

Morocco: Human rights situation

Morocco enjoys advanced status under the European Neighbourhood Policy (ENP). The new constitution, adopted during the reign of Mohamed VI, covers almost all human rights set out in the Universal Human Rights Declaration. Public space for debate over human rights issues has opened up significantly in recent years. A number of concerns, however, prevail, as implementation and enforcement of the new constitutional provisions remain incomplete.

Ratification of international instruments

Morocco's [new constitution](#) of 2011 recognises the pre-eminence of international conventions ratified by Morocco over its national legislation. Morocco has signed and [ratified](#) 13 of 18 international and human rights treaties, including the [International Covenant on Civil and Political Rights](#) (ICCPR), the [Convention Against Torture](#) (CAT), and the [Convention on the Elimination of all Forms of Discrimination Against Women](#) (CEDAW). At UN level, Morocco went through its second [Universal Periodic Review](#) (UPR) in 2012 (the UPR involves a review of the human rights records of all UN Member States). While Morocco accepted to address almost all the [numerous recommendations](#), it merely took note of the following recommendations: withdrawing its remaining declarations and reservations to CEDAW; introduce urgently a *de jure* moratorium on executions; ensure that the procedures governing registration of civil society organisations, including organisations advocating the Saharawi people's right to self-determination, are in conformity with international standards; commute all death penalties to prison sentences and abolish the death penalty; revise the Family Code to prohibit polygamy and marriage of minors; revise the Family Code to guarantee equality between men and women in inheritance matters; accept the establishment of a permanent human rights component in the [UN Mission for the Referendum in Western Sahara](#) (MINURSO); ratify the [Rome Statute of the International Criminal Court](#) and continue training of law enforcement officials; as well as, consider extending a standing invitation to [UN Special Procedures](#). Morocco is a [member](#) of the [UN Human Rights Council](#) until end-2016. The [new Fundamental Law](#) of Morocco covers almost all human rights contained in the Universal Human Rights Declaration. [In addition](#) to UN Conventions and Protocols, Morocco has broadened its participation in the [Council of Europe's legal instruments](#), as the 2013 [review](#) of the partnership established in 2011 indicates.

EU's position on human rights in Morocco

The EU's [Association Agreement](#) with Morocco (signed in 1996) has been categorised as of 'advanced status' since 2008, opening up higher levels of political cooperation. Human rights, however, have affected the Morocco–EU relationship for decades, as despite progress there are still [serious and substantiated concerns](#). In 2013 the EU signed a bilateral cooperation assistance programme entitled: 'Protecting and Promoting Human Rights in Morocco'. This aims at strengthening the institutional capacity of the [National Human Rights Council \(CNDH\)](#) of Morocco and its regional commissions, and to reinforce its capability to monitor the human rights situation. The European Parliament (EP), in its [resolution](#) of 22 October 2013 on the situation of human rights in the Sahel region, called on Morocco to sign up to the [Mine Ban Treaty](#), and welcomed the Moroccan Government's endorsement of the CNDH's [recommendation](#) that civilians should not be tried by military tribunals in future. In its [resolution](#) of 23 October 2013 on the [ENP](#), the EP welcomed Morocco's commitment to deepening its relationship with the EU and the reforms brought by the new constitution whilst recommending: the rapid implementation of the new constitution, with a clear calendar for the reforms still pending. The [EU Special Representative for Human Rights](#), Stavros Lambrinidis, made an [official visit to Morocco](#) in January 2015. The [13th meeting of the EU-Morocco Association Council](#) was held in Brussels in December 2015, with the EU reconfirming its commitment to its partnership with Morocco, a key

partner in the [southern neighbourhood](#) which is based on the shared values of democracy, the rule of law and fundamental freedoms.

Overview of the human rights situation

Morocco enjoys [advanced status within ENP](#) due to progress achieved, including in human rights. Despite much progress, which places the country among those with the best record in the Middle East and North African region, [significant human rights problems in Morocco](#) include, 'the lack of citizens' right to change the constitutional provisions establishing the country's monarchical form of government, corruption and widespread disregard for the rule of law by security forces'. Laws barring acts deemed harmful to the monarchy or to Morocco's [claim of sovereignty](#) over Western Sahara limit freedom of expression, assembly, and association. The UN Mission for the Referendum in Western Sahara (MINURSO) [is the only UN mission](#) not to include a human rights dimension in its mandate, offering no mechanism for the reporting of alleged human rights violations, whereas both the Moroccan Government and the [Polisario Front](#) have been accused of human rights violations. UN experts have also [expressed concern](#) over the reported use of torture to obtain confessions in criminal cases, arbitrary pre-trial detention, and Morocco's sweeping anti-terrorism legislation. [Religious freedom](#) is also of great concern.

King Mohammed VI has backed several initiatives on human rights, amongst others: reforming the Family Code (or *Moudawana*) to improve women's legal rights and socio-economic status; setting up an [Equity and Reconciliation Commission](#) to provide an historical record of state abuses which took place before 1999, to account for the 'disappeared', and to compensate victims; and the recognition and expansion of the cultural and linguistic rights of ethnic Berber communities. The new constitution has introduced provisions on human rights which extend rights and individual freedoms though these changes have been [criticised](#) as insufficient.

Human rights in practice

Dignity and right to life

Article 20 of the Constitution upholds 'the respect of the right to life'. A [draft law on the abolition](#) of the death penalty has reportedly been tabled by several political parties. Although the *de facto* moratorium on executions has been in place since 1993, death sentences [are still imposed](#).

Freedom and citizen's rights

Moroccans [took to the polls](#) on 4 September 2015 to vote in the first local and regional elections since 2009. These elections [were ground-breaking](#) because for the first time citizens were allowed to vote for their representatives directly. Also, on 2 October 2015 indirect [elections to the Chamber of Councillors](#) took place. The next parliamentary elections in Morocco are foreseen for autumn 2016. Moroccan civil society representatives had [claimed](#) that the former general political climate was characterised by corruption, impunity, political and administrative monopolisation of the media and social exclusion. In [Resolution 1942 \(2013\)](#), the Council of Europe Assembly had called upon Moroccan authorities, to reform the electoral legislation and process, making it more transparent and democratic. These recent elections as well as the forthcoming parliamentary elections serve as an important test for these reforms.

Equality

The new constitution's Article 19 enshrines gender equality with regard to civil and political rights. A [Watchdog of Equality and the Fight against all Forms of Discrimination](#) is to be set up. Morocco has also introduced [gender-sensitive budgeting](#). A [draft law establishing](#) the Authority for Gender Equality and the Fight against all Forms of Discrimination (APALD) has been prepared. Efforts though [still need to be stepped up](#) in favour of [real equality and participation of women](#) in political and public life.

Solidarity

One of Morocco's main challenges is the [rate of unemployment](#). The inequality between rich and poor is striking. The authorities are expected to introduce fair taxation and recommit themselves to the fight against corruption and fraud. On [6 April 2014](#), many protested in favour of collective bargaining rights and renewed social dialogue. Morocco has still not ratified [ILO Convention 87](#) on freedom of association.

Justice

Courts have [reportedly ignored complaints](#) by defence lawyers about violations of criminal procedure, relied on confessions allegedly obtained through torture while defendants were held in pre-trial detention, and refused to allow defence lawyers to cross-examine prosecution witnesses or to call defence witnesses. The implementation of [the Charter for judicial system reform](#), drafted in 2013 with the assistance of Council of Europe experts, is under way.