

*The Permanent Mission
of the Kingdom of Morocco
to the United Nations*



البعثة الدائمة
للمملكة المغربية لدى الأمم المتحدة
نيويورك

**The Kingdom of Morocco
requests your valuable support for its candidature
to the Human Rights Council**

المملكة المغربية
تلتزم دعمكم الثمين لترشيحها
لمجلس حقوق الإنسان

**Le Royaume du Maroc
sollicite votre appui précieux à sa candidature
au Conseil des Droits de l'Homme**

**El reino de Marruecos solicita su valioso apoyo
para su candidatura al Consejo de Derechos
Humanos**

*The Permanent Mission
of the Kingdom of Morocco
to the United Nations*



البعثة الدائمة
للمملكة المغربية لدى الأمم المتحدة
نيويورك

**The Kingdom of Morocco requests
your valuable support for its candidature to
the Human Rights Council**

المملكة المغربية
تلتزم بدعم التمهين لترشيحها
لمجلس حقوق الإنسان

**Le Royaume du Maroc sollicite
votre appui précieux à sa candidature
au Conseil des Droits de l'Homme**

**El reino de Marruecos solicita
su valioso apoyo para su candidatura
al Consejo de Derechos Humanos**

Morocco's voluntary pledges and Commitments in accordance with resolution A/RES/60/251

- 1- The Kingdom of Morocco makes of the promotion and protection of human rights and fundamental freedoms a core issue of its national and international priorities. That is in fact the reason that prompted the Kingdom to present its candidacy to the Human Rights' Council.
- 2- Aware of the importance accorded by the United Nations Organization to Human Rights issues, which are no less important than those dealing with development, international peace and security, the Kingdom of Morocco has, from the outset, actively supported the creation of the Human Rights Council, expressing thus its hope that Human Rights will be further reinforced and strengthened.
- 3- The Kingdom of Morocco, while drawing upon the tolerant precepts of Islam, its time-honored civilisational values and its international commitments, has made of democracy, the primacy of law and good governance irreversible choices. Just as underlined in its national Constitution, which consecrates the Kingdom's adherence to the universally recognized Human Rights and fundamental freedoms, Morocco strongly believes that a genuine reinforcement of the rule of law is the best guarantee for attaining sustainable development of the individual and the community alike.
- 4- Widely recognized as a crossroad for different civilizations and cultures, Morocco has emerged as a strong actor for peace, tolerance and understanding between nations. Faithful to the founding principles of its historical identity, the Kingdom of Morocco continues to concentrate all its efforts to promote inter-cultural and inter-religious dialogue.
- 5- The Kingdom of Morocco ratified most of the international instruments and undertook to submit regular national reports on the implementation of its multilateral commitments. It has also given due follow-up to all relevant recommendations and conclusions of international organs and treaties. Ensuring their effective implementation continues to be a top priority of the Moroccan government.

Morocco's achievements in the field of Human Rights

- 6- The past six years, witnessed a considerable increase in the pace of reforms, that concerned, notably the adoption of new laws, the harmonization of national legislation with international commitments, the setting up of governmental structures and national follow-up institutions, with a view of effectively implementing relevant decisions and continuously reinforcing the role and contribution of the civil society in that area.

I- Actions taken at the legislative level:

A- The revising or adoption of several national legislations such as:

- ◆ The Code of public freedoms;
 - ◆ The penal Code and penal procedures;
 - ◆ The family Code;
 - ◆ The adoption of a new Law related to political parties;
 - ◆ The adoption of a specific Law against torture;
 - ◆ The penalization of sexual harassment at work place;
 - ◆ The adoption of a new Code for the Press;
 - ◆ The adoption of a new Law regulating the civil status;
 - ◆ The adoption of a Law related to penitentiary institutions;
 - ◆ The reform of a Law on children legal custody;
 - ◆ The adoption of a new Law regulating entry and stay of foreigners, in Morocco.
- 7- Furthermore, the Moroccan Parliament adopted a Law against torture, which entered into force on February 2006. This law, which has integrated the definition of torture contained in the Convention against torture, imposes sanctions on any State's agents found guilty of torture or bad treatment. It aims at reinforcing the Moroccan judicial apparatus which helps prevent, fight and deter all kinds of abuse or human rights violations.

B- Harmonizing the national legislation with international commitments:

- 8- The harmonizing of the national legislation with the provisions of the international legal instruments on human rights ratified by Morocco continues to be a priority for the Moroccan authorities in order to ensure the effective implementation of the obligations arising from international instruments.
- 9- To ensure the continuous follow-up of the conformity of national laws with international commitments, two inter-governmental bodies were set up, namely the Inter-Ministerial Commission in charge of the Review of Morocco's reservations and declarations made on certain instruments it ratified, and a National Commission on Human Rights in charge of the Promotion and the Vulgarization of the International Instruments of Human Rights and Humanitarian Law.

10- Thus, the Inter-Ministerial Commission, under the chairmanship of the Prime Minister, has recently decided:

- ◆ The adherence of the kingdom of Morocco to the first Optional Protocol related to the Covenant on Civil and Political Rights;
- ◆ The withdrawal of the reservations concerning article 14 of the International Convention on the Elimination of all forms of Racial Discrimination;
- ◆ The withdrawal of the reservations concerning articles 20 and 22 of the Convention against Torture;
- ◆ The withdrawal of the reservations concerning article 14 of the Convention on the Rights of the Child and its replacement by an explanatory declaration, taking into consideration several constitutional and legal references.

II- At the institutional level: the Kingdom of Morocco has created many mechanisms such as:

11- **The Consultative Council for Human Rights** (created in 1994, and reorganized on April, 10th 2001), on the basis of the Paris Principles regulating national human rights institutions. The Council enjoys large prerogatives, such as giving opinions relating to the protection of rights and fundamental freedoms of citizens, social groups and associations, submitting annual reports on the situation of human rights in Morocco; making recommendations on the conformity of national laws with international commitments; encouraging Morocco's ratification or adherence to various international instruments, examining cases of human rights violations and making recommendations in this regard. The Council is an active member of the International Coordination Committee of National Human Rights Institutions (ICC), which Morocco chaired for two consecutive terms (2003-2005).

12- **The Equity and Reconciliation Commission (ERC)**: The commission was set up in April 2004 with the objective to ultimately close up the file of past Human rights violations in Morocco. It has presented its final report in December 2005.

- ◆ The ERC has carried out a global assessment of settling cases of enforced disappearance, arbitrary detention and Human rights violations in Morocco-between 1956 and 1999. It has led enquiries in cooperation with public authorities, victims, their families and representatives as well as concerned non governmental organizations. It has organized public hearings for victims or their relatives.
- ◆ In terms of compensation, the ERC has decided on cases of victims of gross Human Rights violations or from their assigns. Besides the compensation decisions, the ERC equally recommended medical and psychological rehabilitation, social reintegration, the settlement of some legal, administrative and professional disputes, as well as expropriation cases. Thus, a statement was made to the effect that certain regions and communities have suffered collectively and directly or indirectly from the sequels of political violence. The ERC gives particular attention to community reparation.
- ◆ The ERC has finalized a report comprising the results of investigations and analyses concerning violations and their contexts, as well as reform recommendations likely to preserve the memory, guarantee the non reoccurrence of violations, eliminate their sequels, restore and reinforce confidence in the institutions and respect the rule of law and Human Rights. The Consultative Council for Human Rights is responsible for taking the necessary measures at the governmental and non governmental levels to ensure the follow-up and the implementation of these recommendations.

13- **Diwan Al Madhalim (Ombudsman)**: This body is an institution in charge of mediating between citizens and public authorities in order to respect the rules of equality, equity and the primacy of law. It equally contributes to conciliation between citizens and administrations as well as to extra-judiciary settlements of administrative disputes while examining complaints of those who consider themselves victims of illegal or inequitable administrative decisions.

14- **The Royal Institute for the Amazigh Culture (IRCAM)** was created on October, 17th 2001, and has as its main mission the promotion of different forms of expression of the Amazigh (Berber) culture and patrimony and their full integration in the national educational system. The Institute mission is to promote and preserve the Moroccan Amazigh cultural wealth as an important and crucial component of the national identity,

III- The advanced status of Moroccan women:

- ◆ The Kingdom of Morocco is committed to promoting the status of women. On January, 26th 2004, the Parliament adopted a new family code, making of the gender equality a fundamental principle of the Moroccan society and a basis for the strengthening of the family unit, while keeping in mind the foremost interests of children to whom Morocco attaches a crucial importance.

In addition, the Moroccan Government counts many women among its Cabinet members. Also, the ratio of women representation in the Parliament has increased from 0.6% in the 1997 legislative elections to 10.8% in the 2001 elections (the present Parliament counts 35 women MPs).

IV- Promotion of the Human Rights culture:

15- To achieve the objectives of the United Nations Human Rights Education decade, a national program for Human rights education has been implemented at various school levels and training institutes of judges and State agents.

16- Convinced that Human Rights are universal, indivisible and interdependent, Morocco launched the National Initiative for Human Development (NIHD) as an integrated plan aiming at reducing social disparities and achieving sustained and harmonious socio-economic development, based on proximity, good governance, goal-oriented projects and transparent and rational management of budgetary resources.

Morocco's commitments in the field of Human Rights

Hence, by presenting its candidacy to the Council of Human Rights, The Kingdom of Morocco wishes to contribute to the reinforcement of the standards and institutional organs set up by the international community with a view to deepening the culture of Human rights and consolidating international cooperation.

The Kingdom of Morocco commits to:

- A- Ensure the ratification or the adherence to the very few international instruments to which Morocco has not yet become a party, including those in the process of being finalized (the International Convention for the Promotion and Protection of the Rights of and dignity of disabled Persons) or those to be adopted (The International Convention on enforced Disappearances);
- B- Continue cooperation with the special procedures. In this context, it is worth mentioning that the special Rapporteur on the sale of children, child prostitution and child pornography and the special Rapporteur on the Human rights of migrants paid two visits to Morocco, respectively in 2000 and 2003. Morocco will continue to respond promptly and regularly to any future communications addressed by the special procedures;
- C- Present, on a regular basis, periodical reports to the relevant Treaty bodies, ensure the participation of high level delegations in this regard and implement pertinent recommendations and observations. In 2006, Morocco presented its initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child, on the sale of Children, child prostitution and child pornography. Next month, Morocco will present its periodical report to the committee for economic, social and Cultural Rights;
- D- Contribute actively to the work of the Human Rights Council through an approach based on cooperation, consultation and dialogue for the promotion, protection and the respect of all human rights be they economic, social, cultural, or civil and political and the right to development;
- E- Maintain and strengthen the support to the office of the United Nations High Commissioner for Human Rights in the implementation of its mandate and contributing, within its capacity, to its budget;
- F- Continue its cooperation with different bodies and international and regional Organizations working in the Human Rights' field;
- G- Strengthen national mechanisms in charge of the promotion of Human Rights culture, such as the Centre of Documentation, Information and Training in the field of human rights, which was created in Morocco with the contribution of the office of the United Nations High Commissioner for Human Rights. This Centre supports the efforts made in favor of human rights education and fundamental freedoms;
- H- Continue to promote the role of women in various national sectors, to protect the children from abuse and to guarantee the complete participation of the vulnerable persons in active life;
- I- Share experiences with the members of the International community, including in the arena of the reparation of past human rights violations as well as benefit from the successful experiences of other countries in the area of human rights;
- J- Ensure high level participation to the debates of the Council, take active part in the negotiations of its different decisions and resolutions, co-sponsor existing and upcoming initiatives and support concretely the international Human rights corpus. In this context, it is worth mentioning that Norway and Morocco were the initiators of the resolution on Human Rights defenders at the Human Rights Commission;
- K- Continue to maintain a genuine, responsible and constructive dialogue together with permanent consultations with the civil society, both at the national and the international levels;
- L- Continue to harmonize the national legislation with international commitments. A new penal code is in its final stage of examination, which deals with the issue of death penalty on the basis of the national debate on its abolition.
- M- Maintain under examination, in view of their withdrawal, Morocco's reservations made on certain international instruments. As a case in point, the Kingdom of Morocco is committed to withdrawing, very soon, the following reservations concerning the Convention on the elimination of all forms of discrimination against women (CEDAW):
 - ◆ The reservation on paragraph 2 in article 9 stipulating that Women enjoy the same rights as men in terms of their children's citizenship;
 - ◆ The reservation of the indented line h, paragraph 1, article 16 stipulating that women have the right to decide, on an equal basis as men, on the right of establishing family planning and to access data related to it and the reservation on paragraph 2, article 16, concerning the absence of all legal effects related to engagement and marriage of children and stipulating the necessity to fix the minimum age for marriage and its consignment in official records;
 - ◆ The review of the paraphrasing of the second part of the declaration presented on article 2 of the Convention, stipulating the adoption of the legal provisions for the consecration of the equality principle between men and women;
 - ◆ The removal of the declaration in paragraph 4, article 15 stipulating that men and women enjoy the same rights in terms of the legislation regarding the movement of individuals and the freedom to choose their place of residence;
 - ◆ The replacement of the reservation formulated for paragraph 1, article 16 by an explanatory declaration;

In addition, The Kingdom of Morocco will soon adhere to the optional Protocol of the CEDAW Convention.

Willing to continue its active contribution to the reinforcement of the rule of law and the promotion of the Human Rights, both at the national and international levels, the Government of the Kingdom of Morocco would therefore highly appreciate the valuable support of the Member States of the United Nations to the candidature of Morocco to the Human Rights Council.