



CONSEIL CIVIL  
de lutte contre toutes les formes de discrimination  
المجلس المدني  
لمناهضة جميع أشكال التمييز



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INSTITUT PROMETHEUS  
pour la démocratie et les droits humains

# REPORT ON THE HUMAN RIGHTS SITUATION ON THE OCCASION OF THE UNIVERSAL PERIODIC REVIEW OF MOROCCO



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With the participation of the following associations :





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# INTRODUCTION

**Prometheus Institute for Democracy and Human Rights:** is a youth led independent and apolitical non-governmental organization. The institute's main action is public policy monitoring and evaluation as well as capacity building in advocacy and public policy. It also aims at promoting the culture and principles of human rights and democracy among civil and political actors, young students from both public and private universities and schools, in addition to unschooled, employed or unemployed young adults.

## ● Background: Prometheus Institute for Democracy and Human Rights

The establishment of Prometheus Institute for Democracy and Human Rights is a result of long discussions among a group of young people about the democratic structure and the practical implementation of human rights principles in Morocco. Our Institute is fully aware that supporting civil society efforts in the promotion of a culture of human rights and democracy is key to its democratization and fundamental for building a state governed by the rule of law and institutions. More importantly, our initiative highlights the important role youth can play in this changing and challenging environment. In this regard, our institute aspires to empower young people and put at their disposal all necessary technical and practical tools and mechanisms necessary for the construction of society that ensures social justice, equality and human dignity.

## ● Our objectives

- Participation in the creation of young mid-level career specialists in human rights and strengthening their capacities in the field of democracy and human rights.

- Raising interest in youth issues and fostering collective contributions for the development of possible solutions and programs responding to youth needs and expectations.

- Contribution to youth political empowerment.

- Deepening of the debate on fundamental intellectual issues related to democracy and human rights.

- Contribution to the monitoring and evaluation of human rights and democracy public policies.

- Contribution to youth political empowerment.

- Contribution to spreading the culture of human rights education, especially in fields related to youth.

- Contribution to youth education and counseling through the promotion of the values of citizenship, democracy and human rights.

**The Civil Council for the fight against all forms of discrimination** was created on December 9, 2016, by 13 organizations-collectives or associations, from the Moroccan civil society. It meets the need to create a space for joint struggle against all forms of discrimination.

All the laws and mechanisms described above require citizen monitoring, which permanently

observes the effective implementation of the rights guaranteed by the legislative texts, as well as the effectiveness of the anti-discrimination mechanisms provided for.

The Civil Council is an independent dynamic, and is not linked to any ideological, political, religious and/or state affiliations.

Objectives of the civil council:

- **Set up a network for exchanges, convergence and mutual learning while respecting the autonomy of each member of the Board;**

- **Address the issue of discrimination in a comprehensive way;**

- **Bring to limelight and understand the nature and forms of discrimination that are poorly, or are not, studied and denounced.**

This report is the outcome of field work conducted since 2017, which included the monitoring of the human rights situation in Morocco, by relying on broad coverage and direct work undertaken by the civil organizations contributing to the crafting of this report, inspired by two underlying principles, the universality and comprehensiveness of human rights.

# I. THEMATIC RIGHTS



## 1. The right to life:

- The necessity of amending Criminal Law, to conform to the provisions of Article 20 of the Constitution, and the total abolition of the death penalty.

- Reviewing Law 03.03 on combating terrorism and adopting a precise definition of terrorism in line with international human rights standards.

- Accelerating the procedure for accession and ratification of the first optional protocol to the International Covenant on Civil and Political Rights, which was ratified by the Ministerial Council on November 12, 2012, and ratification of the second optional protocol to the International Covenant on Civil and Political Rights, aiming at abolishing the death penalty, and setting a timetable for its ratification in the year 2025 at the latest.

- Voting in favour of the United Nations General Assembly adopted resolution calling for a moratorium on capital punishment.

- Adoption of General Comment No. 36 adopted by the Human Rights Committee at its 124th Session on the right to life.

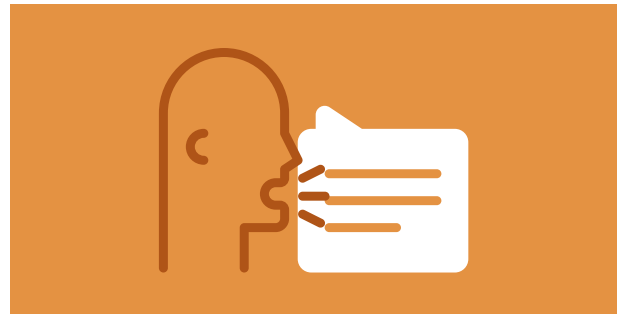
- Amending the government program, by including the 17 sustainable development goals and implementing its 169 goals in particular.



## 2. The right to peaceful assembly and protest

- Implementing the provisions contained in Chapter 29 of the Constitution, in conformity with Article 21 of the International Covenant on Civil and Political Rights.
- Amending Dahir 1.58.377 as supplemented and amended by Law 76.00 relating to public gatherings, particularly Articles 7-9-19-21, by adopting the new interpretations included in General Comment No. 37 regarding the International Covenant on Civil and Political Rights, and removing all freedom-depriving penalties.
- Adoption of the proposals contained in the memorandum of the National Council for Human Rights submitted to the Prime Minister in November 2015.
- Providing the possibility of unrestricted registration through initial declaration, either by e-mail or through a special electronic portal for this purpose.
- The implementation of the recommendations of the Equity and Reconciliation Commission, especially the following recommendations: 8.4 - 8.5 - 8.6 related to the security sector governance.
- Adapting the organization of national law

enforcement agencies to the Basic Principles relating to the Use of Force and Firearms by Law Enforcement Officials as endorsed by the Eighth United Nations Conference held in Havana from 27 August to 7 September 1990, and with the Code of Conduct for Law Enforcement Officials.



## 3. Freedom of expression and opinion

- Adopting the definition contained in General Comment No. 34 of the Human Rights Committee.
- Harmonizing national legislation with the provisions of Article 19 of the International Covenant on Civil and Political Rights.
- Amending the last paragraph of Article 17 of Law No. 88.13 related to the press and publication, to guarantee that journalists shall not be pursued by other laws.
- The need to protect the confidentiality of news sources.
- Operationalizing the National Press Council.
- Stopping judicial proceedings against people who express their opinion, whether in public gatherings, private spaces, or via the Internet.
- Issuing a comprehensive amnesty for all prisoners of conscience, especially the Rif Movement detainees.
- Lifting the criminalization of student union work and lifting the ban on the National Union of Moroccan Students.





#### 4. The right to work

- The ratification by Morocco of the conventions issued by the International Labor Organization, especially Conventions 87, 141, 155, 161, 168 and 190.
- Enacting laws that respect trade union freedoms and protect the right to strike, especially by accelerating the issuance of the organic law for the strike, with the adoption of all demands of the trade unions, and the abolition of Chapter 288 of the Criminal Code, and Chapter 5 of the decree of February 5, 1958 regarding the exercise of the trade union rights by employees.
- Harmonizing national legislation, especially Framework Law 09.21 relating to social protection, with the International Labor Organization conventions, the Convention 102 in particular.
- Issuing the regulatory texts stipulated in Law 65.99 related to the Labor Code, upon which the proper application of the provisions contained therein depends.
- The creation of a judicial specialty concerned with labor matters.
- Amending paragraph 4 of Article 532 of the Labor Code and adopting a clear procedure for reconciliation in all its stages, in form and content.
- Establishment of special medical centers for labor in corporations.



#### 5. The right to health

- The necessity of overcoming the legal vacuum revealed by the COVID-19 pandemic in dealing with epidemic cases.
- Improving the health sector by establishing a university hospital in every region, and a provincial hospital in every province.
- Allocating 15% of the general budget to the health sector.
- Ensuring access to the right to health and health care for all citizens, without exception or discrimination.
- Providing 5 equipped medical helicopters in every region, to transport urgent cases or patients in remote villages, especially pregnant women.
- Enabling citizens to obtain treatment and medicine without discrimination while providing it free of charge to people in a vulnerable situation.



## 6. The right to education

- Implementing the requirements of Law 04.00 on compulsory education.
- Implementing the strategic vision for reform 2015-2030.
- Keeping a free access to education for everyone.
- Removing the second element contained in the preamble to the Framework Law No. 51.17, by deleting the phrase "primary education" and replacing it with "school education," as mentioned in the first paragraph of Article 8 of the same law.
- The implementation of the objectives contained in Articles 4 and 5 of Law 51.17, especially those related to human rights values and principles.
- The implementation of the state's obligations contained in Article 6 of Law 51.17
- The creation of medical centers in educational institutions and the creation of specialized mechanisms for social and psychological support.
- Solve the problem of contractual teachers



## 7. Cultural rights

- Accelerating the implementation of the legal requirements stipulated in Organic Law 04.16 relating to the National Council for Languages and Moroccan Culture.
- The necessity of amending Article 3 of Law 04.16 and adding a paragraph that provides for the protection of heritage and historical monuments and the preservation, development and marketing of the Moroccan cultural heritage.
- Accelerating the implementation of the official character of the Amazigh language and the preservation of its heritage, and the preservation and dissemination of the Hassani and Moroccan Jewish heritage.
- The Protection of Moroccan cultural diversity.
- Taking concrete measures to protect cultural rights, increasing public investment in cultural infrastructure and encouraging and facilitating access to it.



## 8. Individual liberties

- Abrogation of all discriminatory articles of the Moroccan penal code- namely, article 483, 489, and 490.

- Removal of sex/gender markers from all civil status documents, including, but not limited to, birth certificates and the register of civil status, as well as administrative and legal ID documents such as National Identity cards and passports.
- Enactment of all necessary legislations to prohibit and prevent all forms of discrimination based on Gender Identity/expression, sexual orientation, and sexual characteristics, particularly those occurring in the realms of education, healthcare, housing, employments, sports,...
- Stop genital mutilations and prohibit all medically-unnecessary surgeries and procedures against intersex children, to protect their bodily integrity, and to respect their freedom.



## 9. The right to a Healthy environment

- Implementing the legal provisions contained in Law No. 49.17 related to environmental assessment, and issuing the stipulated regulatory texts to ensure proper application.
- Implementing the requirements contained in Framework Law No. 99.12 standing as a national charter for the environment and sustainable development.
- Implementing the provisions of Law 36.15 related to water and producing the relevant regulatory texts.
- Implementing the requirements of Law 11.03 related to the protection and restoration of the environment.
- Working to implement the sustainable development goals and targets related to the environment within the relevant government programs.
- Accelerating the consultations on and issuance of the proposed framework law on climate.
- Training of public authorities in the field of environmental protection.
- Introducing the subject of the environment into the educational and pedagogical courses and curricula.
- Improving and professionalizing the process of participation of associations in the environmental and social strategic assessment mechanism provided for in framework law No. 99.12 on the National Charter for the Environment and Sustainable Development.
- Engaging in a broad consultation, involving the State, civil society, the territorial elected bodies and the private sector, for the development of a National Energy Transition Charter.
- Ensuring better integration of measures to adapt to and mitigate the effects of climate change in public policies, in order to make them a leverage for economic, social and environmental development and job creation.
- Integrating the objectives of adaptation, carbon neutrality and resilience upstream in territorial planning at the level of the orientations of public policies for regional planning (OPPAT)
- Accelerating the establishment of a legal environmental liability regime offering a high level of environmental protection, through financial guarantees, damage repair, rehabilitation and compensation for damage caused to the environment.
- Urgently introducing the necessary legislation to implement the strategic environmental and social assessment instrument provided for in framework law No. 99.12 on CNEDD. This instrument aims to assess the compliance of

policies, strategies, programs and development plans with the requirements of environmental protection and sustainable development as well as the consideration of climate risk.

- Putting in place the necessary arbitration mechanisms for the allocation of natural resources between the various sectoral policies, taking into account climate risk and in particular its effects on the reduction of water resources and the degradation of biodiversity.

- Developing the link between climate and health by carrying out in-depth studies to better master knowledge in this area and the ability to anticipate the repercussions of climate change on the health of Moroccan populations.

- Improving Education on climate and environmental vulnerabilities and issues, by planning school training courses on these themes, at all levels.

- Adopting an intersectional approach grounded in human rights standards and climate justice perspectives to design solutions that effectively address the basic needs of individuals and communities most affected by the effects of climate change.



## 10. Political participation:

The Government should:

- Change the voting procedure, and the Coalition proposes that voters could vote only with their national identity cards (CIN), without necessarily

going through the procedure of registration on electoral lists.

- Disseminate detailed election results within a month.

- Establish an independent commission to oversee elections.

- Lift the ban of the National Union of Students of Morocco (UNEM).



## 11. Right to freedom of assembly, association and demonstration:

The Government should:

- Replace custodial sentences, under the Dahir regulating the right of association, by fines.

- Provide the ability to electronically file statements of setting up associations or of renewal of their boards, as a form of dematerialisation of proceedings relating to acts of civil life.

- Replace the authorities responsible for issuing receipts (temporary and final) by courts.

- Give a special legal status for foundations, by clarifying their characteristics, how to obtain their status, their funding and administration.

- Review the law governing the establishment of associations, by inserting a provision stating clearly that the authorities are obliged to justify any refusal to the creation of an association.

- Establish a statutory legal framework for

voluntary community action, while setting out the rights and obligations of volunteers, and terms of evolution of this category of civil workers inside the associations.

- Allow all legally constituted associations, not only public benefit organizations, to stand, within the limits of their statutory purpose, as a civil party in any civil action for reparation of damages directly caused by a crime, offense or contravention.

- Repeal Article 3 of Law on Associations to adapt it to the international provisions; including article 23 of the International Covenant on Civil and Political Rights, thus omitting all fuzzy expressions in Article 3 which justify the ban

against the creation of an association.

- Repeal any sanction against those who participated in an unauthorized demonstration;

- Ensure the safety of journalists and media professionals covering peaceful demonstrations;

- Establish a mechanism and provisions that allow law enforcement officials or other persons authorized by him to conduct an attempt for negotiation-mediation before the use of force.

- Execute court judgments in favour of associations who gain disputes relating to their establishment and conduct of their activities.

## II. THE RIGHTS OF WOMEN AND GIRLS



- Accelerating the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as ratified by the Moroccan Parliament in 2015 at the United Nations, and completing the ratification within a maximum deadline of 2025.

- Revoking of the interpretative declaration in relation to paragraph 4 of Article 15 of CEDAW.

- Submitting periodic reports to the relevant committee within the established deadlines.

- Taking into account the concluding observations made by the Human Rights Committee on December 1, 2016, especially those contained in observations 13-15- 21 and adopting the recommendations and proposals contained in points 14, 16 and 22.

- Accelerating the process of establishment of the Advisory Council for the Family and Childhood.

- The operationalization of the body in charge of parity and combating all forms of discrimination.
- The necessity of accession and ratification of the Agreement on Consent to Marriage, the minimum age for marriage, and registration of marriage contracts as submitted for signature, ratification and accession pursuant to United Nations General Assembly Resolution 1763 A (D-17) of November 7, 1964.
- The necessity of acceding to and ratifying the Convention on the Nationality of Married Women, which was submitted for signature and ratification by General Assembly Resolution 1040 (D-11) dated January 29, 1957.
- The necessity of acceding to and ratifying the ILO Convention on the Elimination of Violence and Harassment in the World of Work No. 190.
- The necessity of implementing Article 5 of the Convention against All Forms of Discrimination against Women, which stipulates changing cultural patterns entailing gender discrimination, and including them in school curricula, educational programs, university training and advertising content.

## III. CATEGORICAL RIGHTS

### 1. Children

- Lifting the reservation to Article 14 of the Convention on the Rights of the Child.
- Ratification of agreements related to children's rights, such as the Convention on Determining the Age of Marriage, Consent to Marriage, and Registration of Marriage Contracts.
- Criminalizing all forms of violence against children, and work to protect them from especially physical, psychological and sexual violence, torture, domestic violence, neglect, and ill-treatment by officials in police stations, detention or social care centers.
- Giving non-governmental organizations the right to monitor children's shelters, re-education centers, correctional facilities, and all institutions related to children.
- Banning the employment of children under 18 years of age.

### 2. Migrants

- The ratification of Convention No. 143 of the International Labor Organization concerning Migrant Workers.
- The ratification of Convention No. 189 of the International Labor Organization concerning domestic workers.
- Issuance of the Law 72.17 relating to the entry and residence of foreigners in Morocco and immigration and Law 66.17 relating to asylum and the conditions for granting it.
- Issuance of the regulatory text referred to in Article 34 of Law 02.03 relating to the entry and residence of foreigners in the Kingdom of Morocco and illegal immigration.
- Amending Article 1 of Law 04.00 on the obligation of basic education, by deleting the citizenship requirement.
- Combat discriminatory practices that impede access to basic services, especially for those in irregular administrative situations,

- Generalize support programs for categories that suffered during the state of health emergency, so that they also cover people in migration situations, regardless of their administrative status and without discrimination.
- Adopt a national action plan to combat racism, racial discrimination, xenophobia and related intolerance.
- Eliminate all racial profiling practices under immigration law, including forced relocation, arbitrary arrest and detention.

### 3. Persons with disabilities:

- Amending Article 15 of Law 31.13 related to the right to information, by adding the communication means for each person with a disability case separately to enable him/her to view the information (audio documents, documents written in Braille ... etc.)
- Considering the observations contained in the final report of the Committee on the Rights of Persons with Disabilities issued on September 25, 2017, especially those mentioned in points 6-8-10 12-14-16-18-20-22-24-26-28-30, and work to implement the recommendations contained in the points 7-9-11-13-15-17-19-21-23-25-27-29.
- The need for public and elected authorities to implement the provisions in paragraph (a) of Article 9 of the Convention on the Rights of Persons with Disabilities and goals 11.2 and 11.7 of the 2030 Sustainable Development Goals plan, by ensuring the availability of the necessary accessibilities, when granting building permits or concluding delegated management contracts...
- Paying special attention to the fact that Article 5 of Law 89.15 relating to the Advisory Council for Youth and Associative Work, does not include an explicit provision guaranteeing the representation of persons with disabilities.
- Inclusion of sign language in the programs on public channels.
- Issuance of the regulatory texts stipulated in

Law Framework 97.13 and setting a time limit for that, no later than 2023.

- Harmonization of all Moroccan laws with the International Convention on the Rights of Persons with Disabilities (CRDP).
- Restructuring of the independent national mechanism in accordance with the Paris Principles responsible for monitoring of the implementation of the Convention on the Rights of Persons with Disabilities.
- Ensuring the participation of coalitions of PWD associations in national decision-making bodies for disaster preparedness, response and recover.
- Integrate PWD data into all existing information systems.
- All measures, action plans or intervention strategies in crisis and disaster management must meet the principles of the CRPD, in particular article 11.
- Integration of the dimension of disability in all the preparatory work in progress on the reform of social protection to avoid thinking of a parallel system for people with disabilities a posteriori.
- Integration of the dimension of disability in all the studies in progress to develop the unified social register and all the studies related to this project. Additional specific work could be carried out during the finalization of the disability assessment system.

### 4. Rights of Youth:

- It is worth noting that the Council of Government has approved in 2014 the National Integrated Strategy for Youth 2015-2030 (SNIJ), which was crafted by the Ministry of Youth and Sports in partnership with UNICEF, UNFPA and with the Technical Assistance of the World Bank. The coalition is deeply concerned by the lack of concrete evidence on the implementation of this strategy, and by the lack of an integrated and cross-piloting structure, and of public youth policies.

○ In this regard, the Coalition recommends that the government:

- Develops a specific action plan for the National Integrated Strategy for Youth (SNIJ);
- Provides a suitable budget framework for the strategy;
- Ensures a scholarship for every student, and doubles the number of university campuses;
- Allocates 100,000 job opportunities annually as part of the Finance Act, and ensure the transparency in the job interviews;
- Increases the representation of young people within the municipal councils and Councils of regions, governorates and provinces;
- Reconsiders the form of the youth national list in legislative elections, and the adoption of regional lists for youth with the lifting of the

number of seats allocated to them, and the adoption of 35 years as the maximum age to stand for elections under these lists;

- Creates the Youth and Associative Work Council, and make it subject to the Paris Principles relating to national institutions, with members representing civil society and regional committees affiliated to it;
- Enacts a framework law for the youth;
- Ensures free medication and health insurance for students and the unemployed youth;
- Provides advanced hospital structures in all regions and villages, with facilities and medical equipments, and vocational training for human resources in the field;
- Sets up a university in every region of the country...







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