



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

المملكة المغربية
ⵜⴰⵎⴳⴷⴰⵢⵜ ⵏ ⵏⵓⵔⵓⵎⵓⵏ
Kingdom of Morocco

Report of the National Human Rights Council to Parliament (As read by CNDH Chairman)

Monday, June 16, 2014

Boulevard Erriad

B.P 21527, N° 22, Hay Ryad, Rabat - Maroc

tel : +212(0) 5 37 54 00 00

fax : +212(0) 5 37 54 00 01

cndh@cndh.org.ma

شارع الرياض

ص ب 21527، حي الرياض، الرباط - المغرب

الهاتف : +212(0) 5 37 54 00 00

الفاكس : +212(0) 5 37 54 00 01

cndh@cndh.org.ma

Legal Deposit : 2014 MO 2476

ISBN : 978 - 9954 - 606 - 25 - 4

**Report of the National Human Rights
Council to Parliament**
(As read by CNDH Chairman)

———— Monday, June 16, 2014 ————

Honorable Speaker of the House of Representatives,
Honorable Speaker of the House of Councillors,
Your Excellency the Head of the Government,
Distinguished Ministers,
Distinguished MPs
Ladies and Gentlemen,

It is an honor for me to address you today, here at Parliament. Pursuant to Article 160 of the Constitution, the Chairman of the National Human Rights Council (CNDH), as you all know, addresses Parliament on human rights issues and the human rights situation in the country. There is, today, a growing interest of international institutions in Morocco, and in human rights in the Kingdom particularly. They are curious about our experience and some would like to share its conclusions. We are required to seek more vigilance, objectivity, scientific rigor and credibility in dealing with human rights issues that are increasingly globalized, today more than ever.

This is a fundamental milestone in our relationship, I mean between the legislative power and the national human rights institution, a relationship that is in fact provided for in the Constitution and the Rules of Procedures of both the House of Representatives and the House of Councillors.

This will be my report on CNDH's different contributions and campaigns from 2011 till the end of March 2013.

I. The National Human Rights Council (CNDH)

Ladies and gentlemen,

CNDH was set up by a Royal Decree (“Dahir”) dated March 1st, 2011, within a set of reform packages that our country has recently launched to improve human rights and reinforce the rule of law. It succeeded the 20-year old (former) Advisory Council on Human Rights and was entrusted with a broader mandate to protect and promote human rights, but also to enrich thoughts and debate on human rights and democracy issues. It was given more autonomy and broader prerogatives. It was elevated to a constitutional institution, by virtue of Article 161 of the Constitution.

CNDH is accredited as an ‘A’ status national human rights institution, by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). This accreditation is given to NHRIs that fully comply with the Paris Principles .

CNDH board members (or commissioners) were appointed after broad consultations, mainly to ensure effective representation of civil society associations. Indeed, 250 associations were consulted to represent young people, women, people from different regions of Morocco, and people with a human rights background in the board. It’s a diverse and a pluralistic structure. Through these consultations we also aimed and tried to achieve parity between men and women; 46% of CNDH members are women. Two Moroccan nationals living abroad were appointed to serve as members of the Council as well, in addition to parliamentarians, academics, representatives of NGOs and trade unions, lawyers, doctors, journalists, Moroccan experts working with the United Nations, one member representing the Moroccan Jewish community, etc.

In addition to a broader mandate to protect and promote human rights, one other important new prerogative in the Council’s mandate is the establishment of 13 regional commissions, that have similar powers at the regional and local levels. The establishment of these commissions honors the principles of outreach and proximity and provides for local mechanisms for human rights protection.

Ladies and gentlemen,

CNDH is an active member of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, which represents more

than 100 institutions worldwide. It is also an active member in several regional networks of national human rights institutions (NHRIs): the Network of African National Human Rights Institutions, the Arab-European Human Rights Dialogue, and the Arab Network of National Human Rights Institutions. It currently chairs the network of NHRIs in French-speaking communities. It is one of the most active NHRIs in the world. It regularly attends and contributes to the United Nations Human Rights Council's sessions, held in Geneva. CNDH collaborates effectively with the UN human rights system, including UN treaty bodies, working groups, special rapporteurs, UN agencies accredited in Morocco, etc. It also collaborates with the European Union and the Council of Europe, international non-governmental organizations and diplomatic delegations.

Interaction with the United Nations bodies, working groups, special rapporteurs, the Office of the UN High Commissioner for Human Rights (OHCHR) and the Human Rights Council is of a paramount importance for the National Human Rights Council. The Council is always keen to give its opinion on and contribute to the periodic reports that Morocco submits to UN treaty bodies. And it is always keen to protect and strengthen its autonomy when these reports are being reviewed at the UN. It submits its own shadow reports and/or written or oral communications and takes the floor at the UN interactive dialogues.

4

In coordination with the Ministry of Foreign Affairs and Cooperation and the Délégation interministérielle aux Droits de l'Homme (the inter-ministerial department for human rights), CNDH facilitated the mission of the United Nations independent experts and working groups who visited Morocco, including the three Southern Provinces of the Kingdom.

CNDH is always keen to build strong relations with the accredited diplomatic corps and strengthen cooperation with international and regional governmental organizations advocating for human rights and democracy, such as the Organization for Security and Co-operation in Europe (OSCE), the European Union, the Union for the Mediterranean, etc.. It also provides Moroccan diplomatic missions abroad with human rights information and reports and develops partnerships with international human rights NGOs interested in human rights in Morocco. From the 1st of March 2011 to the end of December 2013, CNDH received a total of 160 foreign delegations.

In an observer capacity, we do take part at the activities of the Permanent Arab Commission on Human Rights of the League of Arab States. CNDH is member of the High-Level Committee of Legal Experts, which will draft the statutes of the Arab Court for Human Rights.

II. Relationship with Parliament

Ladies and gentlemen,

Rules of Procedure of the two houses of parliament

The rulings of the Constitutional Council (Ruling # 924 dated August 22nd, 2013 and Ruling # 929 dated November 19th, 2013), confirmed compliance of the Rules of Procedure of the House of Representatives with the Constitution. This is in fact very important for the relationship between Parliament and national institutions working for human rights, liberties and good governance. 7 fundamental articles in these Rules of Procedure are about the Parliament's relationship with the national institutions referred to in Articles 161 to 170 of the Constitution.

The Rules of Procedure of the House of the Representatives and the House of Councillors give strong hope and possibility to achieve several objectives, mainly:

- Enhancing the efforts of national institutions and their contribution to enhance legislations quality, including their advisory opinions among the draft documents of legislations to refer to in order to understand and interpret provisions during the implementation of the legislations;
- Contributing to harmonizing national legislations with the international treaties ratified by Morocco;
- Strengthening the role of Parliament in the assessment of public policies based, if need be, on the opinions and studies of the national advisory institutions;

Almost all national institutions' proposals to the Speaker of the House of Representatives, concerning the House's Rules of Procedure, were adopted. Morocco is thus one of the first countries to implement the "Belgrade Principles" on the relationship between parliaments and national human rights institutions. This has been recently confirmed in Geneva (March 2014) at a meeting of the International Coordinating Committee of National Human Rights Institutions.

Ladies and gentlemen,

Belgrade Principles

The "Belgrade Principles" are the international reference document that defines the relationship between parliaments and national human rights institutions and strengthens the bond between the two. Under these principles, NHRIs should:

- Develop a strong working relationship with the human rights specialized parliamentary committee including, if appropriate, through a memorandum of understanding. NHRIs and parliamentary committees should also develop formalized relationships where relevant to their work. This cooperation can also concern other parliamentary committees on issues of common interest;
- Advice/or make recommendations to Parliaments on issues related to human rights, including the State's international human rights obligations, and may provide information and advice to Parliaments to assist in the exercise of their oversight and scrutiny functions.
- Be consulted by Parliaments on the content and applicability of a proposed new law with respect to ensuring human rights norms and principles reflected therein.
- Make proposals of amendments to legislation where necessary, in order to harmonize domestic legislation with both national and international human rights standards.

CNDH's normative contributions

8 In implementation of these principles, and capitalizing on a long experience in giving advisory opinions, in accordance with article 16 of its founding Royal Decree ("Dahir"), CNDH issued, at the request of the Speaker of the House of Representatives (in May 2012), an advisory opinion on Bill # 01-12 on fundamental guarantees granted to the military, mainly its article 7. At the request of the Speaker of the House of Councillors, it issued an advisory opinion on Bill # 12-19 on domestic workers (September 2013). The House of Councillors referred the same bill to the Economic, Social and Environmental Council, allowing, for the first time, two advisory institutions to coordinate their efforts, and thus provide the House of Councillors with two complementing advisory opinions.

In August 2011, CNDH proposed reviewing some provisions of a law relating to the House of Representatives (Loi organique n° 27.11) and submitted proposals on Law # 30.11 on the terms and conditions of independent and impartial election observation.

Ladies and gentlemen,

CNDH and Parliament have strengthened their relationship at several levels, from March 2011 to the end of 2013:

1. The Council attended and participated in seminars and conferences held by the houses of parliament, parliamentary groups or other standing parliamentary committees. It took part in 33 seminars or roundtables, including the activities that were held to commemorate the fiftieth anniversary of the Moroccan Parliament and the international symposium that was held on this occasion, on November 25, 2013;
2. The increasing number of foreign parliamentary delegations that visited CNDH (58 parliamentary delegations until the end of 2013);

3. The Council was keen to provide the different parliamentary groups and committees with its publications;
4. CNDH's support to Moroccan parliamentary diplomacy, mainly by supporting the Moroccan Parliament at the Parliamentary Assembly of the Council of Europe, which granted the Moroccan Parliament the status of "Partner for Democracy";
5. CNDH was also keen to support the EU-Morocco Joint Parliamentary Committee. On September 28th, 2013 (Brussels), it took part in the discussion of European PM Charles Tannock's report on the situation of human rights in the Sahel region, which partially address human rights in Morocco;
6. It supported the initiatives of parliamentary groups. It took part in the meeting that was held in Marrakech on February 1-2, 2013 by the Alliance of European Conservatives and Reformists (AECR) and the parliamentary groups of four Moroccan political parties (the Justice and Development, the Authenticity and Modernity, the Istiqlal, and the Constitutional Union, on Security and democracy in the Maghreb region. In this meeting, the Council addressed "The constitutional guarantees of human rights."

CNDH also took part in the forum of the European-Maghrebian progressive socialists, held in Marrakech on November 14-15, 2013, "For a progressive Maghreb". This forum adopted the Marrakech Declaration, a reference document that welcomed CNDH's efforts and contributions.

Parliament initiatives for human rights

Ladies and gentlemen,

CNDH notes the significant contributions of Parliament and its initiatives for human rights, particularly the following:

1. The open debate between Parliament and the Government regarding the budgets of the government departments that are directly concerned with human rights and liberties (the Ministry of Interior, the Ministry of Justice, the Ministry of Foreign Affairs, the Inter-ministerial Department for Human Rights, and the General Department for Prison Administration and Reintegration).
2. The two special meetings held by the House of the Representatives' Committee of Justice, Legislation and Human Rights on human rights in Morocco. The Ombudsman (mediator) was invited to speak in the first meeting held on October 23, 2012; CNDH and the Inter-ministerial department for Human Rights in the second meeting, held on April 23.
3. The initiative of several parliamentary groups to hold gatherings and invite CNDH to shed light on the human rights based approach and discuss the conclusions and recommendations of its thematic reports and its campaigns (on prisons and prisoners

rights, children's rights and child protection centers, mental health and human rights, trade union freedoms, women's rights, the rights of immigrants, cultural and linguistic pluralism, etc.).

4. PMs' growing concern in human rights, reflected in their different activities (bilateral parliamentary relations or the different parliamentary forums and bodies);

5. The important initiative of the Network of Parliamentarians against the Death Penalty advocating for the abolition of capital punishment.

CNDH is fully aware that the abolition of the death penalty is controversial and subject to opposing arguments and views within society, especially when we talk about heinous crimes and their impact on the victims' relatives. CNDH takes this opportunity to call for a serene and rational dialogue on this issue and again urges the government to adhere to the Second Protocol of the International Covenant on Civil and Political Rights which provides for the abolition of the death penalty. CNDH insists on Morocco to vote positively for the United Nations General Assembly's resolution calling for a moratorium on the death penalty with a view to abolition.

6. The House of Representatives sent a fact-finding mission to the Prison of Casablanca (Oukacha). Several MPs visited the death row in Kenitra Central Prison;

7. Parliamentarians' growing interest in human rights, as reflected through the number and nature of questions addressed by MPs to the Government. In 2013 alone, 162 oral and 91 written questions on human rights issues were addressed to the Government. Only four government departments were concerned by these questions (Justice, the Interior, Social Development, and Relations with Parliament);

These different aspects of interaction with the legislative institution were saluted as best practices and were applauded by the international community.

III. Relationship with the Government

Ladies and gentlemen,

CNDH's relationship with the Government has made significant progress, be it with the Office of the Head of the Government or with some government departments in particular. The Council has been keen to invite the different government departments to take part in all its conferences and events and send them copies of its publications. It has always been ready to take part in the conferences and events when invited by the different government departments.

As soon as the Government was appointed, CNDH sent a memo to the Head of the Government with listing priorities for a human rights public policy. A first working session was held with the Head of the Government and the Minister of State early in 2012 to outline the Council's vision and programs at the time. CNDH and the Head of the Government agreed on a schedule to implement their shared commitments, mainly the implementation of the Equity and Reconciliation Commission's recommendations.

In this regard, CNDH:

1. Notes the positive cooperation of the Head of the Government to speed up the process and provides final solutions to the suspended cases regarding individual reparation;
2. Welcomes initiatives to invite the Council to participate in public debates and dialogues on the reform of the judiciary, the advisory council for youth and community action, and on civil society and its new constitutional roles;
3. Acknowledges and welcomes cooperation with the governmental departments that referred seven bills and a draft "Circulaire" to the Council for opinion: a draft Circulaire on the State/associations partnership, the first draft of the press national council bill, the first draft of the right to access to information bill, two draft 'organic' laws, related to the Higher Council of the Judicial Power and the statutes of judges, the penal procedure bill, a bill on the "protection and care of people with mental and psychological disabilities", and a bill on forensic activities;
4. Notes the positive interaction of the Government regarding the Council's mandate, as stipulated in articles 14, 15, 21, 22 and 23 of its founding royal decree (contributing to the periodic reports that the Government submits to treaty bodies, cooperating in the protection of human rights, contributing to promoting human rights and capacity building of public services, etc.);
5. Notes that other bills and draft laws that have effect on/or related to human rights were not referred to the Council, such as the domestic workers bill, the violence against women bill, the draft 'organic' law on the constitutional court, and the disability rights bill. The Council, however, managed to examine these bills and published memorandums

about them.

6. The Council also notes that article 16 of its founding law has never been implemented;

7. The Council considers that draft 'organic' law # 065.13 governing the work of the Government and its members is a good opportunity to further strengthen and institutionalize the relationship between the Council and the Government and thus reinforce the Council's contribution to legislations that may fall within the mandate of CNDH, through its advisory opinions. The Council and the Central Authority for the Prevention of Corruption drew up a joint memorandum about the draft law, with proposals and recommendations. The memo recommended three main elements to study the impact: studying the impact, from a human rights perspective, studying the impact on local authorities (communes), and studying the corruption risk impact.

IV – Achievements and changes

Ladies and gentlemen,

Achievements

We cannot analyze the situation of human rights in Morocco, properly, if we do not consider the whole reform packages that have been initiated, at least since 1999 and the achievements that have been made since then: promoting cultural and linguistic rights, including them in public policies, the establishment, for this reason, of the Royal Institute of the Amazigh Culture (IRCAM), the decision to establish a truth commission (the Equity and Reconciliation Commission), thus launching the first transitional justice experience in the Arab-Muslim world, expanding access to economic and social human rights, especially for vulnerable groups, through the National Initiative for Human Development, the collective reflection about the development model, through the '50 years of Human Development and Prospects for 2025' report, and the thorough reconsideration of our territorial governance and the proposed large-scale regionalization project.

Several laws and regulations have been approved or amended to allow for more rights and liberties in our national legislations, namely the Family Code (2004), the amendment of the Citizenship Code (2007), the amendment of laws on civil liberties (2002), the enactment of the Labor Code (2004), the gradual evolution of the Penal Procedure Code (2003, 2006) and the Penal Code, which criminalized torture in 2006 and sexual harassment in 2003, and the improvement of the judicial system with the suspension of the Special Court of Justice (in 2004).

As part of this process, the National Plan of Action on Democracy and Human Rights was drafted, in implementation of the recommendations of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, held in Vienna in 1993, to provide us with coherent and integrated human rights policies.

A new momentum was gained in 2011, with the establishment of the Mediator (or the Ombudsman), which guarantees and protects the rights of citizens against public administrations, and the inter-ministerial department for human rights, a government mechanism that guarantees and coordinates the implementation of human rights public policies. This department plays an important role that was further acknowledged when the United Nations Human Rights Council (UNHRC) called on the other nations to establish similar mechanisms. This was one of the UNHRC's Universal Periodic Review recommendations.

Morocco's treaty practice was also improved. It is now a State party of the International Convention for the Protection of All Persons from Enforced Disappearance (2013), the UN Convention on the Rights of People with Disabilities and its Optional Protocol and the Optional Protocol of the torture convention (2013). Morocco also decided to lift its reservations on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Ladies and gentlemen,

The Equity and Reconciliation Commission (IER) (January 7, 2004 - November 30, 2005) tackled the legacy of human rights violations that took place between 1956 and 1999. It was a national response to honor the right to truth, equity, reparation, and the right to collective memory. Morocco's transitional justice experience was a cornerstone for the country's democratic transition and for its efforts to consolidate the rule of law through the institutional, legislative and policy reforms launched to prevent further human rights violations. This experience would have never succeeded without a strong national consensus. In his speech in Agadir, on January 7, 2004, to appoint the commission, His Majesty the King said "Our people, who are dedicated to democracy, neither turn their backs on their past, nor remain prisoners of its shortcomings. Instead, they derive strength and dynamism from it to build a modern, democratic society, wherein all citizens may exercise their rights and carry out their duties freely and responsibly."

18

26063 victims of gross human rights violations and/or rights holders were compensated, by virtue of the arbitration decisions of the Independent Arbitration Commission and the IER. The budget allocated to this process amounted to 1,804,702,899.80 Moroccan Dirhams (MAD) as of December 31, 2013. 5027 victims from the Southern Provinces, for a total amount of 618,529,270.00 MAD. 217 civilian victims abducted and detained by the Polisario Front were also compensated, for a total of 85,234,375.00 MAD.

The number of people concerned by the IER's recommendations and the follow-up commission's decisions on social integration reached 1,306;828 cases are fully implemented and 335 will be soon. In 118 cases, as case analysis showed, the people concerned relied on themselves to achieve social integration. 25 victims had passed away before the process started.

540 cases were concerned by the administrative and financial settlement recommendations: 366 cases are already settled, 72 cases under way, and 102 are being considered by the competent authorities.

As far as health insurance is concerned, the National Fund for Social Providence Organizations (CNOPS) issued, as of December 31, 2013, 7,271 health insurance cards to the insured persons. 15,690 relatives benefit from the related services. The State General Budget covers the related annual costs, which amounted to 11,833 million Dirhams in 2012 and 13,295 million Dirhams in 2013.

In terms of collective reparation, CNDH followed-up on the implementation of 149 projects in 13 provinces. This program focused on four key areas: capacity building for local stakeholders, memory preservation, improving living conditions of the population, and promoting the rights of and employing women and children. The budget of this program amounted to 159,799,892.00 Dirhams. It was funded by the Moroccan Government, international cooperation (the European Union, UN Women Fund, etc.), the National Human Rights Council, CDG Foundation, and contributions from local associations.

As for IER's archive, history and memory recommendations, CNDH contributed to the establishment of an archives institution "Archives du Morocco", after the enactment of the Archives Law. The Council also held several activities and contributed to several related projects: four conferences on museology and heritage, supporting a Master's degree program on contemporary history and another Master's degree program on Saharan studies, the establishment of the Centre for Saharan Studies and Research at the Mohammed V University in Rabat and the Moroccan Center of Contemporary History, at the same university, the Museum of the Rif in the city of Al Hoceima, the Sahara Museum in Dakhla, the Oasis Museum in Ouarzazate, and the House of Moroccan History in Casablanca.

The Moroccan experience in transitional justice is the first of the kind in Morocco's immediate regional environment. It is now an inspiration to regional stakeholders, particularly after the recent events in the region. I can confirm with great pride that several friends and brothers in Tunisia, Libya, Mauritania, Egypt, Bahrain, Yemen, Sudan, Lebanon, Palestine, Syria, Iraq, Togo, Mali, Côte d'Ivoire, Burkina Faso, Cameroon and Niger are willing to share this experience and learn about its particularities. Represented by its members, officers and experts, the Council led several seminars and workshops on transitional justice in these countries. More than 22 delegations from several Muslim, Arab and African countries visited our country in the last three years specifically for this purpose.

The regional contexts require all of us to collectively grasp the importance of this process as a reference in our contemporary history which can help improve and strengthen our democratic experience. We are also required to take advantage of these achievements to strengthen Morocco's contribution to international official and civil society forums in order to contribute to promoting human rights and democracy in the world, and to share

this experience, which can be considered as a human rights heritage, which of course has strengths and weaknesses, that should be made available for contemporary history researchers, and from which we can draw valuable lessons.

These efforts were praised by the King who sent a letter to the participants of the International Conference we held on Cultural Heritage of the Rif: What Museography?, on July 15, 2011. The Sovereign also commended CNDH's role in, and the importance of, the implementation of the recommendations of the Equity and Reconciliation Commission (IER), in all aspects, particularly the collective reparation process and the preservation of history and memory.

Ladies and gentlemen,

Our transitional justice experience is a success story for many good reasons:

1. The obvious progress in establishing the truth about the legacy of grave human rights violations and the official recognition of the State's responsibility in these violations. I take this opportunity to stress the need to keep progressing in this regard and establish the truth about the few pending enforced disappearance cases, to guarantee the inalienable and indefeasible right of families and relatives to the truth;
2. The Equity and Reconciliation Commission's recommendations have been considered as inspiring and guiding principles. In his speech to the nation, on the 9th of March 2011, in which the constitutional reform was officially announced, His Majesty the King stressed the need to take the significant recommendations of the Commission into account in the constitutional reform. The new Constitution honored this promise and included these significant recommendations in the Supreme Law;
3. The implementation of the individual reparation recommendations started immediately, as soon as the Commission's final report was released. An established national institution (former Advisory Council on Human Rights) was mandated to follow-up on the implementation of the Commission's recommendations. This was the first time, in any transitional justice experience, a national human rights institution was entrusted with such a mandate;
4. The collective reparation process added a new value to transitional justice experiences;
5. The fact that the gender based approach was taken into account in all relevant programs and projects;
6. The measures and projects taken/launched to preserve and promote collective memory, archives and history, etc.

Ladies and gentlemen,

I would like to underline that CNDH, replacing the Advisory Council on Human Rights, is mandated to follow-up on the implementation of the Equity and Reconciliation Commission's recommendations, but it is not the implementing entity.

Almost all of the IER's recommendations were implemented, except some institutional important recommendations, such as the ratification of the Rome Statute of the International Criminal Court, the abolition of the death penalty, and the national strategy to eliminate immunity.

I take this opportunity to salute the commitment of Head of Government Abdelilah Benkirane, on behalf of his government, to provide all the needed resources to close all individual reparation cases by the end of 2014.

Ladies and gentlemen,

Morocco witnessed several social changes and has some great human rights challenges and responsibilities: the implementation of the constitution, strengthening its treaty practice, citizens' expectations, etc.

Social changes

Morocco witnessed some real demographic, territorial, economic and cultural changes. The most important one is probably the emergence of young people as new stakeholders in the social arena. The role of young people is expected to grow significantly in the years to come. We are required to take into account three major changes: the demographic transition, the increased urbanization and the increased access to knowledge.

Fertility rate has declined significantly, from 7.2 in 1962 to 2.19 in 2010. It is estimated at 1.84 in urban areas.

More than 51% of the Moroccan populations are under 25 of age. About 10.4 million people are aged between 10 and 24. This is a great challenge to our country, mainly in terms of education, training, health, employment and the integration of young people to contribute to development and civil society action.

This was further reinforced by the following changes:

- The Moroccan population that used to live in cities was estimated at less than 30% in 1960; it reached 57% in 2007; we moved from 112 cities in 1960 to 350 in 2004;
- New infrastructure has largely contributed to the geographical movement of the

Moroccan population and very large movements from one place to another within the country. A national demographic survey by the Office of the High Commissioner for Planning (Enquête Nationale Démographique à Passages Répétés) showed that about 200000 people moved from rural to urban areas in 2010;

These demographic changes were also fueled by cultural and behavioral changes in society and the emergence of the individual, in addition to increasing education and media offers. The increasing access to knowledge is strongly linked to the literacy efforts that concern most of the population (more than 50% of young boys, followed by young girls) thanks to the efforts made to generalize and democratize access to schools, and the resulting changes in social values, roles and relationships.

According to the experts, these dynamics will have, in the short, medium and long run, some multidimensional effects, contributing mainly to reducing cultural disparities between urban and rural areas, achieving a high level of cultural integration within Moroccan society, ensuring a stronger access of women to all levels of education, strengthening their access to public, economic and administrative spaces, and consolidating the emergence of the individual, with the resulted effects on values, attitudes and social relationships.

V. Challenges and priorities

Ladies and gentlemen,

Challenges

The fundamental changes, briefly explained above, question all institutions and stakeholders and bring to mind several challenges that actually framed CNDH's priorities.

The first challenge is achieving equality and parity between men and women and the fight against discrimination. The Council published a memorandum on the legal framework that would govern the Authority of Parity and Fight against All Forms of Discrimination, provided for in the constitution. This was the first of a series of memorandums published by CNDH on different issues related to human rights and the implementation of Constitution. The Council was also concerned with the legal framework governing the fight of violence against women and domestic workers.

Reform of the judiciary was second in the list of our priorities. We published contributions (reports and memorandums) regarding four related key areas: guaranteeing the right to fair trial (including access to justice and the independence of the judiciary), eliminating and preventing torture, guaranteeing the rights of people deprived from liberty, and reforming and improving the penal system, by including, in particular, alternatives to incarceration and reforming the legal framework governing pardons.

The third challenge concerned civil liberties (right of associations, peaceful protests and freedom of the press). The Council will publish soon a memorandum on the freedom of associations and a survey and a memorandum on the right to peaceful protest. We are similarly concerned by the legal framework governing the press and publishing.

The fourth challenge concerned the legal framework and public policies related to the rights of vulnerable groups, particularly people with disabilities, children, older persons, foreigners and refugees, etc. CNDH has actually published several contributions on these issues.

How to encourage participation of citizens in representative and participatory democracy mechanisms, how to promote the role of civil society, and how to improve education, which can help promote citizenship values and principles and the culture of human rights? This is another important challenge, without which efforts to overcome all the other challenges will certainly fail!

Ladies and gentlemen,

These challenges have actually framed CNDH's vision and its strategic objectives and proposals. The Council's efforts and contributions, targeting legislations or public policies are driven by the wish to contribute to addressing these challenges.

Violence against women: CNDH's top priority, at the time being, is the law that will establish the Authority for Parity and the Fight against All Forms of Discrimination, the law to fight violence against women and the domestic workers law.

Protection: CNDH believes that in order to face up to these challenges, especially those related to human rights protection, we need to provide, in our legal arsenal, for the four mechanisms needed to prevent torture, receive complaints from children if their rights are violated, fight discrimination, in complementarity with the yet-to-be-established Authority for Equity and Fight against All Forms of Discrimination, provided for in the constitution, and protect the rights of persons with disabilities. The National Human Rights Council, as a national institution for the protection and promotion of human rights with strong reputation in Morocco and abroad, proposes reforming its mandate to include the powers of these four important mechanisms.

26

The judiciary: We also believe at the Council that the two 'organic' laws establishing the Higher Council of the Judicial Power and the Statutes of Judges, in addition to the two legal frameworks governing pardon and alternatives to incarceration should be enacted very soon. This is one of the top priorities that the government needs to address to reform the judiciary.

Civil liberties: The Council is also highly concerned with and advocates for the reform of the legal frameworks on civil liberties (associations, peaceful protests, and freedom of the press). We need to strengthen these rights and freedoms and, most importantly, the central role of the judiciary in protecting them.

Vulnerable groups: CNDH considers the enactment of the law on the rights of persons with disabilities as an urgent need. The success of the new migration policy depends on the enactment of new laws on migration, asylum, and the fight against human trafficking.

Public policies: CNDH is strongly concerned with the preparation and implementation of the national strategies on children, people with disabilities and young people. It will not fail to issue its recommendations and proposals regarding the implementation of the National Plan for Equality (dubbed IKRAM).

Gender equality, parity and equal opportunities should be considered as priorities for

public policies. This requires an acknowledgment of the progress made in the area of the gender-responsive budgeting (GRB), since 2007. And to acknowledge this progress, the GRB should be included in the draft Organic Finance Bill.

For CNDH, the National Plan of Action on Human Rights and Democracy is a guarantee for the respect of the human-rights based approach in public policies. We hope this comprehensive, coherent and indivisible Plan will be adopted very soon.

Ladies and gentlemen,

CNDH is fully aware that citizenship consolidation and the promotion of the culture of human rights require a long-term planning. This, however, does not prevent us from listing some priorities in the short and medium run. These priorities revolve around three main issues: improving the legal framework of the electoral processes, implementing the constitutional provisions related to participatory democracy, and the consolidation of the strategic role of education in promoting the culture of human rights.

These are CNDH's most important priorities. I will highlight now the achievements, challenges and recommendations on each one of them.

Priorities

Parity and fight against discrimination

CNDH has given utmost importance to the constitutional principles of equality, parity and the fight against all forms of discrimination. It has helped addressing this constitutional promise through its contributions, mainly its proposals on the Authority for Parity and Fight against All Forms of Discrimination, provided for in articles 19 and 164 of the Constitution, and the legal framework for the fight against violence against women and girls.

Ladies and gentlemen,

Regarding the Authority for Parity and Fight against All Forms of Discrimination, CNDH published a memorandum based on the conclusions of a scientific survey it commissioned on the experiences and powers of similar institutions in the world. This memorandum included several proposals on the status of this institution, its mandate, its missions, its structure and its territorial mandate.

The National Human Rights Council recommended including the definitions of equality, parity and discrimination against women in the legislation and gave several proposals

on the authority's advisory powers. It also recommended giving the Authority a large protection and prevention mandate to fight against discrimination, as a national redress mechanism, and the power to follow-up and report on discrimination cases.

Concerning the legal framework on violence against women, CNDH published a memorandum highlighting the normative standards that should be taken into account in the relevant legislation. It gave a precise definition to violence against women and its different forms and recommended several relevant measures to protect against and punish violence against women and provide for reparation to the victims. CNDH also recommended other measures to help prevent violence against women and change attitudes and mindsets, through school and education, and also through media outlets, concerned by the powers of the High Authority for Audiovisual Communication (HACA) to fight stereotypes against women.

Pursuant to articles 31, 32 and 34 of the Constitution, especially those relating to the right to work, children's rights and vulnerable groups, CNDH, upon the request of the Speaker of the House of Councillors, the first of the kind, issued an advisory opinion on Bill 12-19 on domestic workers.

28

In its opinion, CNDH recommended the ratification of the ILO's Domestic Workers Convention, (C189 - Convention Concerning Decent Work for Domestic Workers) and considered that the choice to regulate the "working conditions and employment of domestic workers who have an employment relationship with the head of a family" "by a special law" is the choice of the legislature who has the power to choose so, but this law should in no way limit the legal guarantees granted to this group of vulnerable workers. CNDH considered that domestic work can have an impact on children's health, their safety or their behavior as referred to under the C182 - Worst Forms of Child Labour Convention. It thus recommended that no child under 18 years of age must work as domestic worker, bearing in mind that almost all domestic workers in Morocco are young girls from poor backgrounds and victims of brokers' networks that exploit them.

Ladies and gentlemen,

CNDH's contributions to implementing the constitutional principles of gender equality, parity and the fight against all forms of discrimination, aim to face a number of challenges. I will focus my remarks on four, namely, violence against women, child marriage, the increasingly reduced participation of women in the economic activity and the job market, and child labor.

CNDH notes the worrying extent of violence against women, which can be considered

as a form of discrimination. According to the conclusions of the national survey on violence against women, published by the (Moroccan) Office of the High Commissioner for Planning (HCP), psychological violence stands at 48%, violation of individual liberties at 31%, violence related to law-enforcement at 17.3%, physical violence at 15.2%, sexual violence, including forced intercourse, at 8.7%, and economic violence at 8.2%. The survey also showed that domestic violence is the most widespread form of violence against women, at 55%.

Child marriage is another disturbing issue. According to the statistics of the Ministry of Justice and Liberties, published within the framework of a plan to assess the implementation of the Family Code 10 years after its enactment, the number of marriage contracts of boys and girls under 18 years increased from 18341 in 2004 to 35152 in 2013. The percentage of decisions accepting child marriage applications is virtually stable at about 80%; at 88.18% in 2006 and 85.46% in 2013.

Analyzing the applications submitted for child marriage permits, we notice that 32.46% of these applications concerned children between 14 and 16 years of age. This is actually a challenge for the right of children to education and Morocco's international commitment, mainly article 28 of the Convention on the Rights of the Child, to which Morocco is a State party.

CNDH also notes the weak participation of women in the national job market. According to data provided by the Office of the High Commissioner for Planning (HCP), covering the third quarter of 2013, only 20.93% of women between 15 and 59 have a job. A bulletin published by the HCP, on the International Woman's Day in 2010, showed that only 0.8% of women are employers.

It is thus necessary to give women the opportunity to enjoy their effective right to participate in the economic, political and social life, now more than ever.

CNDH's strong determination to advocate for the complete and total eradication of child labor is due to its firm convictions and also to the disturbing reality confirmed by the employment survey published by the HCP, on the World Day against Child Labor, on June 12, 2011. According to this survey, there were 147000 child workers between 7 and 15 in 2010 against 92000 in 2012, i.e. 3% and 1.9% of all children in this age group, respectively. In the area of gender equality, parity and the fight against discrimination, the Council recommended and advocated for the following priorities:

- ratifying the ILO's Domestic Workers Convention (C 189);
- adhering to the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, May 2011);

- enacting the legal framework for violence against women, which must include measures to protect women victims of violence;
- enacting the founding law of the Authority for Parity and Fight against All Forms of Discrimination;
- and enacting the domestic workers law, establishing 18 years old as the minimum age for domestic work.

Reform of the judiciary

Ladies and gentlemen,

To contribute to addressing the priorities of the reform of the judiciary I mentioned earlier, CNDH published several memorandums and advisory opinions on the subject. These publications sum up the conclusions of its reports, analyses and studies in the associated areas.

I will now outline the main CNDH's conclusions in this area:

Through its visits to prisons and its inspection of the situation of prisoners and how they are treated, CNDH noticed that there are structural elements that pose hazards to prisoners' fundamental human rights, particularly the rights of vulnerable groups in prisons. The Council highlighted these elements in its report on prison conditions, published on October 30, 2012, in which it considered the crisis in prisons as shared responsibility of the different stakeholders concerned. These elements particularly included ill-treatment, discrimination, stigmatization, and the poorly enforced procedures and measures, such as the disciplinary measures that can be taken against prisoners. The Council also noted that some violations and abuses still occur in prisons, such as beatings, cruel, inhuman and degrading treatment and sometimes torture in some prisons, and the excessive use of discretionary powers to legally characterize offences and of administrative decisions to transfer prisoners from one prison to another as a disciplinary measure, not to mention the insufficient active control and inspection mechanisms. Overcrowding is an exacerbating factor of most of the abuses and irregularities in a prison. It affects the quality of the services provided and undermines prisoners' fundamental rights. Pre-trial detention is one of the major exacerbating factors of this phenomenon.

In addition to these irregularities and issues in Moroccan prisons, there are additional sufferings for vulnerable groups such as women, people with disabilities, foreigners or drug-addicts, who live in the same conditions as the other prisoners and suffer from additional inhuman and degrading treatments, and are sometimes deprived of their fundamental rights because of stigma and discrimination. For example, there are no accessibilities for persons with disabilities in prisons and no legal, therapeutic or inclusive guarantees either.

There are other aspects of the crisis in prisons: the weak implementation of the provisions of the Criminal Code related to the special rules and guarantees of juvenile justice; the deficiencies in the procedure of granting pardons, the criteria to apply for such procedure, and the difficulties some groups of prisoners have to access the procedure. Besides, there is no comprehensive legal framework for alternatives to incarceration, especially for offences that can be sentenced to less than 5 years.

CNDH commissioned a survey on forensic activities in Morocco that it published on the 8th of July 2013. This study targeted the three main activities of forensic pathology: activities related to deaths, including autopsies and forensic medical examination; activities related to the various certificates issued by the forensic doctors, including certificates issued for women and children victims of different types of violence, and the activities related to forensic expert medical assessment and report. Forensic activities in Morocco, according to this survey, suffer from many problems, mainly the following: weak training, obsolete infrastructure and tools, and poor governance.

In addition, there are as few as 13 doctors specializing in forensic pathology in our country, including two deputy university professors and one university professor. And there is just one specialized university hospital unit.

Ladies and gentlemen,

CNDH closely followed and investigated torture allegations, including cases of Kamal Ammari who passed away in the city of Safi on June 02, 2012, Yassine El Mhili (Safi), and Bouchta Charef and Ali Aârasse, in the local prison of Salé I.

The Council notes that there are several structural problems that prevent the complete eradication of torture in Morocco, as provided for in Article 22 of the Constitution. After investigating and analyzing the cases I have just mentioned, the received complaints, and the conclusion of the reports of visits to places of deprivation of liberty, we can name the following problems and obstacles:

- The weak guarantees against torture at police custody;
- The weak guarantees against torture during pretrial detention; weak inspection and monitoring mechanisms;
- There are no compulsory measures to immediately refer any case of torture allegations to forensic expert medical assessment. In some cases the public prosecutor office or the investigating judge refuses to refer arrested people claiming being subjected to torture to such medical assessment;
- Forensic experts play a little to no role in confirming or refuting allegations of torture, given the dysfunctions and problems identified in the survey that was commissioned by CNDH;

■ The risks of twisting disciplinary measures, referred to in the law governing prison administration, denying prisoners, in many cases, their fundamental rights, mainly access to medical care.

CNDH has contributed to the national dialogue and public debate on the reform of the judiciary, which must guarantee the independence of the judiciary, protect the rights of litigants, and facilitate access to justice:

1. It published 11 publications, in addition to its thematic reports and advisory opinions relevant to the different areas of justice.

2. It published a memorandum on the 'organic' law of the Higher Council of the Judicial Power (CSPJ), containing proposals to guarantee the independence of this council and equitable representation of women judges. The memorandum also shed light on the rights and duties of CSPJ board members, its structure, mandate, and functions. Other proposals are related to the performance of judges and its assessment, as well as the transmission of the judicial inspection powers to this yet to be established institution.

3. The Council published a supplement tackling in particular the coordination mechanism between the Higher Council of the Judicial Power and the Ministry of Justice and Liberties, to guarantee the independence of the judiciary. This memorandum was drafted in response to the draft organic law founding the Higher Council of the Judicial Power, which the Ministry of Justice and Liberties thankfully referred to the CNDH for opinion.

4. CNDH also published a memorandum on the organic law on the Statutes of Judges. It included proposals on the recruitment of judges, recommending the transfer of the powers relating to their recruitment to the Higher Council of the Judicial Power; proposals concerning the rights and duties of judges and other proposals relating to their career, including new methods to appoint judges in positions of responsibility, the independence of the office of the public prosecutor from the Executive Power; the implementation of the penal policy by the office of the public prosecutor; and how to monitor its work.

5. The Council published a supplement providing recommendations and proposals relating to the communication about the penal policy orientations, given the autonomy of the office of the public prosecutor; appointment to senior judicial or administrative positions, professional associations of judges and the disciplinary measures. This memorandum was drafted in response to the draft organic law founding the Statutes of Judges, which the Ministry of Justice and Liberties thankfully referred to the CNDH for opinion.

6. CNDH also published a memorandum on alternatives to incarceration and another on the legal framework governing pardons:

Our memorandum on alternatives to incarceration shed light in particular on the relevant international benchmark analyzed the root causes of overcrowding in prisons, including the excessive use of pre-trial detention, the lack of diversification in the national penal system of the legal framework of alternatives to incarceration. This memorandum included

a set of recommendations and proposals targeting the areas that can be concerned with this kind of alternatives and on their nature.

Our memorandum on the pardons legal framework shed light on the experiences of several comparative monarchies. It recommended restricting access to the right to pardon for some crimes, setting up a commission for pardons, and the categories of the accused that can have the right to apply for pardon on a priority basis.

Ladies and gentlemen,

In compliance with articles 1 and 71 of the Constitution, and upon the request of the Speaker of the House of Representatives, CNDH released an advisory opinion on law # 01-12 on the fundamental guarantees granted to military members within the Royal Armed Forces, in particular Article 7 concerning the legal protection of military members. This was the first time and the last time the House of Representatives referred legislation to the Council for opinion in compliance with the provisions of CNDH's founding law.

CNDH has given special interest to the military justice system and published a memorandum on the provisions of the Royal Decree (Dahir) of 1956 related to the Military Justice Code, as it was amended and completed. Its memo included recommendations related to the jurisdiction of the military court, the implementation of the constitutional guarantees related to the rights of litigants, proceedings before the military court, the relationship between judicial police officers, on the one hand, and the military investigating judge and the prosecutor of the military court, on the other; put some procedures and deadlines applied by the military court in compliance with those referred to in the Penal Procedure Code and adopted before the ordinary courts. Bill # 13.108 on the military justice took the main proposals of CNDH into account, in particular those relating to the jurisdiction of the military court, aiming at strengthening the independence of military judges, and targeting the harmonization of military court procedures with ordinary court procedures. Given the crucial role constitutional justice can play as a protector of fundamental rights and freedoms, in compliance with Chapter VIII of the Constitution relating to the Constitutional Court, and given the justified interest CNDH gives to the important role of constitutional justice in the protection of human rights and liberties, CNDH issued two memorandums relating to the organic law of the constitutional court and the organic law on the exception of unconstitutionality.

CNDH recommended two scenarios for the exception of unconstitutionality: (1) the prior review of the cases related to the exception of unconstitutionality before accepting them for deliberation before the Constitutional Court, or (2) a double review at the lower courts before accepting the exception of unconstitutionality by the Constitutional Court. As for the Constitutional Court, CNDH's proposals mainly concerned the procedure to

select candidates elected by both houses of Parliament to be appointed as members of the Court, incompatibility cases, and the Court's powers and administrative organization. CNDH strongly hopes the establishment of the Constitutional Court, to replace the Constitutional Council, will help produce a creative jurisprudence likely to secure the rights and liberties provided for in the Constitution and implement the relevant constitutional objectives.

Ladies and gentlemen,

CNDH's thematic reports on the Higher Council of the Judicial Power, the Constitutional Court, the exception of unconstitutionality and the military justice code, and their conclusions, were highly commended by His Majesty the King. In a statement from the Royal Cabinet, dated March 2, 2013, His Majesty welcomed the spirit of our approach and the content of these reports. This is a source of pride for us. This statement is a strong incentive to keep up contributing, through our proposals, opinions, and recommendations, in the different areas related to human rights.

Ladies and gentlemen,

34

The National Human Rights Council worked on several priority areas related to the reform of the judiciary and followed and contributed to the national dialogue on the reform of the judiciary. I would like to seize this opportunity to shed light on a current urgent challenge, namely the increasingly growing prison population that moved from 57.763 inmates in 2009 to 72.816 in 2013, according to the official statistics. It should also be noted that 42% of prisoners are in pre-trial detention and 40.45% are serving a one year term or less. Due to overcrowding and a stagnating budget allocated to prisons, what is spent daily on each inmate has dropped to 11 Moroccan Dirhams in 2013.

Space for each prisoner is another important indicator. According to the General Delegation for Prison Administration and Rehabilitation, the national space average is 1.68 square meters per inmate. But there are considerable disparities between prisons; this space can range from 0.70 to 13.49 square meters per prisoner in some prisons.

It should be noted that the national average is lower than the international standard set by the International Committee of the Red Cross, i.e. 3.4 square meters for each inmate. If we apply this international standard to calculate overcrowding in prisons in our country, we will have an occupancy rate of 202%!

These worrying statistics urge us now more than ever to establish a legal framework for alternatives to incarceration and to review the legal framework for pardons, as soon as possible, in accordance with the recommendations of the National Charter for the

Reform of the Judiciary. This is very important. Such legal frameworks must be enacted urgently. They should not follow the pace of the current reform process aiming to review the penal code and the penal procedure code.

Forensic activities can play a major role in refuting or confirming allegations of torture and can guarantee the right to fair trials. It is urgent that we should have a modern and progressive law on forensic activities that meet the related international and constitutional standards.

For the prevention and fight against of torture, CNDH recommends:

- Providing, in the penal procedure code, for the right of the arrested person to immediately contact a lawyer during custody and for audiovisual recording of investigations;
- Designating the National Human Rights Council as the National Preventive Mechanism, and reforming CNDH's founding laws so that it can be mandated to play the roles of the mechanism;
- Reviewing the legal framework of correctional facilities, to strengthen the guarantees related to disciplinary measures in prisons.

VI. Human rights and liberties

Ladies and gentlemen,

The right to peaceful protest

In fulfillment of its mission relating to human rights protection and its proactive approach to defend and protect these rights, the National Human Rights Council has conducted several missions to monitor, investigate and mediate in many tensions that led to some human rights abuses. Indeed, CNDH sent its experts to Khouribga (March 2011), Bouarfa (March-May 2011), Safi (May 2011), Dakhla (September 2011), Beni Bouayyache (Al Hoceima, February 2011 and early 2012), Souissi University Campus I (May 2012), Douars (hamlets) of Chlihate and Shishhate (Larache, June 2012), Beni Makada (Tangier, October 2012), the Salé Local Prison (May 2012), Boujdour (March 2013), Smara and Laayoune (April and May 2013), Assa (September 2013), Laayoune (September 2012). It also monitored the trial of those involved in the Gdeim Izik events, before the Military Court in Rabat (February 2013).

On the basis of information submitted by the Ministry of Interior, the Council noted that 23121 protests were organized in Morocco in 2011 (including 1683 in the three Southern Provinces, i.e. 7.27%), 20040 in 2012 (including 935 in the three Southern Provinces, i.e. 4.66%), and 16096 in 2013 (including 825 in the three Southern Provinces, i.e. 5.12%). These protests were held in different Moroccan regions and cities.

Despite the fact that most of these protests did not follow the common legal procedure, provided for in article 11 of the Dahir (Royal Decree) of the 15th of November 1958, under which protest organizers are required to inform the authorities of their protest and their itineraries beforehand, Moroccan citizens were not denied their right to protest in the public space. The Council noted that these protests remained peaceful and there were no violent acts involved, except in very few and very limited cases. CNDH reached some preliminary conclusions following its monitoring to some protests, particularly those held in 2011. The Council monitored these protests, drafting reports about them and tried some mediation efforts in several occasions. It is important for us to share these basic conclusions with you:

- Failure of the authorities to communicate effectively during events was an issue and that had, in many cases, adverse consequences, especially in the case of false rumors of death conveyed and relayed sometimes by electronic media or social networks, without verifying their accuracy;
- The excessive and sometimes inappropriate use of force which led in some cases to violations to the right to life (like in the cities of Safi and Assa) and the rights to physical integrity of protesters, particularly women and minors, in addition to illegally raiding houses and, in some cases, violence against law enforcement authorities;

- The inefficiency of some collective mediation mechanisms, such as the provincial committees to resolve collective conflicts related to work, and how citizens and service users' complaints and grievances are dealt with by ministries' general inspectorates;
- The non-implementation of article 36 of the Communal Charter, under which urban and rural communes are required to prepare development plans following a participatory and gender-based approach. Out of 1503 communes, only two third drafted such plans;
- Extern services do not have the same ability to react to the communes that developed their plans in the same ways. This may have adverse effect on the coherency of the national public policies;
- The issue of how deal with collective expressions during some festivals or sporting events during which verbal and physical violence can be used;
- Failure of the current legal framework on public gatherings to include all the new forms of expression and practices relating to the right to peaceful protest (sit-ins, storming government premises, planting tents, etc.). These new forms have been used increasingly. . . ;
- Inefficient roles of the different stakeholders (from elected bodies to civil society) supposed to supervise and represent protesters.

As I mentioned earlier, CNDH published a study on the right to peaceful protest and proposed it as a rationale for a national conference on the right to protest that should gather all stakeholders concerned. The Council suggested three main points for public debate on this matter:

- The need to establish and guarantee the right to peaceful protest for every citizen, limiting the administration's discretionary powers to prevent peaceful protests, and strengthening the role of the judiciary as an effective redress mechanism;
- The need to agree on the principles that everybody should observe and uphold, guaranteeing the right to peaceful protest, but without disturbing the normal conduct of public and private institutions;
- The promotion of the culture of citizenship, civil conduct and human rights and the fight against hate speech, discrimination and racism.

Ladies and gentlemen,

Freedom of association

Freedom of association is one of the important achievements we have made. Right after its independence, Morocco enacted a legislative framework to provide for this freedom without restrictions and allow citizens to organize in associations or to join associations to serve society or a group or to defend a public interest, through their collective efforts and voluntary services. Today, civil society has a bigger role. Civil society associations have constitutional roles now. According to a study on nonprofit organizations released in 2011 by the Office of the High Commissioner for Planning, however, there are many obstacles preventing the development of

civil society in our country. The most important of those obstacles are:

- weak supervision of associations with respect to the general population (145 association per 100000 inhabitants) and association membership disproportion (57.3% of associations have fewer than 100 members);
- Disparities in terms of territorial coverage (30% of national civil society associations are active in the regions of Rabat-Salé-Zemmour-Zaer and Souss-Massa-Draa);
- 75% of associations are mainly active at the local levels and particularly target outreach activities. We should read this as an indicator, taking into account that 78% of civil society associations do not belong to any network;
- The annual budget of 20% of associations is less than 5000 Dirhams (less than 500 Euros). One third have a budget of 10000 Dirhams a year or less (less than 1000 Euros);

Handling complaints about freedom of association and reviewing the reports of various national and international NGOs, the Council reached the following conclusions, that confirmed the findings of a study conducted by CNDH's Regional Human Rights Commission of Khouribga-Béni Mellal, within its territory:

- local authorities ask for documents other than those provided for under article 5 of the relevant law on the registration procedure;
- In other cases, local authorities ask for a more copies, more than those provided for in the registration procedure;
- The authorities sometimes refuse to give associations the registration receipt immediately after submitting the required documents, which is contrary to the law;
- Associations face other structural problems, such as the complex registration procedure for the local chapters of national associations and the non-execution of final court judgments that some associations have, under which they have the legal right to exist.

From the 1st of March 2011 till the end of 2013, CNDH, given its protection and mediation roles, has helped solve 22 cases of associations that were denied their registration receipts, while 37 associations brought their cases to the court. According to the Ministry of Interior, an average of 5000 registration receipts are issued every year, to establish new associations or to renew the structures of active associations. A study released in December 2011 by the Office of the High Commissioner for Planning suggested that the number of associations reached at the time 44771 associations. The weak supervision of associations, the obstacles associations face and the administrative practices that contradict the law hinder the development of civil society in Morocco. Facing these obstacles, civil society associations cannot play their role or support, assist, supervise and represent citizens. In such conditions, they can play no effective mediation role in time of tensions and crises.

The right to protest has become a normal and regular practice. This is something we should be proud of. It is an indication of citizens' awareness of their rights, and their willingness to break the fear barrier. There is an urgent need, however, to confirm the provisions of the

Dahir of 1958 under which no prior authorization is needed to organize a peaceful protest but rather a simple prior statement to inform the authorities of the protest. We need to strengthen the role of the judiciary in protecting this right, and to launch more community initiatives to organize and supervise the different community activities. Within the framework of the same universal perspective of freedom of assembly and association in its broader sense, CNDH recommends ratifying C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and repealing Article 288 of the Penal Code, in complementarity with the legal framework on trade union rights and the right to strike.

Ladies and gentlemen,

Freedom of the press

Despite the fact that they are guaranteed under article 28 of the Moroccan Constitution, freedom of the press and freedom of speech have been violated many times, especially when journalists got prosecuted and sentenced under the penal rather than the press code, and when they are sentenced to prison terms and heavy fines. According to information provided by the Ministry of Justice and Liberties, 119 related cases were brought before the Moroccan courts; 82 of these cases were sentenced by the courts in 2011. There were 106 cases in 2012, 51 of which were sentenced by the courts. Some journalists were assaulted or abused as they reported on protests in different parts of the country. The Council considers that this is the consequence of many irregularities and deficiencies in the law into force, which must be addressed and avoided in the new expected legal framework.

CNDH is concerned with the reform of the legal framework on press and publishing, initiated by the Ministry of Communication. CNDH commented and issued an opinion on the national press council bill (2012) and will comment and share its opinion on the other relevant legal frameworks. The Council believes that to further promote freedom of the press and freedom of speech, we need an urgent and comprehensive reform of the press and publishing legislation (especially the print press) and to review the sentences related to freedom of speech, in compliance with the Constitution and international human rights law. Prison sentences, in particular, must simply be dropped from the Press Code. We should also take into account the recommendations of the White Paper of the National Dialogue on Media and Society (2010/2011).

Ladies and gentlemen,

Vulnerable groups

The rights of vulnerable groups and the related issues are strategic and of great concern for CNHD. The Council has worked so far on the rights of persons with disabilities, the

rights of persons in psychiatric and mental health hospitals, the rights of children held in child protection centers, and the rights of immigrants.

Morocco has adopted several approaches for the rights and issues of persons with disabilities. These approaches, however, have failed to eradicate discrimination against this group and marginalization they feel. This feeling of marginalization is further fueled by discriminatory practices and attitudes in society and the lack of inclusive public policies and legislations that honor their human rights. The State and society are required today, thus, to adopt an inclusive approach in education and provide for appropriate resources, appropriate textbooks and skillful pedagogic and administrative personnel. We should also provide for continued training, encourage education of people with disabilities, and promote respect for diversity in schools and society at large.

CNDH notes with satisfaction Morocco's ratification of the International Convention on the Rights of Persons with Disabilities. It expresses, however, deep concern about the slow implementation of the appropriate measures that can eradicate disability based discrimination, in economic and social rights, in particular. To further contribute in addressing these issues, CNDH will adopt a strategy to include disability in all its programs and projects, at its 7th ordinary session, to be held soon.

The Council was keen to include disability rights in its advisory opinions and recommendations. It commissioned a survey on the economic and social rights of persons with disabilities in the three Southern Provinces. The preliminary conclusions of this survey were discussed and further enriched by local civil society and disability rights stakeholders in a seminar held by CNDH at Fom El Oued in Laayoune, on the 8th of March 2014. Speaking about disability rights, I would like to thank your Excellencies the Speaker of the House of Representatives and the Speaker of the House of Councillors for using the sign language in your communication with a group of citizens that have difficulties in hearing and speaking. I salute this initiative. We were inspired by this initiative and decided to publish this report in Braille to give blind people the opportunity to interact with the institution.

Ladies and gentlemen,

On the 11th of September 2012, CNDH released a report on mental health and human rights, at the end of a fact-finding mission to 20, out of the 27, mental health institutions in Morocco. According to this report, there are many structural problems that have negative effects on patients' human rights. The Royal Decree of April 30, 1959, on the "prevention of mental illnesses, their treatment and protection of patients" was considered, for many years, as a very progressive legislation but it is now obsolete and may by no means follow social change. Worse still, there are some gaps that lead to many abuses. The report also shed light on the legal framework's weakness in many areas including psychiatry practices, mental health hospitals and

psychiatrists working in the private sector. Besides, mental health infrastructure do not cover all territories evenly and most institutions lack adequate control and safety requirements and maintenance, except two that can be considered as model institutions. The report highlighted the inhuman situation in isolation facilities, old equipments and infrastructure, and the weak human resources in the sector (there are only 172 psychiatrists and 740 skilled nurses in the public sector and 131 psychiatrists in the private sector; falling far short of the WHO standards relating to mental health medical and paramedical staff.

CNDH noted with satisfaction the cooperation of the Ministry of Health before and during this fact-finding mission. We were surprised and happy with the Ministry's positive responses to the recommendations of our report. The Ministry has already started working on a national mental health strategy following a human rights-based approach.

CNDH has also sent a mission to study and analyze the situation of children institutionalized, by a court order, in child protection centers in order to assess compliance of the related measures and conditions with the international standards related the situation of children in conflict with the law and the provisions of the international Convention on the Rights of the Child. In its report, released on the 20th of May 2013, CNDH noted that in most cases, institutionalization and deprivation of liberty are the first resort in cases involving children in conflict with the law. The Council has identified a series of problems that make the institutionalization of children in these centers rather in contradiction with the international standards, in terms of infrastructure, supervision, living conditions, security and safety (especially children under 12 years of age and children with disabilities). There are other issues related to trials, redress mechanisms, and the institutionalization of children with no categorization that takes into account children's ages and the reason why they should be institutionalized. The report also concluded that some children were physically or verbally abused or subject to insults and humiliation.

CNDH notes with satisfaction the positive collaboration of the Ministry of Youth and Sports, to which these centers are affiliated. But we still hope and look forward to seeing our recommendations implemented.

Ladies and gentlemen,

CNDH published a report on migration and asylum in Morocco, confirming that Morocco has become a transit and host country for immigrants and asylum seekers and that immigration can help enrich the country in many aspects despite the economic, social and human rights related challenges.

To observe compliance with Morocco's international commitments and the provisions of the Constitution, which provide for non-discrimination and equality, right and duties, between Moroccans and foreigners, including the right of foreigners to participate in local elections, CNDH recommended documenting irregular immigrants, adopting an integration policy and several new laws and amending existing laws to guarantee equality in rights. It also recommended mobilizing all stakeholders concerned to engage in this approach, first of the kind in the Southern countries. His Majesty's immediate approval of this report and its recommendations and His instructions to the government paved the way for a new policy to implement these recommendations that have had unprecedented international support.

CNDH commends the efforts made to implement the new policy: appointing the Ministry of Moroccans Living Abroad to lead these efforts, re-opening the asylum seekers office in the Ministry of Foreign Affairs and Cooperation, the legislation efforts led by the Inter-ministerial Department for Human Rights (Délégation Interministérielle aux Droits de l'Homme) related to asylum, migration and the fight against trafficking in persons, and the one-year exceptional campaign to document irregular immigrants.

Ladies and gentlemen,

On the basis of its analysis of vulnerable groups' situation, CNDH would like to share with you the following priority recommendations:

- speeding up the establishment of a legal framework for the protection of persons with disabilities following an inclusive and participatory approach, and adopting national, regional and local policies to earn 2 percentage points in GDP, i.e. 9.2 billion Moroccan Dirhams, according to several surveys;
- speeding up the process to adopt a new mental health legislation;
- and seizing the opportunity of the penal code and the penal procedure reform to improve the legal framework for the protection of children, especially those who are in conflict with the law.

To sustain the human rights and humanitarian approach of the new immigration policy, the Council recommends:

- swiftly approving and adopting an asylum law, the law against trafficking in persons, the immigration law and all related laws, involving civil society associations all the way;
- Following His Majesty the King's instructions, CNDH, in collaboration with the competent government departments, will handle the exceptional campaign to document irregular immigrants and handle asylum applications, submitted to the Office of the UN High Commissioner of Refugees in Morocco.

VII. The right to rights

The complaints that CNDH and its regional commissions received are evidence of citizens' growing demand for rights and the fact that they start seeing human rights as crucial values and that they refer to them in all their demands. These complaints also reveal the magnitude of the challenges we face in terms of human rights protection. The statistics that I will share with you show that CNDH has become a national easily accessible grievance redress mechanism, despite the fact that most complaints do not fall within its jurisdiction. As a national institution, we decided, however, to support, inform, and orient all complainants and rights holders, even if their complaints are not relevant to our work or jurisdiction.

Ladies and gentlemen,

CNDH and its regional commissions received, until December 31, 2013, a total of 41,704 complaints and requests. Most of these complaints are about court cases and procedures and the rights of litigants, prisoners' rights, administration and the rights of public service users... The complaints that fall within the Council's jurisdiction concern abusive use of force, the violation of the right to physical integrity, mistreatments, and the violation of economic, social and environmental rights.

65% of all complaints and requests concern the legacy of grave human rights violations and the settlement of the Equity and Reconciliation Commission's recommendations (13,311 complaints), justice and the judiciary (7,802), prisons (5,005) and fundamental rights (1,289). 552 complaints were referred to the Mediator.

The high expectations of citizens are further demonstrated by the number of complaints that the regional commissions received until the end of 2013; a total of 12,206 complaints. The three regional commissions in the Southern Provinces received 933, i.e. 2.23% of the total number of complaints at the national level. 25,845 persons visited the Council and its commissions to file their complaints.

Handling and analyzing these complaints, the Council concluded that almost all complaints are rather drafted as requests in which citizens are not just complaining about something but, perhaps most importantly, demanding something... demanding their rights. This shows that citizens are now more aware of their human rights and their right to human rights. As a national human rights institution, we are thus required to constantly improve and strengthen our own capabilities, at the national and regional levels, to better ensure effective monitoring and reporting of allegations of human rights violations.

CNDH analyzed these complaints and, accordingly, set priorities for campaigns that can help address some of the most urgent issues raised, mainly the advocating to review some legislative provisions, some procedures, rules and administrative decisions, and some gaps in public policies.

The Council thus proposed the following:

- providing for alternatives to incarceration in the national penal code and reforming the law on pardons;
- reforming procedures disciplinary measures in prisons;
- strengthening the legal safeguards to protect against torture in the penal code and the expected new founding law of CNDH, giving the institution the mandate of the National Preventive Mechanism;
- diversifying and providing for more alternatives to pre-trial detention;
- strengthening control and inspection in places of deprivation of liberty;
- institutionalizing participatory democracy tools and mechanisms, mainly at the local and regional levels;
- establishing legal frameworks related to participatory democracy, in implementation of Articles 14, 15 and 139 of the Constitution, and drafting laws to promote sustainable and human development and participatory democracy entities.

VIII. Citizenship and the right to participation

I highlighted several challenges when I was talking about the role of education in promoting and consolidating the values of citizenship and the culture of human rights. Now I would like to shed light on the initiatives that CNDH launched in this area. We do consider, however, that these initiatives are insufficient and that more efforts are needed to meet the growing and essential needs in the area.

CNDH and the different mechanisms and departments of the National Education sector have built fruitful cooperation opportunities. The Council supports the 5,501 clubs of human rights and citizenship education, established by students in schools. It also contributed and/or held several training sessions for the educational staff supervising these clubs. These training targeted 2,191 participants, last year. The Council published a guide for the clubs of human rights, citizenship, and equality in schools, advocating for an established framework for these clubs, highlighting the objectives, principles and approaches, and also the needed standards, tools, etc. The guide also aims to reconcile the different views and facilitate understanding and communication among the various clubs and their partners and suggest a platform to institutionalize the role of these clubs.

As I have just mentioned, these initiatives are significant but their impact is limited and they do not concern all schools. For the academic year of 2012-2013, there were only 6,515 clubs out of 13864 schools (1751 primary/secondary schools and 999 high schools). We need thus to strengthen the role of these clubs and deepen knowledge of and further promote the values of human rights, citizenship, equality and non-discrimination in school curricula. The media also plays a major role in this regard, particularly audio-visual outlets. CNDH is also concerned by other education issues, mainly school dropout. According to the Higher Council for Education, 140,000 students dropped out in 2009 and thousands of children were not able to have access to schools. There is also the issue of conflicting values in the school curricula, values that are sometimes against human rights, violence in the university and schools, etc.

CNDH released a memorandum this year on the right to equality and equity in education and training that suggested some important recommendations that should be considered as priorities to promote human rights in the system of education. In this memo, CNDH recommended the following, for example:

- reforming the national system of education following a human rights-based approach, taking into account the particular circumstances of the most vulnerable children, children that are most vulnerable to discrimination and exclusion, such as girls in rural areas, children with disabilities, homeless children, immigrants' children, etc.;

- institutionalizing the human rights based approach, and considering it as a main criteria in adopting educational projects and programs;
- accepting and managing diversity and encouraging and promoting the values of tolerance and peaceful settlement of disputes...

Ladies and gentlemen,

To promote the culture of human rights and the values of citizenship in society, CNDH has set among its priorities the implementation of the national platform for the promotion of the culture of human rights. The Council and its regional commissions have developed programs and partnerships to implement the three pillars of this program: awareness-raising, training and education.

The Council launched a human rights award for the new generations, to promote the values and culture of human rights. The first human rights award was held in the regions of Marrakesh-Tanssift and Doukala-Abda, in partnership with the regional training and education academies in these two regions. Secondary school students from 8 provinces and cities competed to win the award that was initiated to encourage reading as a right and practice.

50

CNDH also launched several initiatives to support different forms of creativity and art expression. It participated in and/or contributed to sponsoring cinema and other cultural festivals aiming at promoting the culture of human rights, including the Cinema and Human Rights Festival, FIDADOC (the International documentary film festival), the Forum of Dialogue at the Gnaoua Festival, the National Sahraoui-Hassani Theatre Festival, the Mediterranean Meetings for Cinema and Human Rights, and the Young Musical Talents Festival.

The Center for Sahrawi Studies was established in 2012 to encourage research in social sciences and humanities in the Sahara, its people, their culture and lifestyle, etc. This was implemented in compliance with the Constitution that recognized the Moroccan pluralistic cultural identity, which also includes the Sahraoui-Hassani component. A Master's course in Sahrawi studies was established and the first anthology of Sahraoui-Hassani music was released to promote this Sahraoui-Hassani culture.

CNDH plans to commission a detailed survey or memorandum on linguistic and cultural rights. It held a seminar on the cultural and linguistic pluralism in Morocco and the implementation of Article 5 of the Constitution (Erfoud, January 2013). It also held a seminar on the Sahraoui-Hassani culture and participated two years in a row (2013-2014) in the Moussem of Tan-Tan, listed by the UNESCO as an oral and intangible heritage of humanity.

I would also like to inform you that this report will be also published in the Amazigh language, which will certainly further encourage the implementation of the Constitution that stipulates that the Amazigh is also an official language in Morocco.

In order to preserve our archaeological heritage, CNDH has established, in partnership with the Ministry of Culture, an action plan to protect rock-arts and the archaeological sites in the Southern Provinces.

The role of CNDH was not only limited to the organization of these activities. It released and published its contributions on these initiatives and/or supported the efforts of researchers and scholars and published their works. From March 1, 2011 to the end of December 2013, CNDH published more than 136 publications.

CNDH and its regional commissions have concluded 47 partnership agreements to build the capacities of stakeholders in the area of human rights. It held 40 training sessions for approximately 2,200 participants, including 19 sessions in the three Southern Provinces of the Kingdom. Our experts also contributed to the training of the staff of the National Security, the Royal Gendarmerie and the Royal Armed Forces.

In partnership with the General Confederation of Moroccan Enterprises, CGEM (the federation of Moroccan employers), leading trade unions, civil society, and private/public stakeholders concerned, CNDH launched an initiative on business and human rights. A symposium was held on Business & Human rights in Morocco, in February 2013. CNDH also participated in the second meeting on the corporate social responsibility, held by the CGEM in May 2013. It signed partnership agreements with the National Association of Human Resource Managers (AGEF) in May and the Moroccan Institute for Social Audit (IMAS) in October 2013 to encourage businesses to adopt a human rights-based approach in the management of their human resources.

Ladies and gentlemen,

The Moroccan Constitution established the fundamental principles of free, fair and transparent elections, as internationally recognized. Elections have been regularly organized since 2002. Under its founding law and law # 30.11 on elections observation, CNDH has the power to observe elections. It observed and coordinated the observation of the constitutional referendum of the 1st of July 2011 and the parliamentary elections of the 25th November 2011.

The (former) Advisory Council on Human Rights issued a report on its observation and monitoring of the municipal elections of 2009. Likewise, CNDH issued a report on its

observation and monitoring of the constitutional referendum and the last parliamentary elections. It also published the conclusions of an experience-sharing workshop on independent and impartial observation of elections (2012).

CNDH suggests, on this basis, a set of recommendations on the elections legal framework. It particularly recommends:

- automatic registration on the electoral lists right upon obtaining a national identity card or right after being registered at a Moroccan consulate;
- correcting deficiencies and disparities in terms of representation and local electoral districts, so as to ensure a fair representation of people and the voters, and considering affirmative geographical distinction in low-demographic density or remote and inaccessible regions, within a reasonable percentage;
- providing in election laws for the appointment of a financial agent for each candidate or list of candidates, for opening a special bank account for electoral campaign expenditures and for concluding limited-term contracts with campaign staff or contributors;
- considering expressly that groups and forms of expression calling for boycotts should be governed by the civil liberties law;
- providing for mechanisms to facilitate the voting of persons with reduced mobility, nomads, Moroccan nationals living abroad, prisoners who are not deprived of their right to vote, persons performing economic activities that require constant movement, patients in hospitals, and students living far away from their permanent residence districts. Given the very limited use of voting by proxy, perhaps it is now time to provide for alternatives to allow Moroccan nationals residing abroad to vote, such as voting by mail, or electronic voting;
- providing for and improving access to polling stations and equipments, in accordance with Article 20, Chapter I, of the Convention on the Rights of People with Disabilities and Article 34 of the Constitution.

52

We also need to amend Law # 30.11, which lays down the terms and conditions of independent and impartial election observation, to also give accreditation to international intergovernmental organizations and to provide for a special status for the interpreters who accompany international observers.

To apply for accreditation, Moroccan citizens who wish to be accredited as observers must be enrolled in the electoral lists. This condition should be revoked. The representatives of the government authorities who set in the observation accreditation commission should have an advisory status. We should also provide for the right to appeal the decisions of the accreditation commission.

Parliament is expected to start discussing electoral laws in the coming months. CNDH is readily available to support the process through its proposals and advisory opinions.

Ladies and gentlemen,

CNDH is aware of the fact that the right to access to information is a prerequisite for citizenship. In implementation of Article 27 of the Constitution, the Council presented its proposals relating to Draft Law # 31.13 on the right to access to information. Our memo focused particularly on the provisions relating to the publication of the name(s) of the person(s) entitled to give information and suggested expanding the list of priority-published information, simplifying the procedure for access to information and the possible ways for information seekers to access the information they want.

CNDH also recommended defining and reducing the scope of exceptions that can be applied on the right to access to information and defining the legal status of the members of the National Committee for the right to information and the position, place and relations of this committee with the executive, legislative and judicial powers.

Ladies and gentlemen,

I shall, before closing this report, indicate that the protection and promotion of human rights in the Southern Provinces of the Kingdom, as you can noticed in this report, have been taken into consideration and systematically included and targeted in all our efforts and initiatives.

We have given a special interest to human rights issues and challenges in the three southern regions. CNDH, as you all know, monitors the implementation of the Equity and Reconciliation Commission's recommendations. We made efforts in this regard to settle the pending reparation issues for the victims of the legacy of grave human rights violations or their right holders. 5027 persons were concerned by these efforts.

CNDH has also given a very special interest to the preservation and promotion of collective memory in the region. This in fact was one of the main pillars of the reconciliation recommendations in the Moroccan transitional justice experience. CNDH started a project to build the Sahara Museum in Dakhla and launched several initiatives to promote the Sahraoui-Hassani culture. A centre for Saharan studies was accordingly established, not to mention the seminars and workshops that CNDH held, recommending the promotion and use of this Hassani culture in the Moroccan schools curricula.

Fulfilling its mission and prerogatives as a national independent mechanism for the protection of human rights in all parts and regions of the kingdom, and especially in the Southern Provinces, the National Human Rights Council received and handled the complaints that were submitted by citizens to its three regional commissions in the southern provinces. 933 complaints were received and handled by CNDH in this regard. These complaints were closely analyzed, and we can, accordingly, say that the majority is complaining about some authority officials, the situation in prisons or requiring access to economic, social, cultural and environmental rights.

CNDH monitors the implementation of the recommendations of its report on places of deprivation of liberty. We have also revisited these places when handling families' complaints. Our regional human rights commissions in the Southern Provinces conducted, in this regard, six monitoring visits to prisons, three to hospitals and three to orphanages and child protection centers.

CNDH sent six fact-finding committees to investigate and/or monitor trials when events erupted in some cities in these provinces. These committees investigated allegations of torture and ill-treatment as well.

54

We are also concerned with the rights of vulnerable groups in these three provinces. CNDH commissioned an unprecedented survey on disability rights in the three regions. Our regional commissions there contributed effectively to this survey.

To promote the culture of human rights and citizenship and to build the capacities of the different stakeholders, CNDH organized 14 conferences and workshops, 12 training sessions (for civil society activists and law enforcement officers, including police, gendarmerie, judges, etc.), and 44 working sessions with international delegations. We have been advocating for the right to culture and cultural rights as we participate in the Moussem of Tan-Tan. We've also organized several activities and launched initiatives to promote the Hassani Culture, promote and preserve rock-art sites in the southern provinces (Es-Smara, Tan-Tan) and protect of environmental rights, mainly in Dakhla (CNDH will release a survey on the environmental rights in the region).

I take this opportunity to thank the chairpersons of the three regional commissions, their members, their administrative staff and their partners.

Ladies and gentlemen,

As an independent human rights and effective redress mechanism, CNDH and its regional commissions are eager to implement these initiatives and projects, to promote and protect human rights in all parts and regions of Morocco, including the Southern Provinces. We are fully aware of the human rights issues and challenges in Morocco and the strategic choices of the Kingdom. His Majesty the King has always emphasized these choices and aspirations aiming to provide access of all citizens to their fundamental rights and freedoms, on an equal footing and without discrimination.

Conclusion

Ladies and gentlemen,

CNDH's opinions, memoranda, proposals, surveys and reports are not an intellectual luxury. It's not a wish to position ourselves or play the roles of other stakeholders. It's rather a wish to assume our responsibilities and play our role as a national human rights institution. As such, we are fully aware of our national responsibilities and convinced of the need to play our role as a constitutional institution in harmony, cooperation, collaboration and coordination with the other institutions and stakeholders concerned with the consolidation of democracy in our country.

In a speech at the 65th session of the UN General Assembly, on September 27, 2010, His Majesty King Mohamed VI stressed that Morocco "has made the irreversible decision to protect and promote human rights, using, to this end, a comprehensive strategy based on a participatory approach which lays special emphasis on human resource development and the promise of a dignified life, which are key elements in our endeavour to build a democratic society dedicated to development". I would like to affirm here that the human rights protection and promotion process requires that all constitutional powers should work together and collaborate with all stakeholders concerned. We need a broad social coalition, to encourage and support this process and more coherence and consistency in public policies. We need to joint efforts with the different stakeholders concerned.

The National Plan of Action on Democracy and Human Rights is the main mechanism in this regard. It was designed and drafted following a participatory approach. Government departments, national institutions, universities and non-governmental organizations have all contributed to this plan. It was submitted to the government for approval and adoption and presented in a meeting chaired by the former Head of Government in September 2011. A committee was then appointed to update the plan to be in compliance with the new constitutional provisions. The plan was then updated in light of the government's priorities.

CNDH is convinced of the importance and necessity of this document to ensure coherence and consistency in all efforts made to protect and promote human rights. This indivisible document should be adopted as soon as possible and adequate financial resources should be allocated to its implementation.

Ladies and gentlemen,

Morocco chose willingly to engage with the United Nations mechanisms and instruments and strengthen its treaty practice. It is an irreversible decision. This choice has undeniable benefits and positive impacts particularly on the national legal system and the implementation of the constitutional rights and liberties. It has had a good impact on the position of our country in the world. Our experience in the area of human rights is an important asset for Morocco. We are all invited to develop and improve this asset.

We, therefore, have no other choice but to maintain and further develop this process. We do need to strengthen human rights vigilance in all regions, citizens' trust in the institutions to consolidate and promote the democratic process that Morocco has committed itself to, and our position at the international level.

Ladies and gentlemen,

This report shed light on some of the main efforts that CNDH has made. These efforts wouldn't have been successful without the commitment of the members and staff of the Council and its regional commissions. Some of them are here with us today. I would like to take this opportunity to congratulate them and thank them all for their efforts and hard work, to serve human rights in our country.

I would also like to take this opportunity to express my sincerest gratitude and thanks to the Speakers of the House of Representatives and the House of Councillors, the members of the Houses, the standing committees and parliamentary groups. I would also like to thank the distinguished members of the Government for their cooperation with the CNDH.

Thank you for your attention

Driss El Yazami

Chairman, the National Human Rights Council of Morocco



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

Report of the National Human Rights Council to Parliament
- As read by CNDR Chairman -
Monday, June 16, 2014

Boulevard Erriad

B.P 21527, N° 22, Hay Ryad, Rabat - Maroc

tel : +212(0) 5 37 54 00 00

fax : +212(0) 5 37 54 00 01

cndh@cndh.org.ma

شارع الرياض

ص ب 21527، حي الرياض، الرباط - المغرب

الهاتف : +212(0) 5 37 54 00 00

الفاكس : +212(0) 5 37 54 00 01

cndh@cndh.org.ma