (reference documents, publications, archives); Practical Information (addresses, organizational chart, professional and academic

backgrounds); and Multimedia Resources with links to social media, namely Facebook and Tweeter.

- 254- To keep up with the new organizational chart of the Council, the website will be updated to be in harmony with the new attributions of the Council and the freshly created mechanisms. In 2019, the Council's website pages were visited more than 447 thousand times by more than 134,000 visitors.
- 255- As for social media, the Council made sure upon the launching of its accounts and pages on the networks to establish an interaction charter regarding contents published on them. The total followers of the Council on the platforms of Facebook and Tweeter are about 59,000 (18,000 on Twitter and 31,000 on Facebook in Arabic and 11,291 on Facebook in French).

# Chapter Five: Cooperation and International Relations

---

## Key Figures

---

72

Visits of foreign delegations

8

Responsibility positions the Council held within international or regional networks of national human rights institutions

7

Activities organized or attended by the Council in Africa

14

Written and oral contributions and joint meetings with the international human rights system

5

Reports the Council called to tackle the delay in submitting them to conventions committees

1

ILO convention the Council urged accession to

7

International human rights instruments the Council urged accession to

10

Partnerships with UN and international bodies



CHAPTER FIVE: COOPERATION AND INTERNATIONAL RELATIONS

256- There is a growing international recognition of national human rights institutions as a major actor and partner of the United Nation's human rights system. NHRIs act as a bridge between civil society and the Government on a national level as well as a liaison between the national and international levels. Independent institutions constitute a reliable source of information for the United Nation's Human Rights Council and its special procedures, as well as for treaty bodies and regional groups like the African Union, the European Union, the Council of Europe and other regional and international institutions. These institutions also contribute to the consolidation of international and regional human rights standards and urge Governments to ratify and adhere to the regional and international human rights instruments. They enjoy special credibility in international and regional forums where international standards are produced and drafted.

257- The National Human Rights Council continued cooperation, coordination and interaction with regional and international organizations working in the field of human rights, namely UN bodies such as the Human Rights Council, the Universal Periodic Review, treaty bodies and special procedures, the OHCHR, the UN agencies in Morocco, regional and international networks of national human rights organizations, the African Union mechanisms, European institutions, as well as international NGOs.

**I – At the level of the United Nations system:**

**A- Human Rights Council**

258- The Council interacts with the UN Human Rights Council, participates in parallel meetings and presents oral and written statements on human rights or on the reports of the visits made by UN rapporteurs to Morocco. During the 40<sup>th</sup> session of the Human Rights Council, held between 25 February and 22 March 2019 in Geneva, the Council made a presentation on the occasion of the annual meeting on the rights of children with disability<sup>37</sup>. It called for the adoption of an inclusive educational policy in favor of all persons with disability without exclusion that is based on the nature or degree of disability. It stressed the fact that the majority of children with disability does not benefit from sufficient support to enjoy this right to education.

---

37 - See section of the protection of the rights of children (...)

259- On 11 September 2019, during the 42nd session of the Human Rights Council, the CNDH made an oral presentation within the framework of the interactive dialogue held with the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence. The Council praised the importance that the Rapporteur gave to the Moroccan experience in the effective implementation of national programs, particularly in the field of the truth finding, reparation for victims and right holders, consultation with the civil society and collective reparation. The meeting was also an opportunity to present new developments related to the implementation of the recommendations of the Equity and Reconciliation Commission (ERC), especially the issuance of new arbitration decisions<sup>38</sup>. In this regard, the Council presented a written document on the same topic which was posted on the website of the High Commission on Human Rights as a United Nations reference document.<sup>39</sup>

#### **B- Treaty bodies**

260- The Council contributes to the preparation of national reports intended for the various UN bodies created by virtue of treaties ratified by Morocco. The contribution takes the form of comments on the reports drafts, participation to the consultation meetings held by the Government, and elaboration of specific notes underlining the items that the national reports failed to mention but were handled by the Council, or fall under its attributions. In 2019, the Council participated in preparing the national report to be presented to the UN Committee on Enforced Disappearances. The Council's contribution consisted of comments on form and content of the report, which were shared with the Ministry in charge of Human Rights.

261- Within the framework of the National Consultation Meeting organized on 23 April 2019 in Rabat, dedicated to the preparation of the national report to be presented to the UN Committee on the Elimination of Racial Discrimination, the Council made its preliminary observations on the draft report. It underlined the need to react to the previous recommendations of the Committee, see to what extent they were implemented and respond to the concerns expressed in the concluding remarks addressed to the country following examination of its 17th and 18th Comprehensive Periodic Reports. The Council also suggested that the report contain indexes and numerical data that accurately define the difficulties faced by our country in implementing the provisions of the treaty.

38 - See Section related to the implementation of the ERC's recommendations

39 - <https://undocs.org/A/HRC/42/NI/7>

- 262- The Council undertakes to present its parallel reports to these committees upon examination of the national State reports. It will also participate to the interactive debate initiated by the two committees on the extent of compliance of our country to commitments taken under the International Convention for the Protection of all Persons from Enforced Disappearance and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
- 263- While the Council praises, in this context, the efforts made by the Government in order to present periodic reports to the international human rights system, especially after the creation of the ministry in charge of Human Rights, it notes the delays in submitting five reports to UN treaty bodies. Namely:
- Periodic reports No. 19, 20 and 21 in a single document that were supposed to be submitted to the Committee on the Elimination of Racial Discrimination in January 2014.
  - The 5th and 6th comprehensive reports that were supposed to be filed with the Committee on the Elimination of Discrimination against Women in 2014.
  - The 1st report due to be presented to the Committee on Enforced Disappearance in June 2015.
  - The 5th report due to be presented to the Committee against Torture in November 2015.
  - The 2nd report due to be presented to the Committee on the Rights of Migrant Workers in September 2018.

The Council addresses the following recommendations to the Government:

- Making up for the delay in presenting the national periodic reports and seeing to make timely presentations while promoting the participatory approach in preparing and adopting the reports and opting for a simplified process in the drafting thereof, which allow to define the concerns of the treaty bodies and thus responding to them in the national reports.

- 264- In its interaction with the Subcommittee on Prevention of Torture, the Council informed this UN body of the developments related to the National Mechanism for Prevention of Torture since the adoption of the new Law reorganizing the Council, and briefed it on all new features on the legislative, institutional and procedural levels.

In this respect, the Council invited the Subcommittee on Prevention of Torture member, Mrs. Catherine Bolly, to participate in a information meeting organized on 12 April 2019 to discuss the establishment of the National Preventive Mechanism against Torture. Regarding this topic, the Council underlines with satisfaction the importance of the report of the Subcommittee subsequent to its field visit to our country in October 2017.

The Council addresses the following recommendation to the public authorities:

- Publishing the report of the Subcommittee on Prevention of Torture as this report is of great importance in the promotion of human rights protection and prevention of any violations thereof.

#### C- Special procedures mandate-holders

265- The Council and its Regional Commissions in Tanger-Tetouan-Al Hoceima region and Souss-Massa region, held a working meeting with the Rapporteur on Contemporary Forms of Racism and Racial Discrimination, Xenophobia and Related Intolerance, who visited Morocco between 13 and 31 December 2018. The report<sup>40</sup> published after this visit mentioned the leading role of the Council in promoting equality and human rights and the existence of 12 Regional Commissions that monitor human rights issues and follows up on regional dynamics on equality all over the country. The report made four recommendations to the Council and its Regional Commissions:

- Take a leading role in promoting deeper understanding of human rights in relation to manifestations of racism, racial discrimination, xenophobia and related intolerance, which all occur even in societies such as Morocco, with a historically diverse and multicultural national identity.
- Take a leading role in the national adoption and implementation of a national action plan to combat racism, racial discrimination, xenophobia and related intolerance in accordance with the Durban Declaration and Program of Action.
- Strengthen the capacity and expertise of the Council's Regional Commissions to address racism, racial discrimination, xenophobia and related intolerance, paying particular attention to regional dynamics that affect racial equality.

40

- <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/148/68/PDF/G1914868.pdf?OpenElement>

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

- Increase resources and facilitate training opportunities for the Council's Regional Commissions on international human rights obligations to combat racism, racial discrimination, xenophobia and related intolerance, paying special attention to local variations in the manifestations of these issues.

266- During the 41st session of the UN Human Rights Council held between 24 June and 12 July 2019, the Council expressed in an oral intervention<sup>41</sup> its commitment to implementing these recommendations, especially those related to capacity building.

The Council makes the following recommendation to the Government:

- Implementing the recommendations of the Special Rapporteur, namely those regarding the adoption a specific legal framework and public policies to combat racism, racial discrimination, xenophobia and related intolerance, and strengthening preventive measures through education, training and awareness-raising.

267- Within the framework of the consultation organized by the group on business and human rights on 10 and 11 October 2019 in Geneva, the Council made a presentation on its experience in facilitating access to remedy in business-related human rights abuses. Regarding public policies, the Council underlined that the government action plan on democracy and human rights includes a suggestion of this aiming at putting in place a national action plan on business and human rights in accordance with the UN guiding principles. It also mentioned the report on human rights in Morocco, elaborated in 2018 within the context of Moroccan candidacy to host the World Cup finals in 2026. The report included an evaluation of a set of issues related to, the human rights situation in the country.

268- The Council participated in the 8<sup>th</sup> Forum of the United Nations on Business and Human Rights organized in November 2019. This forum dealt with many topics including the role of institutions as remedy mechanisms and the developments at the level of the African Union.

269- The Council also responded to surveys conducted by the mandate-holders in the process of preparing their Thematic Reports. The Council submitted written answers to the questions of the Special Rapporteur on the situation of human rights defenders, namely those who work in conflict and post-conflict areas. The Council's answers focused on the role of Regional Commissions in the southern

<sup>41</sup> <http://webtv.un.org/search/idsr-on-racism-30th-meeting-41st-regular-session-human-rights-council/6056597692001/?term=hamdi&lan=english&sort=date#player>

provinces in promoting and protecting human rights.

270- The Council also accepted two invitations from special procedures mandate-holders. It participated in a seminar to evaluate the interaction with the Special Rapporteur on the Right of Migrants in Mexico in November 2019, in celebration of the 20th anniversary of the creation of this mandate. It also participated in a webinar with the Special Rapporteur on Human Rights and the Environment by presenting the Moroccan experience in the field of environmental rights.

The Council addresses the following recommendation to the Government:

- Addressing permanent and open invitations to special procedures mandate-holders to visit our country, which will promote the positive openness adopted in this field, especially after the adoption of the 2011 Constitution.

#### **D- UN Office of the High Commissioner (UNOHCHR) for Human Rights**

271- As part of its continued interaction with the UNOHCHR, the Council's President held a meeting with the High Commissioner for Human Rights Mrs. Michelle Bachelet; in Geneva on Monday 04 March 2019. The meeting was an opportunity to discuss several topics, namely the key achievements and remaining challenges in relation to the situation of human rights in Morocco, the prevention of torture and the monitoring mission of the Council. As a follow-up to this meeting, the Council held meetings with the Moroccan desk officers at the High Commissioner offices in order to define the cooperation framework, particularly the improvement of communication between the two institutions, the organization of a regional annual meeting to discuss human rights developments in MENA region and the processing of individual cases received by the High Commission.

272- The Council made a presentation before the High Commissioner about the situation of human rights in the southern provinces as reported by the three Regional Commissions. The presentation topics were: complaint handling, monitoring of protests, visits made to places of deprivation of liberty, capacity-building, workshops and seminars, cultural rights, and the visits of international actors to the region. In this regard, the UN Security Council has been welcoming in its various resolutions on the Sahara since 2012 the role played by the Council's Regional Commissions in the southern provinces and the measures taken to promote and protect human rights in these provinces. The Resolution No. 2494 issued in October 2019<sup>42</sup> is the

42 - [https://undocs.org/S/RES/2494\(2019\)](https://undocs.org/S/RES/2494(2019))

latest resolution adopted in this regard.

- 273- The Council also strengthened its partnership with the UNHCR through the organization of two thematic workshops: the first one held in October 2019 in collaboration with the Presidency of the Public Prosecutor's Office on Act 103.13 relating to the fight against violence to women, and the second one on how to strengthen the capacities of human rights defenders in the Arab region.
- 274- Regarding individual cases addressed to the Government from different UN mechanisms, and within the framework of the responses of the Government, and following a request made by the latter, the Council presented information about the cases it handled and the measures it undertook, either through its visits to places of deprivation of liberty, through its analysis of received complaints or through trials monitoring.

#### **E- Counter Terrorism Committee**

- 275- Within the framework of the visit made to our country by the executive director of the UN Counter Terrorism Committee, Mrs. Michele Coninx, the Council received the delegation on 28 June 2019. In this meeting, the Council presented its missions in the fields of protecting human rights of the persons deprived of freedom and follow-up of the reconciliation program "*Mousalaha*" dedicated to detainees convicted under the counter-terrorism law, its efforts in reforming the criminal legislation, the initiatives it conducted to promote human rights culture, especially in schools through the civics and human rights clubs, and the endeavor to increase awareness on the principles of human rights and related universal values among law enforcement members, namely those who work in the General Penitentiary Administration and Reinsertion, the Gendarmerie Royale, the Police and the Auxiliary Forces.

#### **F- Ratification of international instruments on human rights**

- 276- Despite the progress made by the country, as it has ratified or joined the 9 core international human rights instruments as well as four additional protocols, it has not yet acceded to five other protocols.
- 277- In this respect, the Parliament adopted laws approving on three additional protocols to three core treaties: Act 59.12 to ratify the Optional Protocol to the

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

Convention on the Rights of the Child on a communications procedure<sup>43</sup>, Act 125.12<sup>44</sup> to ratify the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, and Act 126.12<sup>45</sup> to ratify the Optional Protocol to the International Covenant on Civil and Political Rights.

278- Morocco also ratified all core conventions of the International Labor Organization, except the Convention No. 87 related to Freedom of Association and Protection of the Right to Organize, adopted in 1948.

The Council addresses the following recommendations to the Government:

- Speeding up the ratification procedure of the three remaining protocols in order to strengthen our country's conventional practice in the field of human rights.

- Acceding to the 2<sup>nd</sup> Optional Protocol to the International Covenant on Civil and Political Rights aiming at Abolishing the Death Penalty, and meeting its commitment to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights<sup>46</sup>

- Acceding the Convention No. 87 related to the Freedom of Association and Protection of the Right to Organize

#### G- Moroccan Experts in the United Nations human rights system

279- During the last year, the presence of Moroccan experts in the United Nations human rights system was strengthened by the appointment of former or current members of the Council as UN experts. Mr. Mohamed Ayat was elected as chair of the Committee on Enforced Disappearance in June 2019 and Mr. Mohamed Charef was elected member of the Committee on Migrant Workers during the 9<sup>th</sup> meeting of States Parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families held in New York on 10 June 2019. Mr. Abdellah Ounnir was elected in Geneva on 24 February 2019 as vice chair of the Subcommittee on Prevention of Torture and Ms. Najat M'jid was appointed as special representative of the Secretary-General on Violence against Children.

43 - Official Gazette No. 6140 of 04 April 2013

44 - Official Gazette No. 6387 of 17 August 2015

45 - Official Gazette No. 6387 of 17 August 2015

46 - Governmental Program Declaration for 2016-2021.



## **II – Collaboration with the UN bodies accredited to Morocco**

- 280- Within the framework of the collaboration and partnership with United Nations bodies represented in Morocco, the Council coordinates its interaction with these bodies through the “United Nations Development Assistance Framework”. In partnership with the UNHCR and on the occasion of the adoption of the Global Compact for Safe, Orderly and Regular Migration, and the participation of the International Organization for Migration, the Council organized on 18-19 December 2018 in the Rabat / Driss Benzekri Institute for Human Rights a seminar attended by African national institutions of human rights to discuss issues related to the protection and promotion of the rights of migrants. The event gathered representatives of African national institutions of human rights in charge of migration and the rights of migrants from Niger, Mauritania, Algeria, Democratic Republic of Congo, Mali, Senegal and Morocco.
- 281- In December 2019, the Council organized a conference on refugee protection systems, where experiences, good practices and lessons learnt were shared in order to strengthen the existing mechanisms and contribute to the effective implementation of international commitments contained in the Global Compact on Refugees. The conference witnessed the participation of representatives of African national institutions from Mauritania, Niger, Mali, Côte d’Ivoire, Ghana, Kenya, Democratic Republic of Congo, Zimbabwe and Senegal in addition to experts from the United Nations and the African Union mechanisms. The conference adopted a final declaration on the various roles of the national human rights institutions in realizing the rights of refugees under the Global Compact on Refugees.
- 282- The Council is discussing a cooperation memorandum with UNESCO, following the publication in 2015 of a joint guide on citizenship and human rights designed for the youth<sup>47</sup>. The CNDH President also participated, with the representative of UNESCO in the Maghreb region, in the international conference on “Gender-related studies, Academia and Equality Culture” organized on 29 March 2019. The objective of this event was to share experiences and draw the attention of decision-makers, academia and the public to the importance and necessity to conduct and disseminate gender-related studies.
- 283- The Council is working with the United Nations Population Fund (UNFPA) to draft a cooperation program, particularly in the field of youth and the right to reproductive and sexual health. The President of the Council made a presentation,

---

47 - <https://unesdoc.org/ark:/48223/pf0000234423>

## **ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019**

### Effectiveness of Human Rights within an Emerging model of Liberties

during the ceremony jointly organized with the UNFPA to launch its report on the State of World Population in 2019, in which she underlined that the effectiveness of human rights and freedoms should not be limited to legal texts but should be appreciated in its capacity to change realities and facilitate access of all citizens to basic rights.

284- Within the framework of partnership with UNICEF, the year 2019 witnessed the drafting of a new working program (2019-2020), whereby a set of priorities were defined, namely: the support to establish a complaint mechanism for children victims of child rights violations, the preparation of a separate participatory program to follow up with the concluding remarks of the United Nations Committee on the Rights of the Child pending preparation of a report by the Council, and the building of capacities of associations working in the field of the rights of the child.

285- In partnership with the Joint United Nations Program on HIV / AIDS, the Council is supporting the implementation, monitoring and evaluation of the National Strategy on Human Rights and AIDS, with due consideration to gender and human rights aspects. The Council is partner to the International Organization for Migration in helping and protecting non-accompanied minors and those separated from their parents.

286- In December 2019, the Council participated within the framework of the Campaign “Sixteen days to stop violence against women” in a meeting about advocacy aiming to end minor girls marriage. This meeting gathered many UN specialized agencies, namely UNICEF, UN Women and UNFPA, in collaboration with the Belgian Embassy in Morocco.

### **III – At the Level of the African Union**

287- Since the return of Morocco to the African Union, the Council has made of strengthening its participation and interaction with the African human rights system a strategic priority, given its importance in protecting and promoting human rights on the national and continental levels. The African Union has developed throughout the past years standards and mechanisms which support the international protection system. This framework constitutes for the Council an opportunity to act with others and share experiences and best practices.

288- The Council endeavored to strengthen and institutionalize its relationships with the African Union human rights system, namely the African Commission on

Human and Peoples' Rights. The Council participated at the ordinary sessions of the African Commission on Human and Peoples' Rights and organized side events during these sessions. It also participated in the dialogue and consultation around issues of concern at the regional level, exchanged visits, supported the participation of civil society organizations from Morocco and North Africa in the Forum of non-governmental organizations and promoted capacity-building.

289- On the margins of the 64<sup>th</sup> session of the African Commission on Human and Peoples' Rights held in Sharm El Sheikh in April 2019, the Council participated in the African Forum of civil society organizations (20-22 April 2019). It held a high-level meeting on the follow-up of the implementation of the Global Compact on Migration (23 April 2019), whereby an overview of the Moroccan experience was presented. The presentation underlined that this experience adopts a human rights approach and mentioned the launching of two exceptional operations to regularize the administrative situation of foreigners in Morocco, with the adoption of a special procedure dedicated to women and children, the initiation of reforms to amend the legal framework related to migrants and refugees and the adoption of a law on combating human trafficking.

290- The Council participated in the opening session of the 65<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights held on 21 October 2019 in Banjul (The Gambia). During this opening session, the Network of African national human rights institutions presented a declaration whereby it expressed its concern about the shrinking of the democracy space in Africa. It made a special focus on the Global Compact on Migration adopted in Marrakech in 2018 and welcomed the work performed by the Action Group on Migration presided by the Council.

291- On the margin of the same meeting, the Council supported the participation of the North-African NGOs (Morocco, Algeria, Egypt and Tunisia) in the Forum of Non-governmental Organizations organized between 17 and 19 October 2019 in Banjul. The NGOs contributed to the drafting of the recommendation submitted afterwards to the African Commission on Human and Peoples' Rights.

292- In the field of capacity-building, the Council, in partnership with the African Center for Democracy and Human Rights Studies, organized in the period between 3 and 5 July 2019 in the Rabat-Driss Benzekri Institute for Human Rights, a training session on "African human rights system and advocacy techniques". This session witnessed the distinguished participation of commissioners of the African Commission on Human and Peoples' Rights and human rights defenders from

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

The Gambia, Tunisia, Benin, Algeria, Mauritania, Niger, Egypt, Cote d'Ivoire, Senegal, Democratic Republic of Congo and Morocco. Many topics were discussed during this seminar including the mandate of the African Court on Human and Peoples' Rights, its missions, its complementarity with the African Commission on Human and Peoples' Rights and the ways to make parallel reports to the Commission, as well as the role of civil society in monitoring the implementation of the African Union's instruments in the field of human rights.

293- In the 3rd Political Forum of the African Union Commission and the Network of African National Human Rights Institutions (NANHRI) held on 5-6 September 2019 in Addis Ababa, the Council contributed to the multi-lateral dialogue on "the participation of African national human rights institutions in finding permanent solutions to forced displacement in Africa". Political discussions took place between the permanent representatives of the African Union Member States, the African national institutions, civil society organizations, academia, media and other development partners.

294- Upon the Council's initiative, supported by the African Commission on Human and Peoples' Rights and the African Center for Democracy and Human Rights Studies, the Network of African National Human Rights Institutions held on 20 October 2019 a consultative meeting around the creation of a Forum of African national institutions to be organized in parallel with the sessions of the African Commission on Human and Peoples' Rights. This discussion was further conducted during the meeting of the Network held in Cairo where it was agreed to establish baselines for a final agreement on the creation of the Forum in a coming session of the African National Human Rights Institutions Network.

295- Upon an invitation and coordination of the Council, Ms. Soyata Maiga, Chairwoman of the African Commission on Human and Peoples' Rights made a visit to Morocco from 20 to 24 September 2019, accompanied by Mr. Rémy Ngoy Lumbu the commissioner in charge of human rights defenders, Mr. Mohamed Mbasa Fal, representative of the International Federation for Human Rights at the African Union and the executive director of the African Center for Democracy and Human Rights. During this visit, meetings were organized with representatives of both chambers of the Parliament and of national governance institutions. The visiting delegation also attended the opening ceremony of the Council's General Assembly held on 21 September 2019. In this ceremony, an appreciation award was granted to Ms. Soyata Maiga in recognition of her endeavor during her career in defending human rights in Africa.

The Council addresses the following recommendation to the Government:

- Ratifying the African Charter on Human and Peoples' Rights. This ratification will be an important move to support the accession of Morocco to the African human rights system and enable the Council to undertake direct participation, dialogue and interaction with the African Commission and with all the African human rights mechanisms.

#### **IV – At the level of international and regional networks of national human rights institutions**

##### **A- The Global Alliance of National Human Rights Institutions (GANHRI)**

296- The Council continues to reinforce its role in the Global Alliance of National Human Rights Institutions (GANHRI)<sup>48</sup>. In this respect, the Council was reelected during the general assembly of the Network of African National Human Rights Institutions (NANHRI) as a member representing Africa in the Sub-committee on Accreditation<sup>49</sup> of the Global Alliance for the period 2020-2023, which is one of the most important bodies in the Alliance. During the same general assembly, the Council was reelected in three mechanisms of the Alliance: the Working Group on Migration<sup>50</sup>, the Financial Subcommittee and the Working Group on Business and Human Rights<sup>51</sup>.

297- The Council presented its experience in the topic of “women and girls rights through the implementation of the mandates of national human rights institutions

48 - By the end of 2019, this Alliance included 123 national human rights institutions, among which 80 are accredited with 'A' status.

49 - This subcommittee assesses the compliance of national institutions with the Paris Principles in terms of legislation and practice. In 2019, the subcommittee made two reports to the Global Alliance. The Council is due to receive the presidency of the subcommittee next year.

50 - The working group on Migration endeavors to insert the roles of national institutions in the Global Compact on Migration. This was indeed achieved as the Compact mentions seven times the role that can be played by the national institutions in achieving the goals of the Compact through partnership and cooperation, particularly in the treatment of complaints and the prevention of violations made to migrants.

51 - The Working group on business and human rights, currently chaired by the German national institution and deputy-chaired by the Council, advocates for the insertion of national institutions as remedy mechanisms in the draft legally binding instrument which, according to the International human rights law, governs the activities of transnational corporations and other business enterprises. In this regard, the draft additional protocol to this Instrument provides that the member states must consider the principles regarding the national institutions of human rights protection and support (Paris Principles) while appointing or creating national implementation mechanisms. This allows that the national institution is the very one which sees to implementation. This Working Group also examines the role that can be played by the national institutions on the drafting of national action plans in the field of business and human rights in accordance with the relevant United Nations guiding principles.

in accordance with the Paris principles” during the 32<sup>nd</sup> annual conference of the Global Alliance held in March 2019. The Council shed light on the efforts made by the Kingdom of Morocco to promote the rights of women as well as on the existing challenges, with a process that started with the reform of the Personal Status Law in 1993 and continued with the adoption of the Family Code in 2004 and the adoption of the law on combating violence against women in 2018. In the same conference, the Council chaired on Wednesday 06 March 2019 a session on the role of national human rights institutions in implementing the Global Compact on Migration, with the participation of speakers from the national institutions of Mexico, Ghana, Greece and the Philippines and the ILO.

**B- The Network of African National Human Rights Institutions (NANHRI)**

298- The Council assumes many responsibilities within the Network of African National Human Rights Institutions (NANHRI). During NANHRI’s General Assembly held in Cairo in November 2019, the Council was unanimously reelected as member of the Steering Committee together with the national institutions of Egypt, Zimbabwe, Nigeria, Zambia, Uganda, Democratic Republic of Congo, Kenya and Ruanda, in addition to, as mentioned earlier, being elected to represent Africa in the three committees of the Global Alliance. As it was mentioned earlier while evoking the cooperation with the African Commission on Human and Peoples’ Rights, the Council presented to the General Assembly a proposal to create the Forum of National Human Rights Institutions with the aim of promoting interaction and cooperation between national human rights institutions and the African Commission on Human and Peoples’ Rights following the example of the Forum of NGOs.

299- During the 12th Conference of the Network of African National Human Rights Institutions (NANHRI) held in Cairo in November 2019 under the theme “The GCM: NANHRI’s common vision, opportunities and challenges in its implementation”, the Council proposed a “preliminary draft” of the final declaration of the conference in its capacity as chair of the working group. This document, which was adopted by the conference, included recommendations about the various roles that can be played by the national institutions to promote and protect the rights of migrants. The President of the Council participated in the opening ceremony of the conference and made a presentation in one of its sessions on the outcome of the working group on migration and the reality of migration in our country. On the sidelines of this conference, the working group on migration, established in December 2018 and presided by the Council, adopted its action plan on a basis of a participatory and consultative approach, a road map and the outcomes of a questionnaire filled

by fourteen (14) African national institutions.

#### **C- The Arab Network of National Human Rights Institutions**

300- The Council is a founding member of the Arab Network of National Human Rights Institutions and has been a member of its executive committee since its creation. It participated in all its annual general assemblies including the latest held in December 2019. The national human rights institution of Palestine assures the current presidency of the Network.

301- The Council participates in various training and experience sharing activities organized by the Network. The Council organized a training workshop on accreditation by the Global Alliance of National Human Rights Institutions in partnership with the Arab Network in July 2019 at the Rabat-Driss Benzekri Institute for Human Rights. During this workshop, the national human rights institutions learnt how to adopt an efficient methodology to obtain accreditation and received information on the modalities of the presentation of the accreditation file.

302- The Council also participated as speaker in a seminar on “a Just Peace for the Middle East” organized by the Arab Network of National Human Rights Institutions, as a side event of the 32nd Conference of the Global Alliance of National Institutions in March 2019, to discuss topics related to fair peace as a pillar to stability.

#### **D- The Francophone Association of National Human Rights Institutions**

303- The Council is deputy-chair of the Francophone Association of National Human Rights Institutions. It participated in the works of the executive board of this Association which launched its official website. The Council made on behalf of the Association comments on the draft international instrument on business and human rights during the 5<sup>th</sup> session of the Intergovernmental Working Group in charge of Preparing a Binding International Instrument on Transnational Corporations and other Businesses and Human Rights held between 14 and 18 October 2018.

304- The Council, the Francophone Association of National Human Rights institutions and the APT, jointly organized with the support of the International Francophone Organization, from 24 to 26 June 2019, a training session aiming at building the capacities of the national human rights institutions in African French-speaking countries designated to host the national preventive mechanisms against torture<sup>52</sup>.

---

52 - In this respect, it is worth mentioning that the majority of African countries assigned to their national human rights institutions the mandate of hosting the national anti-torture mechanism.

**V – At the bilateral level**

- 305- Upon an invitation of the Mexican Human Rights National Commission and within the framework of the existing Memorandum of Understanding, the Council attended the 3<sup>rd</sup> Iberia-America Conference on Migration held on 3-4 September 2019 in Mexico City. The Council presented the Moroccan experience in the field of migration.
- 306- The Council also participated in the International Conference on Protection of the Human Rights of Migrant workers organized in Nepal in November 2019. The Council made a presentation under the theme “Role of the Government, the Civil Society and National Institutions in Protecting Irregular Migrants Exposed to Risk.”
- 307- The Council also responded to an invitation from the Armenian Human Rights Defender and made a presentation on the development of women’s rights in Morocco, and presented the Council’s activities in promoting gender equality, protecting and strengthening women’s rights. This participation came amid the celebration events of the 15<sup>th</sup> anniversary of the creation of the Armenian Human Rights Defender organized on 26-27 November 2019.
- 308- The Council also shared the Moroccan experience in the field of transitional justice and in human rights in general with many African national institutions, namely the Sudanese National Human Rights Commission from 23 to 25 October 2019, the National Human Rights Commission of the Central African Republic between 08 and 12 April 2019 and the National Human Rights and Liberties Commission of Cameroun between 23 and 26 July 2019. It also shared the experience of the Equity and Reconciliation Commission during the experts meeting held on 09-10 December 2019 in Banjul (The Gambia) to discuss reparation. This meeting was organized by the Africa and West-Asia Program of the International Institute for Democracy and Electoral Assistance; the Commission for Truth, Reconciliation and Compensation of The Gambia; the Ministry of Justice of the Gambia; the Office of the UN High Commissioner for Human Rights and the United Nations Development Program.



## **VI – At the level of European institutions**

- 309- The Council proceeded with strengthening its partnership and dialogue with the European institutions, particularly the Council of Europe and the European Union, following an approach based on dialogue, exchange of information and capacity-building. In January 2019, the President of the Council, upon invitation from the Parliamentary Assembly of the Council of Europe's Political and Democratic Affairs Committee, participated in a working session at the headquarters of the Council of Europe in Strasbourg, dedicated to the topic of human rights in Morocco. This meeting witnessed the distinguished presence of the chairman of the Parliamentary Assembly of the Council of Europe, the deputy secretary-general of the Council of Europe and the chairwoman of the Rapporteur Group of the ambassadors of the Council of Europe.
- 310- In September 2019, the Council attended the meeting of the Council of Europe's Executive Committee of the South Program III which aims at ensuring sustainable democratic governance and human rights in the region. This meeting was dedicated to assess the program and outline the major cooperation fields in the coming period.
- 311- Discussions were conducted on the training and capacity-building program in partnership with the Council of Europe. This program aims at supporting the National Mechanism for Prevention of Torture through the organization of a series of workshops and field visits in European countries having national mechanisms for prevention of torture and the production of guides likely to help these mechanisms perform their duties.
- 312- In October 2019, the Council participated in an international conference in Austria organized by the Ludwig Boltzmann Institute of Human Rights in collaboration with the European Union to discuss the roles of national human rights institutions in strengthening preventive measures, and develop guiding principles for these institutions to protect the rights of persons suspected or accused in criminal proceedings.
- 313- The Council sought to strengthen relationships with the EU-Morocco Friendship Group in the European Parliament and with the Rapporteur Group on External Relations of the ministers committee of the Council of Europe (Gr-Ext). Other meetings were held with delegations from the Council of Europe where

many topics were discussed, including the endeavor to support the implementation of the National Action Plan on Democracy and Human Rights.

314- The Council is working with other national partners to implement two projects funded by the European Union: the first project is about combating discrimination called “Living together without discrimination: an approach based on rights and gender”, and the second project aims at supporting advocacy to abolish death penalty.

315- The President of the Council participated on 24 October 2019 in Helsinki, capital of Finland, in a high-level European meeting. A meeting held twenty years after the conference during which were adopted the basic principles of a common European migration policy, and in which the Council President made a presentation in a special session dedicated to partnership and cooperation with non-European countries.

## **VII – At the level of international non-governmental organizations and other actors**

316- The Council went on in its cooperation with nongovernmental organizations through dialogue, sharing of information and exchange of opinions on the situation of human rights, particularly concerning individual cases. The Council communicated with, among others, Amnesty International, Human Rights Watch, Reporters without Borders, Article 19 Organization, and Frontline Defenders.

317- The Council participated in the World Conference against the Death Penalty held from 26 February to 01 March 2019 in Brussels with an attendance of 1500 participants from 115 countries, representing governments, parliaments, national human rights institutions, NGOs and other organizations.

318- In this conference, the Council organized, on 01 March 2019, a meeting on the role of the national institutions in advocacy and mobilization against the death penalty. The meeting was an opportunity to advocate, support the activists against the death penalty and exchange on the topic. A call to mobilize the efforts of national human rights institutions and raise their commitment to defend the banning of the death penalty was adopted in this regard. The call was presented during the closing ceremony of the conference.

**ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019**  
Effectiveness of Human Rights within an Emerging model of Liberties

319- In July 2019, the Council attended in Rabat the seminar on “Individual Liberties: Between Social Changes and the Religious References” organized by Friedrich Naumann Foundation in Morocco. The seminar shed light on the extent to which the legal system responds to the developments in human rights and liberties.

# Chapter Six:

## Monitoring the Implementation of the Recommendations of the Equity and Reconciliation Commission (ERC)

---

### Key Figures

---

**87.000.000** MAD  
The total amount allocated to this process

**624**  
The number of ERC implemented decisions

---

CHAPTER SIX: MONITORING THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE EQUITY AND RECONCILIATION COMMISSION (ERC)

- 320- His Majesty King Mohammed IV mandated the Advisory Human Rights Council (CCDH) – now the National Human Rights Council (CNDH) – on 06 January 2006 to follow-up the implementation of the recommendations of the Equity and Reconciliation Commission (ERC), including those related to uncovering the fate of a number of victims of disappearance, preservation of memory sites, financial compensation, social re-insertion, and settlement of the administrative and financial situation as well as medical coverage of the victims and rightholders.
- 321- The President of the Council issued a decision to follow up the implementation of the ERC recommendations following several meetings with human rights associations and associations of victims of gross violations of human rights.

**I- Truth revealing**

- 322- The number of cases of forced or involuntary disappearances which the ERC handled amounts to 805 cases. It is worth noting that this number exceeds the number of applications submitted to the ERC by the families of the victims and by national and international NGOs.

The cases are as follows:

- 702 cases wherein the truth was totally revealed by the ERC and the follow-up committee;
  - 101 cases wherein the truth was totally revealed pending the receipt of the required legal documents to determine the rightholders. The inheritance deed, a certificate of life and a copy of the National ID Card of every rightholder have to be submitted;
  - 2 cases the follow-up committee deemed that investigations carried out around them did not lead to identifying the extent of the State bodies involvement or responsibility for the disappearance.
- 323- Since the establishment of the ERC, the Council, in coordination with public authorities, has continued its collaboration with the International Red Cross to provide the needed answers and documents for the cases of disappearance related

to the armed conflict in the southern provinces as referred by Moroccan authorities. This goes in line with the statutes of the International Red Cross Movement and the Geneva conventions of 1949 and its additional protocols, whereby the International Red Cross Organization is in charge of following up the cases of Moroccan citizens who disappeared within the Moroccan and Algerian territories.

324- The Council held 23 meetings in its headquarters in Rabat with the Red Cross and one meeting in Laayoune during which the cases of disappearance related to the armed conflict in the southern provinces, referred to Moroccan authorities by the Red Cross, were examined. The examination of those 427 cases yielded the following results:

- Deleting thirteen (13) repeated cases;
- Four (4) cases wherein the persons concerned were deemed still alive.
- 121 civilians died during detention;
- 123 soldiers died during armed clashes;
- In 165 cases, the source did not provide sufficient information in order to further the search about the identities.

## **II- Individual reparation**

325- In 2019, the National Human Rights Council continued its efforts towards the implementation of the ERC's recommendations related to individual reparation, compensating for the delay that caused the committee for monitoring the implementation of the ERC's recommendation not to be able to implement the remaining recommendations.

326- The Council sought to settle the remaining files of victims and rightholders by mobilizing the necessary funds so as to implement the recommendations related to compensation, social re-insertion, and settlement of administrative and financial situations. Arbitration decisions were implemented in favor of 624 cases related to the implementation of the ERC's recommendations for a total of MAD 87.000.000 in favor of:

- 80 beneficiaries from the civilian victims who were abducted by members of the POLISARIO;

- 28 beneficiaries from the rightful rightholders of victims with unknown fate;
  - 367 beneficiaries from a group of Ahermoumou cadets;
  - 110 beneficiaries of social re-insertion.
- 327- As part of the Council's commitment to stay close to the victims and their families, and because of the inability of some beneficiaries residing in the southern provinces to visit the central headquarters, the staff of the Council travelled to the cities where these victims and rightholders reside in order to deliver their entitlements.
- 328- The follow-up committee of the implementation of the ERC's recommendations continues its efforts with the relevant partners to finalize the technical and administrative measures regarding the files of complementary pensions of a number of victims who were integrated into the civil service or public administrations, in execution of the recommendation on social re-insertion at an old age.
- 329- The Council notes that the victims of gross violations of human rights in the past who benefited from arbitration decisions do not benefit from social assistance programs targeting vulnerable categories because they hold health insurance cards provided by the National Fund for Social Welfare Agencies (CNOPS), and thus benefit from government allowances.

### **III- Preservation of memory**

- 330- The Council continued its work on memory preservation sites in the regions that were the subject of the ERC's recommendations, through holding several meetings and sessions with the relevant officials so as to accelerate the completion of the suggested projects. The meetings were as follows:
- Sessions were held with the governor of the province of Midelt, in the presence of a representative of the central services of the Ministry of Interior, to accelerate the process of finishing technical studies and begin the rehabilitation of the former detention facility of Tazmamart;
  - A session was held with the Ministry of Culture, Youth and Sport to build a proximity sports center in the village of Tazmamart, a meeting with the Ministry of agriculture, and another one with the Ministry of Endowments and Islamic Affairs to build a mosque in the village. All ministerial sectors favorably

responded to the CNDH requests.

- A Meeting with the Wali of Tangier - Tetouan - Al Hoceima region, in the presence of the governor of the province of Tetouan, to address the topic of overcoming the difficulties hindering the Council's reception of the detention facility of Dar Bricha in order to proceed with implementing the recommendation related to it.
- A meeting was held at the headquarters of the Ministry of Culture, Youth and Sport, during which a partnership was concluded to rehabilitate the former secret detention facility in Agdez.





# Chapter Seven: National Mechanisms to Promote Human Rights Protection

---

## Key Figures

---

**1800**

The number of persons who  
benefited from these informational  
meetings

**15**

The number of informational  
meetings on the national  
mechanisms

CHAPTER SEVEN: NATIONAL MECHANISMS TO PROMOTE HUMAN RIGHTS PROTECTION

**I- The National Mechanism for Prevention of Torture**

- 331- The Law 76.15, reorganizing the Council, was published In February 2018. It is a law that extended the Council's mandate, especially in the fields of protection, through the establishment of three national mechanisms provided for in the international instruments on human rights which Morocco had ratified, including the National Mechanism for Prevention of Torture. The establishment of this Mechanism is in line with our country's international commitments following to its ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2014. The legislator chose the Council to carry out the mission of this Mechanism, thereby joining the national human rights institutions that have this type of mechanisms under their mandate – a trend adopted by most countries.
- 332- The legislator dedicated five articles in the Law 76.15 (from article 13 to article 17) that set out the missions of this Mechanism in conducting regular visits to the various places where the persons deprived of freedom might be, preparing any recommendation to better the treatment and situation of the persons deprived of freedom, preventing torture and introducing any suggestion or observation on draft or proposed laws related to the prevention of torture. The Law also provides for the relation between the Mechanism and the United Nations' Subcommittee on Prevention of Torture (SPT) on the grounds of cooperation, consultation and mutual assistance, and cooperation with the public authorities in charge of managing places of deprivation of freedom, in particular with regard to providing the Mechanism with information related to the persons deprived of freedom, accessing all these places, conducting private interviews without the presence of witnesses, protecting the coordinator and the members of the mechanism from any interference or pressure they may be exposed to while carrying out their mandated missions.
- 333- At the institutional and organizational level, three members of the Mechanism were appointed during the Council's General Assembly, taking into consideration diversified knowledge and field expertise, especially in the areas of law, human rights and medicine – the three areas which are of great importance to the Mechanism.

The administrative and financial independence manifests itself in the following:

- The Council is an independent constitutional institution with a legal personality and enjoys total legal capacity and administrative and financial independence, as provided for in the law;
  - It is accredited as an “A” status council by the Global Alliance of National Human Rights Institutions, and discharges its mandate in full compliance with the Paris Principles governing said institutions;
  - The appointment of the Mechanism’s members from the Council’s general assembly according to a transparent and clear process and without interference from any party;
  - The Mechanism’s coordinator and its members work full-time, which enhances their independence and objectiveness;
  - The Mechanism is provided with financial resources, its own administrative staff and a supporting staff that provides field, technical and legal expertise;
  - The coordinator of the Mechanism is delegated to order payments, in order for the Mechanism to independently carry out its missions;
  - The Mechanism is independent and shall assume responsibility for the decisions it takes, the reports it draws up, the consultations it undertakes, the visits it conducts and the action plan it adopts;
  - The Mechanism is provided with an independent space;
  - Legal protection for the members of the Mechanism against any interference or pressure to which they may be subjected to while carrying out their missions;
  - Physical persons or legal entities who provide the Mechanism with accurate information benefit from the protection provided for in the law;
  - Protection of personal data obtained by the Mechanism.
- 334- Since the appointment of its members, the Mechanism has held several meetings attended by its members and staff. Those meetings focused on several topics, mainly the action plan needs in conducting preventive visits to places of deprivation of

## ANNUAL REPORT ON HUMAN RIGHTS SITUATION IN MOROCCO IN 2019

### Effectiveness of Human Rights within an Emerging model of Liberties

freedom, the national and international reference documents, the data related to places of deprivation of freedom, the database for the Mechanism and the website. In anticipation of the cooperation with independent experts, a training session was organized for 18 physicians with whom the Mechanism will cooperate on the national and regional levels. (El Jadida, December 2019).

- 335- The Council continued its interaction directly with the Subcommittee on Prevention of Torture (SPT) or through the Office of the High Commissioner for Human Rights (OHCHR). In this vein, several correspondences were addressed to the SPT to inform it of the latest developments concerning the developments in the implementation of the Mechanism, following the visit it had conducted to the country in 2017. Meetings were also held between the Council and the SPT in March, October and November 2019 to exchange about the Mechanism, and to explore the avenues of collaboration. The communication event organized by the Council back in April 2019 was attended by an SPT member as well as other international partners. The members of the Mechanism are expected to hold a meeting with the SPT in the first quarter of 2020.
- 336- Morocco, together with Denmark, Sweden, Argentina and Burkina Faso, ranked at the top of the United Nations Commission on Human Rights' classification of the countries which implemented the recommendations. The five countries received the highest degree – “A” status – for taking significant measures to follow up on the recommendations that the Commission considers of great priority. Morocco's classification in this list and receiving an “A” status came after it had adopted the law on creating the National Mechanism for Prevention of Torture and implementing it.
- 337- A memorandum of understanding was signed on 20 December 2019 between the Danish Institute Against Torture (Dignity) and the Council to strengthen the capacities of the Mechanism's members and staff in the area of medical monitoring in places of deprivation of freedom, as well as in medical documentation of torture. Pursuant to this agreement, the two parties undertook to carry out activities designed to prevent torture, by organizing workshops and preparing toolkits and manuals in the area of medical monitoring.
- 338- Partnerships with other international actors will be concluded to accompany the Mechanism, including the Council of Europe and the Association for the Prevention of Torture (APT) based in Switzerland. For this purpose, the Mechanism held a meeting with the APT on 19 December 2019 to determine the areas of joint cooperation. Another meeting was held on 13 November 2019 to discuss

a joint action plan centering on accompanying the Mechanism and strengthening the capacities of the persons affiliated to it. In addition, the Mechanism set out a program to meet with national and international experts to draw upon their expertise.

339- In collaboration with experts from the Council of Europe and the APT, the Council sought to prepare a manual on the measures related to the regular and preventive visits to the places of deprivation of freedom. This manual contains 17 necessary items to carry out a full and objective review of the treatment of prisoners and the prisons which will be visited. This manual is the culmination of a series of practical and theoretical training courses and field visits to places of deprivation of liberty.

340- In order to learn from the experiences of other countries in the area of torture prevention, the Mechanism participated in an international meeting on best practices and lessons learned at the African level, organized in Kigali, Rwanda, in October 2019. The Mechanism also participated in another meeting in Tunisia in December 2019 on the classification of prisoners.

## **II- The National Grievance Mechanism for Children Victims of Child Rights Violations**

341- Within the framework of preparing to establish the National Grievance Mechanism for Children Victims of Violations of their rights, the Council programmed a number of preparatory activities targeting three essential actors : children, the Council's human resources and the people in charge of children' rights in some governmental or non-governmental institutions.

342- As regards children, the Council held 13 regional consultative meetings with children from different categories. These meetings culminated in organizing a national meeting that presented an opportunity to listen to children and discuss a range of issues related to the protection of their rights. During this meeting, access to the Council was also highlighted, given the importance of this topic which the United Nations Committee on the Rights of the Child considers as an indicator of the effectiveness of the prevention system in these institutions.

- 343- At the internal level, the Council appointed children's rights focal points in each Regional Human Rights Commission. These focal points benefited from a training program in children's rights, designed in collaboration with the UNICEF. The workshops were moderated by a group of international experts who shed light on best practices with regards to the work of the Mechanism and the implementation of the principle of participation when working with children. After the end of the training session, a thematic visit to the institution of the Delegate General for Children' Rights in Belgium was programmed. The purpose of this visit was to allow the focal points to take stock of the work of the Grievance Mechanism in its technical dimension, the forms of cooperation between the institution of the Delegate General in Belgium and other actors in the field of children's rights, focusing on the matter of reporting and interaction with the recommendations related to individual cases.
- 344- In order to provide the regional focal points with working tools, the Council contributed to preparing a manual on hearings related to the child victim of violence, within the framework of a collaboration program with the International Organization of La Francophonie. A digital program for the complaints of children was also designed.
- 345- At the external level, the Council organized training workshops on the grievance mechanism for institutional stakeholders. In the first phase, the directors of child protection facilities of the Ministry of Youth and Sport, children focal points in child protection units of the National Solidarity, as well as civil society associations benefitted from these workshops.

### **III - The National Mechanism for the Protection of the Rights of Persons with Disabilities**

- 346- In 2019, the Council continued the preparatory process towards the establishment of the National Mechanism for the Protection of the Rights of Persons with Disabilities following the adoption of Law 76.15. At the institutional level, the members of the National Mechanism for the Protection of the Rights of Children with Disabilities were appointed among the Council's members following the General Assembly's first session held on 21 September 2019, as well as appointing a representative of the Mechanism's coordinator at the Council's Bureau.

- 347- On 23 December 2019, the Council, following the appointment of the members of the National Mechanism for the Protection of the Rights of Persons with Disabilities, held a communication meeting on this Mechanism that focused on identifying the missions it was entrusted with and its mandate in independent monitoring. This meeting was attended by more than 63 participants representing the national, regional and local networks working in the field of persons with disabilities, the relevant governmental sectors, governance institutions, academicians and experts.
- 348- At the level of the preparation for the quarterly action program, in harmony with the provisions of Article 42 of Council's Rules of Procedure, the Mechanism held 6 preparatory meetings to build the strategic plan and the quarterly action plan of 2020, including 3 workshops on the 8<sup>th</sup> and 22<sup>nd</sup> of September and the 13<sup>th</sup> of January 2019.
- 349- As part of the preparation for establishing this Mechanism, the Council carried out a range of activities that mainly involved the internal training of its central and regional staff on the treatment of complaints, communication, the methodology of drawing up its decisions and reports, the follow-up and review of public policies related to the Sustainable Development Goals of 2030. A total of 13 training sessions were organized for 20 central and regional executives.





# General Recommendations

## GENERAL RECOMMENDATIONS

Considering the international commitments of our country in the field of human rights, particularly the concluding remarks and recommendations made by the treaty bodies, special procedures mandate-holders and the Universal Periodic Review;

In implementation of the provisions of the Constitution which is an instrument of rights and liberties;

Based on the strategic orientations adopted by the Council as well as on the societal debates it launched, the outcome of regional meetings it organized, the recommendations it made in its additional memorandum on the amendment of the Penal Code and the practices it monitored;

As part of its mandate in reporting and formulating recommendations;

Seeking to promote interaction with the Council in a way to strengthen its action to protect and promote human rights and prevent violations;

The Council hereby reaffirms its general recommendations, the implementation of which is deemed particularly important to fill the existing gap at the level of the protection of the national human rights system. They are structuring recommendations made to the public authorities on the conventional practice of the country and its interaction with the international human rights system; and on the legal and constitutional framework, the public policies, programs and practices.

### **I – Regarding conventional practice and interaction with the international human rights system**

1. Speeding up the ratification process of the First Optional Protocol to the International Covenant on Civil and Political Rights establishing an individual complaint mechanism, the ratification process of the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women and the ratification process of the Optional Protocol to the Convention on the Rights of the Child on making complaints;
2. Acceding to the remaining international human rights instruments, namely the 2<sup>nd</sup> Optional Protocol to the International Covenant on Civil and Political

Rights aiming at abolishing the death penalty, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

3. Acceding to the Convention No.87 related to the Freedom of Association and Protection of the Right to Organize;
4. Joining the Rome Statute of the International Criminal Court;
5. Acceding to the African Charter on Human and Peoples' Rights;
6. Acceding to the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence;
7. Promoting interaction with the United Nations human rights system especially through the implementation of its recommendations that were accepted by the Government or subject to a call for agreement made by the Council; catching up with the delay in presenting the national periodic reports and seeing to making timely presentations; promoting the participatory approach in preparing and adopting the reports and opting for a simplified process in the drafting thereof;
8. Making permanent and open invitations to special procedures mandate-holders to visit our country.

## **II – Regarding the legal and constitutional framework**

9. Completing the ratification process related to the draft organic law No. 97.15 to lay down the conditions and modalities to exercise the right to strike and adapt it to the international standards, especially the remarks of the Committee on Freedom of Association related to abstaining from imposing prison sentences to workers because of their pacific participation in strikes and abstaining from forcing them to work;
10. Adapting the draft Penal Code to the constitutional provisions and international human rights instruments ratified by Morocco, namely by:
  - Abolishing the death penalty;

- Amending Articles 206 of the Penal Code related to the breach of the State internal security by reducing the scope of application to only the most serious cases accurately determined by law and removing the sentence “undermine the citizens’ allegiance to the Moroccan State and institutions” which, by being so broad, may be wrongfully used, which makes the text draw away from the principles of legitimacy, necessity and accurate predictability supposed in every law;
  - Enacting special provisions for incitement to commit a crime, a felony or an act punishable by law, namely inciting to whatever form of violence, hatred and discrimination. The term “incitement” must be clearly and accurately determined in the Penal Code in a way to cover propagation, influence, threat and pressure. The law must also provide for cases of persons helping to commit a crime or a felony or push towards it or encourage it;
  - Adding a special provision on violence in the public sphere and incitement to violence during protests or breach of public order, especially when such violence is dangerous or disproportional, and providing a broader definition of violence that takes into account its effects in such a way as to cover cases of prejudice to the person’s physical, moral and psychological integrity or to his/her properties and security;
  - Replacing custodial sanctions by fines in cases of freedom of opinion and speech, freedom of association and freedom of demonstration.
11. Adapting the Penal Code to the constitutional provisions and international human rights instruments ratified by Morocco in order to strengthen the legal and judicial guarantees of fair trial, namely by extending the role of the presence of defense during all stages of investigation beginning from detention in custody, using audio-visual recording during the establishment of the minutes of the judicial police and conducting medical expertise before and after custody in case of allegation of torture;
12. Promoting the practice of freedom of opinion and speech through compiling all legal provisions related to the press in the publication Code; calling on the judicial authorities to hold firm to the principles of necessity and proportionality in a way to avoid violation of the right of freedom of opinion and speech and the freedom of the press; keeping those freedoms away from any custodial

sanction; and initiating a public debate on the freedom of opinion and speech and the press open to all actors concerned, and that would take into consideration all relevant changes especially the appearance of electronic and social media as well as guaranteeing freedom without any violation of privacy;

13. Revising the legal provisions related to associations, public gatherings and pacific demonstrations and adapting them to the constitutional provisions and the international human rights standards, in a way to extend civil space and provide a favorable environment to the action of human rights defenders;
14. Enacting procedures and regulations aiming at stopping impunity in matters related to violence against women such as rendering reporting compulsory, and amending as necessary the evidence system and managing its mechanisms in a way that takes into consideration the specific nature of crimes of violence against women and the rights of victims;
15. Amending the Family Code, especially by cancelling the derogation provided for in Article 20 which allows marrying children, and continuing the debate about the legal framework related to inheritance;
16. Speeding up the adoption of the law related to prisons and adapting the same to international standards, particularly the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules).
17. Speeding up the adoption of the Law 72.17 related to the entry and residence of foreigners in the Kingdom of Morocco and to migration, in a way to guarantee the enjoyment of migrants of their basic rights enshrined in the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, with due attention to relevant constitutional provisions and the principles of the Global Compact for Safe, Orderly and Regular Migration;
18. Speeding up the adoption of the Bill 66.17 related to asylum and conditions to grant it, in a way to effectively recognize the status of refugee granted by the UNHCR, with due attention to relevant constitutional provisions and the principles of the Global Compact on Refugees;
19. Enacting a special framework law for the older persons in order to preserve their dignity and protect their basic rights, namely to benefit from social

protection, with due attention to the principles of the United Nations for Older Persons adopted in 1991;

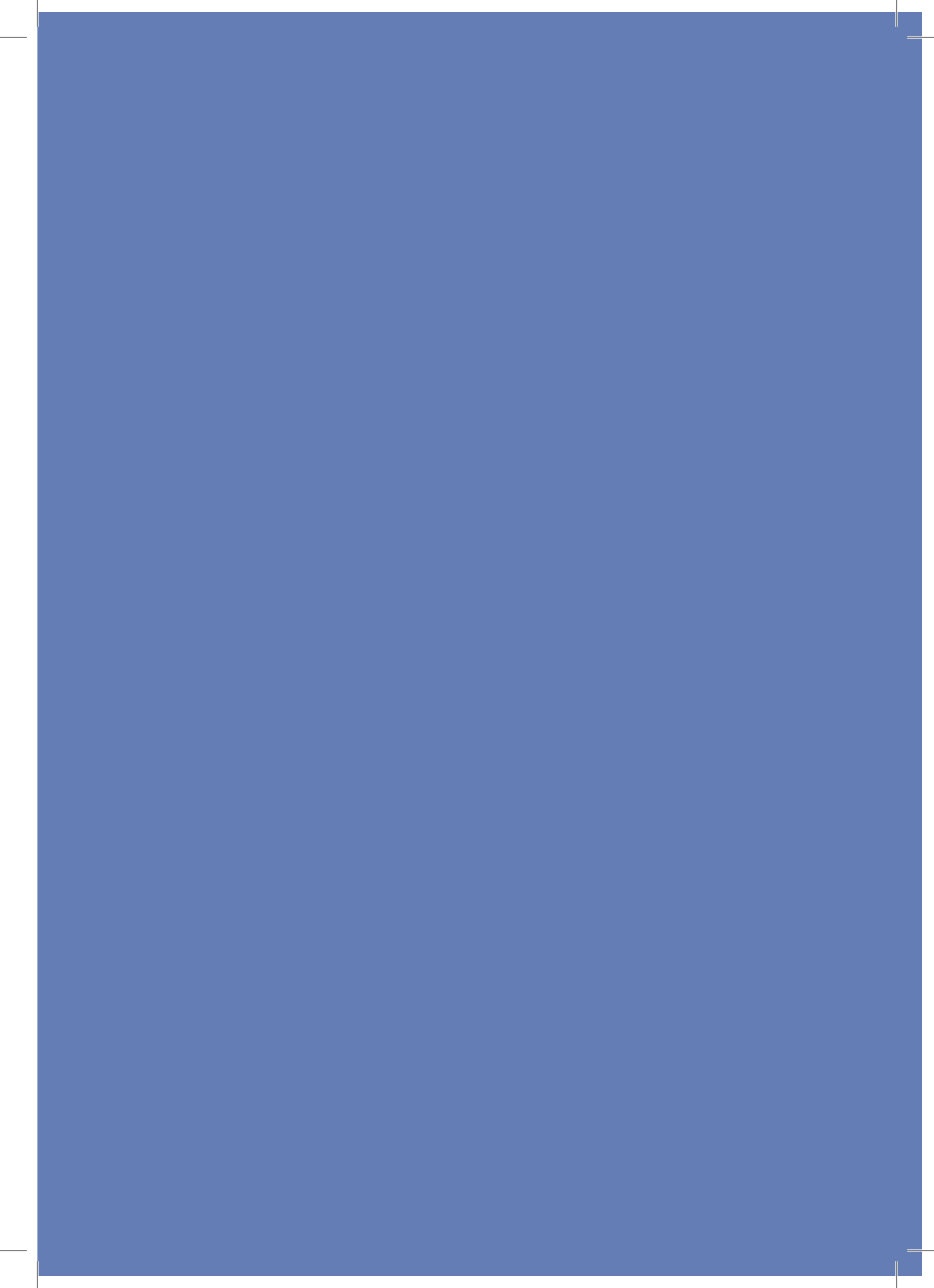
20. Calling on the judiciary to continue its endeavor to apply international human rights standards ratified by our country, and ensuring the supremacy of these standards over domestic law in application of the Constitution preamble;
21. Activating the Committee in charge of parity and combating all forms of discrimination as well as the Consultative Council of Family and Youth with the same autonomy granted to the other governance bodies;
22. Strengthening the financial and administrative autonomy of the National Commission for the Control of Personal Data Protection (CNDP),
23. Granting the governmental authority in charge of human rights sufficient financial and human resources to be up to its role, especially in drafting reports to the United Nations human rights system and in following up on the relevant recommendations and in the handling of individual cases.

### **III – Regarding public policies, programs and practices**

24. Speeding up the implementation of all the measures set forth in the National Action Plan on Democracy and Human Rights, particularly the adoption of a national plan related to the business and human rights;
25. Ensuring the inclusion of the human rights approach in development policies and programs, including the one adopted in achieving the Sustainable Developments Goals;
26. Reinforcing endeavors and initiatives aiming at making citizens enjoy economic, social, cultural and environmental rights, by giving priority to these rights in the new development model and the national plans to achieve Sustainable Developments Goals;
27. Adopting a holistic and coherent approach in making national reports, taking into consideration the cross-cutting nature of issues related to human rights, climate change and sustainable development;

28. Supporting the initiatives aiming at strengthening the capacities of law enforcement agents in the field of human rights;
29. Respecting the statutory deadlines in responding to the complaints reported by the Council to the various government bodies;
30. Speeding up the implementation of the remaining recommendations of the Equity and Reconciliation Commission (ERC) and of the related follow-up committee, including those related to individual compensation, revealing the truth, preservation of memory and promotion of security governance; and enabling the victims of gross violations of human rights in the past and their rightholders to benefit from the programmes launched by the government to help vulnerable social categories.







المجلس الوطني لحقوق الإنسان  
المجلس الوطني لحقوق الإنسان  
Conseil national des droits de l'Homme

## في أرقام

58

Regional Commissions  
staff

102

Head office staff (52%)

160

Total staff

12

Contracted experts

52 %

Women working at the  
Council













المجلس الوطني لحقوق الإنسان  
المجلس الوطني لحقوق الإنسان | المجلس الوطني لحقوق الإنسان | المجلس الوطني لحقوق الإنسان  
Conseil national des droits de l'Homme



1990 - 2020