



General Assembly

Distr.: General
1 March 2023
English
Original: Arabic

Human Rights Council

Fifty-second session

27 February–31 March 2023

Agenda item 6

Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Morocco

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* This document is being issued without formal editing.



I. Introduction

1. The Kingdom of Morocco would like to take the opportunity of the adoption by the Human Rights Council of the report of the Working Group on the Universal Periodic Review on the national report of the Kingdom of Morocco for the fourth cycle of the universal periodic review to reaffirm its commitment to the ongoing efforts to protect, promote and consolidate human rights at the national and international levels, as well as its commitment to active and constructive participation in the Human Rights Council. It also reiterates its support for the universal periodic review mechanism and its noble objectives and cooperative nature.
2. The Kingdom of Morocco received 306 recommendations during the interactive dialogue of this cycle. It considered these recommendations according to the standard approach in interacting with the United Nations human rights mechanisms, while attaching due importance to all the recommendations, given their relevance to many public policies and programmes related to the protection and promotion of human rights.
3. The Kingdom of Morocco affirms that, of the 306 recommendations received, it accepts 232 as fully implemented or currently being implemented.
4. The Kingdom of Morocco has taken note of 69 recommendations, 37 of which it has partially accepted and 32 of which it has rejected.
5. The Kingdom of Morocco does not accept five recommendations, as they do not fall within the mandate of the Human Rights Council.

II. Cooperation with the United Nations human rights system

6. The Kingdom of Morocco has always regarded its engagement with the United Nations human rights system as an essential means of protecting and promoting human rights. Its national report clearly mentioned the level of its treaty-related practice, in all its forms and content.
7. The Kingdom of Morocco recalls its philosophy regarding its treaty-related practice, which is based on a progressive approach, dialogue and the creation of the necessary substantive conditions for implementation and operationalization, in order to ensure the compatibility and alignment of the legislative and institutional framework and the adoption of procedural measures that facilitate the fulfilment of its international obligations, which are implemented by the constitutional, parliamentary, governmental and judicial authorities and other relevant institutions, each within the scope of its mandate and sphere of intervention.

III. The position of the Kingdom of Morocco on the recommendations

8. The Kingdom of Morocco welcomes the growing international interest in its human rights process and the many projects and reforms undertaken during the reporting period.
9. The Kingdom of Morocco emphasizes that its position on the partial acceptance, rejection or non-acceptance of the recommendations has been taken in accordance with the Constitution and in full respect of its obligations under the international conventions it has ratified. (This is highlighted in the following paragraphs.)
10. The Kingdom of Morocco accepts 232 recommendations, as they have been fully implemented or are in the process of being implemented, by virtue of their inclusion in public policies, strategies and programmes, in terms of continuing the interaction with the United Nations human rights system, implementing the relevant constitutional provisions, enhancing the alignment of the national legal framework with international treaties, continuing to ensure the enjoyment of rights and freedoms, and monitoring the implementation of the measures under the national action plan in the field of democracy and human rights, as well as their relevance to the projects undertaken since 2017, such as social protection and the reform of the education and training system, the adjustment of some of its projects in the light of the

coronavirus disease (COVID-19) pandemic, and the adoption of the new development model. All of this has been done in line with the Sustainable Development Goals.

11. The accepted recommendations relate to the progress made in strengthening the legal framework in respect of the National Human Rights Council, in accordance with its constitutional status and protective roles, to continued legal protection against discrimination in all its forms, the strengthening of fundamental guarantees related to combating torture and the continued improvement of the situation of prisoners, and freedom of the press and its self-regulation and professional ethics. The recommendations also pertain to the continued enhancement of the legal framework guaranteeing freedom of opinion, expression, assembly and association, and to the consolidation of decentralization through advanced regionalization.

12. The accepted recommendations also concern policies and programmes aimed at promoting the rights of specific groups, such as children, persons with disabilities and migrants, combating and preventing human trafficking, guaranteeing gender equality, combating violence against women and supporting their economic empowerment, and human rights education and training, especially among law enforcement officials.

13. The Kingdom of Morocco continues to guarantee the enjoyment of all rights and freedoms which are the subject of its international obligations, in the light of the Constitution and its principles, notably with regard to ensuring equality and combating discrimination, as established in its preamble, which is an integral part of the whole, and guaranteed by law. National courts continue to protect the principle of equality and to address discrimination through their rulings and decisions.

14. With regard to the recommendations on respect for human rights in its southern provinces, the Kingdom of Morocco continues its permanent interaction with other United Nations mechanisms, based on its commitment to continue cooperation with the special procedures of the Human Rights Council and its constant readiness for them to include the southern provinces of the country in their visits.

15. The accepted recommendations are as follows:

57.1–57.3, 57.15–57.17, 57.22–57.25, 57.28–57.37, 57.39–57.66, 57.68–57.70, 57.77, 57.79–57.88, 57.90–57.106, 57.108–57.171, 57.175–57.183, 57.185–57.187, 57.192, 57.194, 57.197, 57.199, 57.200, 57.204–57.219, 57.222–57.229, 57.231, 57.232, 57.234–57.243, 57.246–57.271, 57.276, 57.278, 57.284–57.288, 57.293, 57.301 and 57.306.

16. The Kingdom of Morocco takes note of 37 recommendations as partially accepted and partially rejected, as they relate to the following issues and subjects:

- Accession to the Rome Statute of the International Criminal Court and alignment of national legislation with its provisions. The Kingdom of Morocco reiterates its position of principle regarding the signature of the Rome Statute, as the Constitution already criminalizes genocide, crimes against humanity, war crimes and all gross violations of human rights. It also recognizes that some civil society actors remain concerned by the subject of ratification. The Kingdom of Morocco takes note of the part of the recommendation concerning immediate accession and taking immediate measures in this regard and considers it rejected. In general, it notes that the Statute is still the subject of discussion at the international level and does not enjoy broad universal support.
- Abolition of the death penalty while maintaining the moratorium. In the light of the constitutional provision on the right to life, the Kingdom of Morocco expresses its position of partial acceptance of this recommendation, which is reflected in the continuing de facto moratorium on the use of the death penalty since 1993, reinforced by the regular royal pardon that commutes many death sentences to lesser penalties, as well as the growing legislative trend towards reducing the number of crimes punishable by death. It also notes positively the dynamic role played by civil society in the ongoing public debate on the abolition of this penalty, and consequently rejects the call for immediate abolition contained in the relevant recommendations.

17. The Kingdom of Morocco received a series of recommendations concerning complex issues at different levels, some of which have already been clarified above, such as the recommendations on discrimination. These composite recommendations include various parts, some of which are accepted, and others rejected.

18. The accepted parts fall within the framework of pursuing the planned legislative reform of the Family Code, which reflects the supreme will of the State, in the light of the legal and factual issues raised before the courts. These include the legal issues related to the situation of children and the protection of their best interests in the event of family dissolution. The issue of child marriage continues to receive widespread attention with a view to its abolition. In the context of the legislative reform, the search for legal solutions that reflect the constitutional principle of equality and enable women to fully exercise their rights is ongoing.

19. Among the accepted parts of the recommendations are topics related to the prohibition of discrimination and violence against persons on the basis of their sexual orientation and identity. In fact, national law guarantees the rights of all individuals, whenever it pertains to the enjoyment of economic, social and cultural rights and access to various public facilities and services, regardless of their status and characteristics.

20. In any case, the Kingdom of Morocco reaffirms that the rejected parts of these composite recommendations are either fully or partly incompatible with the unifying principles of the Moroccan nation and the foundations of the treaty-related practice of the Kingdom of Morocco in the field of human rights.

21. The Kingdom of Morocco considers that the part of one of the recommendations related to cooperation with the Personal Envoy of the Secretary-General for the southern provinces of the Kingdom of Morocco cannot be accepted, as this issue does not fall within the mandate of the Human Rights Council.

22. The Kingdom of Morocco partially accepts the recommendation to put in place an accountability mechanism to closely monitor and address the rights and freedoms of the people of the southern provinces of the Kingdom of Morocco, given the presence of regional commissions of the National Human Rights Council in the southern provinces, whose status and protective roles are recognized by the United Nations, at the level of monitoring and intervention, and whose work is related to the three national mechanisms of the Council, which are concerned with the prevention of torture, complaints concerning the violation of children's rights, and the protection of the rights of persons with disabilities. The Office of the Ombudsman also undertakes its mandate at the territorial level, as a constitutional institution concerned with protecting users from any abuse or transgression on the part of the administration. As a result, the Kingdom of Morocco rejects the remaining elements of the recommendation.

23. The partially accepted recommendations are as follows:

57.11, 57.14, 57.18, 57.20, 57.67, 57.75, 57.78, 57.89, 57.107, 57.184, 57.188, 57.189, 57.191, 57.193, 57.195, 57.196, 57.198, 57.201–57.203, 57.220, 57.221, 57.230, 57.233, 57.244, 57.245, 57.272, 57.274, 57.289, 57.292, 57.295, 57.296, 57.298–57.300, 57.303 and 57.304.

24. The Kingdom of Morocco has also taken note of 32 stand-alone recommendations, which are rejected. They concern the following issues:

- **Immediate accession to the Rome Statute of the International Criminal Court** (see explanation above).
- **Repeal or amend certain legal provisions**, such as decriminalizing sexual relations outside marriage, and immediately repeal some articles of the Family Code (see explanation above).
- **Immediate abolition of the death penalty and accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights** (see explanation above).

- **Respect the provisions of the Fourth Geneva Convention (1949) in the southern provinces of the Kingdom of Morocco**, as these provinces are not experiencing an armed conflict.

25. The rejected recommendations are as follows:

57.4–57.10, 57.12, 57.13, 57.19, 57.21, 57.26, 57.27, 57.38, 57.71–57.74, 57.76, 57.172–57.174, 57.190, 57.273, 57.275, 57.277, 57.279–57.283 and 297.

26. **The Kingdom of Morocco does not accept five recommendations related to territorial integrity in the context of the regional dispute brought before the Security Council, which does not fall within the mandate of the Human Rights Council.**

27. The recommendations that are not accepted are as follows:

57.290, 57.291, 57.294, 57.302 and 57.305.
