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### Совет по правам человека

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**Поощрение и защита всех прав человека, гражданских, политических, экономических, социальных и культурных прав, включая право на развитие**

### **Информация, представленная Консультативным советом по правам человека Марокко\***

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## Annex

# Follow-up of Implementation of Equity and Reconciliation Commission Recommendations

## Summary Report

### 1. Introduction

The Advisory Council on Human Rights (CCDH), pursuant to the royal speech delivered at the end of the mandate of the Equity and Reconciliation Commission (IER) and the presentation of the report on “50 Years of Human Development in Morocco”, was tasked with following up the implementation of recommendations included in the IER Final Report.

As part of executing this mandate, the CCDH worked to monitor the implementation of the IER recommendations, by adopting a working method to define the areas to monitor, the parties concerned and the means of implementation. As a result, the CCDH set up various multidisciplinary commissions, composed either of the CCDH members alone or including relevant government authorities and civil society actors.

The CCDH published a report in light of the Paris Principles and the role of the national institutions for the promotion and protection of human rights and the monitoring of human rights violations. It is based on the IER Final Report which, upon analysis of the events, facts and contexts associated with the gross human rights violations perpetrated in the past, recommended that constitutional, institutional and legal reforms should be made, and stressed the importance of monitoring the implementation of the recommendations and pursuing the investigation about the still unresolved cases of persons whose fate is unknown and the disappeared. The truth about these cases was not totally uncovered due to the limited period of the IER mandate, the complexity of some cases, or other objective impediments.

The main areas for monitoring the implementation of the IER recommendations are as follows:

- **Pursuing truth-seeking investigations** about unresolved cases, especially cases of enforced disappearance and those with unknown fate;
- **Individual reparation** for victims and rightful claimants who submitted demands either to the Independent Arbitration Commission for Compensation or to the IER within the time prescribed. Individual reparation is comprehensive and seeks as much as possible to redress the injuries caused. It therefore includes:
  - financial compensation;
  - medical cover and medical treatment in emergency cases;
  - settlement of administrative and legal problems;
  - social reinsertion of victims.

- **Community reparation** for regions that suffered the consequent damages of gross human rights violations and the communities that experienced marginalization and exclusion;
- **Legal and institutional reforms**, including in particular:
  - fighting against impunity by:
    - promoting the judiciary and strengthening its independence;
    - reforming the criminal legislation;
    - rationalizing security governance.
  - completing and developing conventional practice;
  - institutionalizing archives, exploring contemporary history and preserving memory.

## 2. Pursuit of Truth-seeking Investigations: Overall Outcome

The improvement of the working method, the adoption of a participative approach aimed at involving families and informing them of the impediments to the complete uncovering of truth, and the application of scientific expertise to the identification of several victims, helped achieve significant results and deal with complex, old files that sometimes dated back to the 1960s. These accomplishments are as follows:

### 2.1 Locating graves of persons whom burial places had been unknown

The CCDH was able to locate the graves of a number of persons who were confirmed dead but whose burial sites remained unknown. These cases concern the victims of social riots of Casablanca in 1965 and 1981 and of Nador in 1984, and persons who died during the incidents of March 3, 1973. This includes:

- Victims of March 1965 disturbances buried in the Chouhada Cemetery in Casablanca;
- Victims of June 20, 1981 social riots in Casablanca;
- Victims of January 1984 civil disturbances in Nador;
- Victims dead in the aftermath of March 1973 incidents.

### 2.2 Unresolved cases in the IER Final Report (66 cases)

In its Final Report, the IER concluded that the cases of enforced disappearance about which it was not able to uncover complete truth totaled 66. It recommended that investigations be pursued to reveal the fate of these victims.

For this reason, the CCDH continued inquiry into this issue which led to the following results:

#### 2.2.1 Cases of enforced disappearance for political reasons

They are 49 cases, including a person still alive who was forced to flee to Algeria and then to Yugoslavia. He disappeared in 1964 and his family received no information on his whereabouts throughout this period. A second case of a person who was arbitrarily held for one year in the Casablanca-Anfa Airport detention center, known as Courbis, after the March 1973 events, before being transferred to the Casablanca Civil Prison. After his release, he had been suffering from mental illness, because of the torture he underwent. In 1980, he left his home at dawn and never

came back. His fate remained unknown until 1983, when he returned home in a bad health condition. Four months later, he disappeared again because of the mental illness he was suffering.

The other 47 cases are of persons who died in different detention centers.

The CCDH will publish an appendix which provides summary information on each case.

### **2.2.2 Cases wherein there is no political motivation behind the disappearance of the persons concerned**

They are nine cases, including two persons who sank to death. However, on the basis of information analysis, the CCDH Follow-up Committee came to the conclusion that there was no political motivation behind the disappearance of the other seven cases.

### **2.2.3 Cases wherein neither the IER nor the Follow-up Committee could uncover the fate of the victims or establish full truth about them**

Out of 66 cases, 9 cases only could not be partially or fully clarified due their complexity or to the fact that date back long way.

### **2.2.4 Proposals and Recommendations**

In addition to the implementation of recommendations relating to the archives, history and memory preservation, as laid out in the final chapter of this report, the CCDH made the following proposals and recommendations:

- Set up a mechanism to support families whose cases are unresolved or require further efforts to settle some legal problems
- Organize a symposium with experts from the forensic medicine department and the national genetic laboratories of the Gendarmerie Royale and forensic police
- Promote the management of cemeteries by involving all parties concerned.

## **3. Implementation Follow-up Concerning Individual and Community Reparations**

### **3.1 Individual Reparations: work outcome**

It is worth mentioning that in the Moroccan experience in individual reparations and compensations to victims of gross human rights violations, the IER managed to examine all the files submitted to it, render final decisions about them during its mandate and issue relevant arbitration decisions providing for compensation to victims and to their rightful claimants and containing recommendations on other forms of reparations other than financial compensation. The IER had already recommended that health cover be provided to all victims of gross human rights violations and their families who do not benefit from any similar health cover system.

#### **3.1.1 Completion of files and finalization of technical and administrative aspects of arbitration decisions**

The total number of the files on which a final decision was issued by the IER and the implementation of which has been monitored by the CCDH Follow-up Committee amounts to 18,457. They are broken down as follows:

- Financial compensation: 8,441

- Lack of competence: 4,361
- Dismissal: 1,079
- Review of arbitration decisions issued by the Independent Arbitration Commission for Compensation: 3,188
- Victims of violations perpetrated by the Polisario: 29
- Files to be kept pending additional documents: 406
- Files under investigations: 689

### **3.1.1.1 Files on which arbitration decisions of financial compensation were issued**

The total files in this regard amount to 8,847, including 406 files on which final decisions have not been issued, as they lack essential documents for the determination of the compensation due to the victim or his rightful claimants.

It is worth noting that the total files on which decisions of financial compensation were issued by the IER amounted to 8,441. They were referred to the Office of Prime Minister in order to provide the sums allocated in installments from 2006 to 2009, after the end of the IER work.

### **3.1.1.2 Implementation of the recommendation on victims of violations perpetrated by the Polisario**

The IER made a special recommendation concerning the victims of the gross human rights violations perpetrated by the Polisario. To implement this recommendation, necessary measures were taken to apply the proposal reached within the framework of an amicable settlement between the government and the Diwan al-Madalim (ombudsman) to compensate this group of victims. The files, including those submitted previously to the IER or received from Diwan al-Madalim, totaled 280. The technical and administrative measures regarding the relevant decisions are being completed.

### **3.1.1.3 Implementation of the recommendation on victims of Tagounite detention center**

In implementation of IER recommendation concerning victims of Tagounite detention center, the CCDH Follow-up Committee issued decisions of financial compensation and health cover in favor of the persons concerned. The number of files now reaches 90, including 74 on which decisions were issued, while the remaining still lacks the documents required.

## **3.1.2 Other reparations**

### **3.1.2.1 Implementation of the recommendation on victims' integration into the health cover system**

In implementation of the IER recommendation on the integration of victims into the basic health cover system, cooperation between the CCDH and the government resulted in the adoption of the proposal that victims should benefit from the best available health cover system, namely the AMO-CNOPS, and that the state should pay the membership fees to the CNOPS, the body responsible for managing and implementing this health cover. To this end, an agreement was signed between the parties concerned, and significant progress has been made in its application. The victims and their rightful claimants were registered and the operation of medical cards delivery was organized throughout the country.

The CCDH received 5,011 files related to the implementation of the health cover agreement, all of which were processed. CNOPS cards are being delivered by the CCDH either at its headquarters or at its regional sections. To facilitate card delivery, cooperation has been established with some human rights associations, such as the Moroccan Forum for Truth and Justice (FVJ) and the Casablanca-based medical association for the rehabilitation of victims of torture.

### **3.1.2.2 Recommendations on other forms of reparation**

#### **• Settlement of administrative and financial situations**

The CCDH checked the data relating to all cases on which the IER made recommendations to settle the administrative and financial situations. The lists of these cases were submitted to the Office of Prime Minister and the relevant government departments were contacted. The CCDH examined the replies it received from these departments and sent them the documents required.

Technical joint committees between the CCDH and the relevant government departments were set up to examine the outstanding cases and search for solutions thereto. The numerous meetings which were held to examine these cases made it possible to reach the following conclusions:

- Some cases on which new data emerged were settled and the CCDH notified the department concerned;
- Some cases were difficult to settle, as applicants did not prove their relation to the department they allegedly had worked for, because they were arrested before their graduation or before joining their work;
- The remaining cases are being examined and the parties concerned have been contacted.

The CCDH continues cooperation with the government to find solutions to pending cases.

#### **• Social reinsertion**

In implementation of the IER recommendations on social reinsertion of victims and rightful claimants, the CCDH examined this issue with the government. The lists of persons concerned were referred to the Office of Prime Minister and to some government departments to find the best solutions for their reinsertion.

The CCDH continues to conduct contacts and consultations with the government, given that this recommendation is part of other reparations and will contribute to rehabilitating victims and their relatives. Also, the CCDH is working to make proposals aiming at taking measures likely to guarantee sustainable effects for victims.

## **3.2 Community Reparation Recommendations**

### **3.2.1 Work outcome**

The IER adopted a comprehensive and full concept of reparation covering the regions and communities who suffered from systematic and extensive gross violations.

The CCDH started the follow-up process by adopting a methodology in which all parties concerned are involved, including civil society, government and other partners.

The Community Reparation Program (CRP), which has been put in place in the provinces of Figuig, Errachidia, Ouarzazate, Zagora, Tan Tan, Azilal, Khemisset,

Al-Hoceima, Nador, Khenifra and Hay Mohammadi (Casablanca), seeks to achieve a number of projects aiming at contributing to the development of these regions and to the preservation of memory.

### **3.2.1.1 Institutional building**

Since the launch of the CRP in 2007 and with support from its national and international partners, the CCDH started to develop the institutional framework adequate for the follow-up of the implementation of the CRP, through the setting up of a national steering committee, management units and local coordination bodies.

On July 9, 2007, the National Steering Committee was created to ensure that the CRP responds to the IER recommendations, and to guarantee the strategic dimension, financial transparency and external advocacy. Besides, two management units were established. The first was set up in coordination with the Foundation of the Deposit and Management Fund (CDG Foundation) to be responsible for the project of supporting the IER recommendations toward the regions where gross human rights violations occurred and caused community damage. The second was established in coordination with the United Nations Development Fund for Women (UNIFEM), and tasked with the management of the project for promoting women's rights and their role in the transitional justice process in Morocco. Also, the CCDH set up CRP local coordination bodies in 11 provinces. The CRP institutional building was complete on July 8, 2008, when the Board of Coordination Bodies was set up, with the aim of enhancing coordination between the steering committee and coordination bodies.

### **3.2.1.2 Developing local plans**

The local plans focus on the following four areas:

- Reinforcing the capacity of local stakeholders;
- Positive preservation of memory;
- Improving the living conditions of the communities (improved services, opening up regions concerned, developing alternative income-generating activities, and environmental protection);
- Improving the situation of women and children.

The CCDH mobilized a number of national and international partners to support the implementation of these plans.

### **3.2.1.3 Positive preservation of memory**

The question of memory aroused a special interest in the Moroccan experience of transitional justice, either at the IER mandate or during the CCDH work to implement the IER recommendations in this regard.

Within the framework of the CRP local coordination bodies, the CCDH organized many workshops to develop a primary conception of the proposals likely to convert the former secret detention centers in Ouarzazate, Zagora, Errachidia and Hay Mohammadi into projects of memory preservation. This operation made it possible to identify the vision of local stakeholders to this subject.

The work achieved by local coordination bodies led to a proposal that a memory national day will be commemorated as one of the main recommendations made at all local workshops. The belief was that this day would have symbolic significance to break up with the past of gross human rights violations and so that the various components of the nation can recall a phase of their history in such a way as to help build a common understanding of memory that goes beyond the official narratives of

facts and events and sets the stage for formulating them collectively. Also, the commemoration of this day would not aim to ruminate about the past, but to be an opportunity to reinforce the gains in democracy-building and entrench human rights.

In implementation of these proposals, a first batch of projects began to be applied with an amount of DH 4,400,000.00. It is about:

- Two projects to preserve the memory of Hay Mohammadi, Casablanca, in order to identify the historical and archeological landmarks of this district;
- A project to set up Fadma Ouherfou Center for Training, Referral and Information in commemoration of a victim of enforced disappearance in Agdez;
- A project to preserve memory in Figuig;
- A documentary on the 1984 riots in Nador;
- A project to establish the Rif Center for Collective Memory Preservation in Nador;
- A project to release a magazine on memory and establish citizenship clubs in Tagounite and Agdez;
- A project to set up a citizenship and democracy center in Tinghir;
- A project to restore a place of collective memory in Qal'at Mgouna, Ouarzazate.

In coordination with the CRP Management Unit, the CCDH is currently in the process of selecting the second batch of projects.

#### **3.2.1.4 Capacity building**

To ensure better involvement of the CRP stakeholders and in collaboration with the EU, CDG Foundation, the UNIFEM and Belgian Technical Cooperation, the CCDH organized cross-cutting training sessions in all coordination bodies with a budget of DH 1,085,000.00. These workshops revolved around participative approach, empowerment, conflict positive management, good governance, gender approach and project architecture.

As part of the first batch of projects, nine space-centered projects, which meet special needs, have been launched with a budget of DH 2,900,000.00. They will be achieved by associations and financed by the EU. These projects, seeking to strengthen the capacity of local stakeholders, are as follows:

- A project to reinforce the capacity of local civil society actors with regard to the approach to local governance in the province of Errachidia;
- A project to reinforce the capacity of local stakeholders on approaches to development in Figuig;
- A project to reinforce the capacity of local stakeholders concerning local development in Khenifra;
- A project to reinforce technical capacity of young executives in Nador;
- A project to promote management capacity of local stakeholders in Qal'at Mgouna , Ouarzazate;
- A project to set up a cultural training center in Tinghir;
- A project on craft training for women in Tagounite, Zagora;



- A project to reinforce the capacity of community associations in the province of Zagora;
- A project to strengthen youth capacity in the field of citizenship and human rights culture in Agdez.

The CCDH is about to launch the second batch of projects under this convention.

### **3.2.1.5 Income-generating projects**

The CCDH integrated income-generating projects in its field activities, by involving a number of social stakeholders. This was done through a number of projects and activities aimed at combating vulnerability and reinforcing economic potentials of communities covered by the CRP.

Within this framework, the first batch of projects has been carried out. It includes 13 projects with a budget of DH 4,900,000.00, under the convention signed with the EU delegation, which are as follows:

- A project on aviculture in Al-Hoceima;
- A project to support income-generating activities on food-processing in Figuig;
- A project to support the craft industry sector in Figuig;
- A project to promote apiculture in Amellagou, Errachidia;
- A project to support tourist income-generating activities in Figuig;
- A project to promote apiculture in Nador;
- A project to promote dates and improve the living conditions of women in Ouarzazate;
- A project to use irrigation drip system in farming in Tinghir;
- A project to promote environmental, solidarity and cultural tourism in Qal'at Mgouna;
- A project to create a women's space in Tinghir;
- Projects to involve women in civil society in Qal'at Mgouna;
- A project on well digging and use of well water in irrigation in Sekkoura;
- A project on Deraa goat breeding in Tagounite, Zagora.

### **3.2.1.6 Promoting Women's Rights**

With support from UNIFEM, the CCDH launched a project to promote women's rights and their role in the transitional justice process with a budget of DH 2,800,000.00. This was done by carrying out the following actions:

- Organizing a national forum on gender and social justice with support from UNIFEM on November 25, 2008, in Rabat;
- Organizing a workshop on obstacles to gender mainstreaming and ways to overcome them for local stakeholders who hail from the regions covered by the CRP in February 2008;
- Launching a project in Zagora to create a space for women and set up a network of women associations;

- Launching a project in Errachidia in commemoration of Fadma Ouherfou in Imilchil;
- Launching a project in Figuig to set up a social and economic center for the promotion of women;
- Holding a national workshop on September 28, 2009 to share the findings of the project on promoting women's rights and their role in the transitional justice process in Morocco;
- Publishing several written and video works (see the section on Documentation and experience sharing).

#### **3.2.1.7 Assessment and monitoring**

The launch and implementation of the CRP were accompanied by parallel meetings of the organizational structures, set up to monitor implementation.

One year after the launch of the CRP in the regions concerned, meetings were held to assess the CRP in the local coordination bodies. Also, a one-day national event was organized for internal assessment, attended by all stakeholders and partners to measure the involvement of the local coordination bodies in the CRP in accordance with their commitments, and to identify the gains achieved and the constraints likely to confront the application of the CRP. Besides, an expertise study was carried out in the first week of May 2009 to monitor the CRP management and assess the main achievements.

#### **3.2.1.8 Documentation and experience sharing**

While implementing the CRP, the CCDH supported the documentation process, in view of its paramount importance in capitalizing the achievements and sharing experiences with others, through many written and visual works:

- English and Arabic summary of a study on political violence against women;
- Narratives of some women who suffered from gross human rights violations in the past;
- Study on income-generating activities for women in Figuig;
- Analysis study on gender mainstreaming and women's rights in the process of transitional justice in Morocco;
- Short film on CD about the highlights of public hearings of women victims of violence in the period known in Morocco as the Years of Lead;
- Short film on CD about the memory of Fadma Ouherfou as part of the Imilchil project in addition to many other media;
- Documentary on gender mainstreaming in the process of transitional justice in the Moroccan experience;
- Report on the proceedings of the National Forum on Reparations in four languages;
- Many publications and documentaries on local memory are being produced by associations benefiting from the CRP.

#### **3.2.2 Future Work**

The major activities that will be undertaken in the next phases as part of the CRP will focus on the following areas:

### **3.2.2.1 Government programs**

In coordination with the government partners, the CCDH will ensure the implementation of the partnership agreements signed with the government departments to ensure the participation of all, each in its own field of competence, and achieve the projects expected from the plans of local coordination bodies.

### **3.2.2.2 Projects of associations**

Following the call for proposals regarding the second batch of projects meant for associations, the Program Management Unit received approximately 240 applications from local associations in different local coordination bodies. After examination, about 90 projects were selected as they met the required standards. They cover memory preservation, capacity building, income-generating projects, opening up of distant regions, gender, and environmental protection. These projects will be submitted to the National Steering Committee to be ratified and will be launched by February 2010. The budget of the second batch of projects amounts to about DH 20,500,000.00.

### **3.2.2.3 Memory preservation**

Within the next few days, work will start to restore the secret detention centers of Agdez, Qal'at Mgouna and Derb Moulay Cherif, in implementation of the partnership agreement signed with the Ministry of the Interior and the Ministry of Housing and Town Planning. Also, local projects on memory, to be achieved by many local associations, will be supported.

## **4. Follow-up of Implementation of Recommendations on Institutional and Legal Reforms**

The IER recommendations and proposals concern continuing to adhere to the conventions of international human rights law, particularly the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, and the withdrawal of the reservations made by Morocco on some provisions of the said convention.

The IER also recommended that legal and judicial protection of human rights be strengthened by enhancing individual and collective rights and freedoms, harmonizing national criminal legislation with our country's commitments to international standards, upgrading criminal policy and legislation, and developing criminal justice mechanisms within the framework of a comprehensive judicial reform aiming particularly at promoting the judiciary and reinforcing its independence.

In its recommendations, the IER addressed the rationalization of security governance through the government liability in security and control, parliament investigation in security-related issues, organization of security apparatuses and definition of the legal framework governing them, national control of security policies and practices, provincial and local control of security operation and order maintaining, development of standards and limits to the use of force, continuous training for authority and security agents in human rights, and promotion of human rights through education and awareness-raising.

#### **4.1 Continuing to Adhere to International Conventions on Human Rights**

##### **4.1.1 Following up IER recommendation on death penalty**

As part of implementing the IER recommendation on the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty and its methodological proposals to restrict this penalty and adopt gradation to abolition, the CCDH, in cooperation with the *Ensemble contre la peine de mort* association -ECPM- (Together against death penalty), organized a seminar which was an opportunity for in-depth and serene debate on the subject. The proceedings of this seminar were published by the CCDH and ECPM in 2009. The seminar helped identify the main directions and options of the stakeholders participating in this societal dialogue. On this basis, the CCDH is working to make an opinion on the subject while considering the proposals presented during the discussion of the study on the harmonization of the penal code with human rights rules, principles and norms.

##### **4.1.2 Urging the government to ratify International Convention for the Protection of All Persons from Enforced Disappearance**

In accordance with the IER recommendation calling for criminalizing enforced disappearance; considering that Morocco was among the states which contributed to drawing up the draft convention on the prevention of enforced disappearance as well as the application of the provisions of Universal Declaration on the Protection of All Persons from Enforced Disappearance and the provisions of the said convention in the Moroccan experience of transitional justice, in harmony with the new philosophy that the draft penal code is seeking to achieve; and as part of exercising the mission of encouraging the government to continue to adhere to the international human rights system, the CCDH, during the discussion that took place within the framework of an ad hoc committee, decided to submit a memorandum to His Majesty to urge the government to take the measures necessary for Morocco's ratification of the Convention for the Protection of All Persons from Enforced Disappearance.

##### **4.1.3 Withdrawing reservations on CEDAW**

The CCDH took pride in the Royal Message following the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, in which he announced that reservations on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) be withdrawn, as they became old-fashioned in comparison to national legislations. Also, the CCDH included this issue in the agenda of the newly-established Working Group on Gender, to present clear conceptions regarding the status of women and to ensure that all reservations are withdrawn.

##### **4.1.4 Ratifying the Convention on the Rights of Persons with Disabilities**

In addition, the CCDH took pride in the Royal decision, included in the same message, to ratify the Convention on the Rights of Persons with Disabilities. In this context, the CCDH held, on May 14, 2009, an international seminar on the implementation of the said convention and its Optional Protocol, attended by official and civil society actors, national and foreign experts, including in particular the members of the UN treaty body in charge of monitoring the implementation of the provisions of this convention and its protocol. The seminar mainly aimed at broadening the debate on the provisions of this convention and its protocol in terms of the normative and institutional aspects, in order to set the scene for an effective application of its provisions.

#### **4.1.5 Reflecting on a national mechanism to implement the Optional Protocol to the Convention Against Torture**

In application of the IER recommendations against torture, the CCDH organized an international seminar on the implementation of the Optional Protocol to the Convention Against Torture, on February 3-4, 2009, to get acquainted with the international experiences in the field and draw inspiration for a national model on the basis of Morocco's accumulated experiences, specificities and challenges, which shall be in line with our country's commitments in this regard and shall prove that Morocco continues to be engaged in the international human rights system.

#### **4.2 Following up IER Recommendations On Promoting The Judiciary And Strengthening Its Independence**

In implementation of the IER recommendations on promoting the judiciary and strengthening its independence, the CCDH opened an internal debate, in which participated experts outside the CCDH, on the ways to implement such recommendations. This helped elaborate a memorandum containing proposals on the reinforcement of constitutional guarantees for the independence of the judiciary, the reorganization of the High Council of the Judiciary (CSM), and the reform of laws pertaining to the statute of judges, the judicial organization of Morocco, the decree governing the prerogatives of the Ministry of Justice and the law governing the High Institute of the Judiciary. It also included more proposals on the training and in-service training of judges and court officials, reinforcement of financial and human resources in the courts and adoption of good governance in their administrative management. The CCDH also proposed that this reform process be enhanced through rehabilitation; the restoration of confidence by drawing up a code of conduct for judges; activation of the role of professional bodies representing judges and court officials in the fields of moralization and dissemination of legal culture; and revision of the statutes of court officials in such a way as to achieve credibility, transparency and restoration of citizens' confidence in justice.

#### **4.3 Upgrading Criminal Policy and Legislation: Reform of the Criminal Law**

The year 2004 was a turning point in this regard. Following the proceedings of its 22<sup>nd</sup> session, the CCDH filed to His Majesty an advisory opinion on the harmonization of the Moroccan Criminal Law to combat hatred, discrimination and violence. This opinion contained many proposals aiming at strengthening and modernizing the Moroccan Criminal Law, and launching an in-depth communication and education action to immunize the country against discrimination, hatred and violence.

The CCDH noticed that the government has been working toward developing a criminal policy. For example, a national symposium on the subject was organized in order to draw lessons from the application of the 42-year-old Moroccan Criminal Law to develop an integrated criminal policy in line with the current needs of the country.

Having supported the elaboration of the draft criminal law by a government committee under the supervision of the Ministry of Justice; as part of the CCDH interaction with the reform projects; and considering the IER recommendations on upgrading criminal policy and legislation, and on criminalizing the gross human rights violations in accordance with the international norms in the field, the CCDH had worked from October 2008 to March 2009 on a study on the harmonization of the draft criminal law with the international human rights standards. This study was based on the three pillars of the criminal law: criminalization, sanction and liability, as well as a clear and accurate application of the following principles: No one shall

be criminalized or sanctioned in the absence of a legal text; the non-retroactivity of laws; equality, legality, equity and personal responsibility in the criminal field.

#### **4.4 Making Opinion a Draft Law of Press and Professional Journalists**

As part of monitoring the exercise of rights and freedoms, particularly the freedom of expression and opinion, and as a completion of the IER findings and conclusions concerning press and edition, the CCDH continued to follow up this issue. The Prime Minister referred to the CCDH the draft Law of Press and Professional Journalists in 2007 to make an opinion from a human rights perspective. The draft was reviewed by the CCDH and the professionals and those who are interested were given a hearing. The CCDH, eventually, drew up a preliminary memorandum on March 07, 2007, in which it highlighted the importance of the government's initiative to refer the press law to the CCDH, especially as the latter expressed concerns in its previous annual reports over the freedom of expression and the effects of sanctions on the freedom of press and the development of the press professional institutions. The CCDH suggested many amendments and guiding lines to review the draft in order to broaden the debate on the subject. Furthermore, it discussed this question at its 31<sup>st</sup> session, by hearing the presentation delivered by the Minister of Communication and a draft conception developed by a CCDH member. It is worth mentioning that the CCDH had previously opened a national debate on the subject by organizing a relevant seminar attended by the stakeholders concerned and experts in the field. The CCDH continues to follow up the issue in coordination with the government authorities and those concerned in order to develop a comprehensive and integrated vision to reform the public communication system in accordance with a forward-looking approach.

#### **4.5 Implementing IER Recommendations on Security Governance**

The CCDH is currently working to elaborate an opinion on implementing the IER recommendations on security governance, taking into account complementarity between all IER recommendations on legal and institutional reforms, the promotion of the human rights culture, the investment of all gains in human rights in the process of rationalization, and the development of public policies based on the involvement of political and civil stakeholders, national institutions, experts and scientific researchers. This should be done while focusing on accountability and transparency, on the complementarity between national security and economic security and social stability, as well as on the integration of security governance rationalization within a gradual reform process.

In its early conception, the CCDH sets the following main goals of rationalization:

- Change all past negative representations among society as regards the role of security apparatuses;
- Work toward the promotion of the right to access to information on security operations and public order maintaining;
- Ensure political, legal and administrative control over all security authorities while upgrading their performance;
- Develop standards to measure the proportionality between the use of force in case of a breach of security and public order on the one hand, and the protection of fundamental rights and freedoms on the other;
- Achieve qualitative progress in dealing with security issues by implementing the new concept of authority in such a way as to lay the foundations for a tran-

sition from a mere security action of apparatuses and intervention public forces to services contributing to the development and promotion of values of modern citizenship and accountability.

#### **4.6 Archives and Memory Preservation**

In implementation of the IER recommendations on archives and memory preservation, the CCDH set up a working group composed of experts and university researchers in order to deepen reflection on this issue and follow up the project of the national archive modernization.

After the promulgation of Law 69.99 on archives on November 30, 2007 governing the conditions to keep archives, the deadlines to open them to the public, the terms to have access to them and the resulting sanctions if spoilt, the CCDH organized consultations with the services of the Office of Prime Minister and the Ministry of Culture in order to speed up the adoption of executive decrees for this law.

The CCDH is now working on the launch of a program of cooperation with the EU, which supports the IER recommendations in the fields of archive, history and memory. In the field of archive in particular, the program will help support activities on the preservation of the IER archives and support the modernization of the national archives.

The consultation between the CCDH and various national stakeholders in the fields of archives, history and memory resulted in identifying the main areas of action relating to archives, which consist in:

- Assessing the current situation of national archives;
- Supporting the elaboration of the draft application decrees for the archives law;
- Supporting the preservation of the IER archives;
- Supporting the establishment of a national institution for archives in Morocco;
- Developing a national strategy to preserve the archives;
- Encouraging the training of archivists.

Regarding the IER archives, the CCDH is taking stock of them and is developing a conception of an information system to manage them as an important first phase before the phase of structuring, processing and preserving archives as well as managing access to them.

#### **4.7 Promoting Human Rights Culture**

In implementation of the IER recommendations on the promotion of the human rights culture, the CCDH officially launched the Citizenship Platform for the Promotion of the Human Rights Culture on April 20, 2006, with the contribution of all parties concerned, governmental and non-governmental, within the framework of a national independent steering committee in charge of drawing up this platform.

After more than 10 months of steady and continuous work, the drawing up process ended. The platform won the approval of all participating parties and obtained satisfaction from all stakeholders to whom it was submitted and on which they were consulted. It is worth mentioning that this platform adopted three main interrelated and interdependent areas, namely education, training of professionals and awareness.

The CCDH also held consultations with the various stakeholders concerned with the platform implementation, which led to the setting up of a steering committee composed of government departments, national institutions, universities, the media and civil society. The goal of the committee is to ensure the coordination of the implementation of the provisions of the platform, the identification of relevant means of work and the follow-up of the aspects related to supervision, management, achievement and assessment. The CCDH Center for Documentation, Information and Training in Human Rights (CDIFDH) is in charge of monitoring the implementation.

As regards in-service training for the authority and security agents in the field of human rights, the CCDH is now working to implement the partnership convention in the field in collaboration with the Ministry of the Interior.

#### **4.8 Strengthening Respect for Rights and Interests of Moroccan Communities Abroad**

As part of the follow-up of the implementation of the IER recommendations on taking care of the Moroccan communities abroad and following the commission by His Majesty King Mohamed VI, the CCDH made an advisory opinion on the setting up of a council for the Moroccan communities abroad. The opinion was ratified at the 28<sup>th</sup> session on October 20, 2007, and won the approval of His Majesty, which was followed by the inception of the president, secretary general and members of the council.

#### **4.9 Scientific Research on Past and Contemporary History of Morocco**

The CCDH took note of the continuation of the institutional reforms proposed by the IER, including the creation of the Royal Institute of Research in Morocco's History on November 22, 2006, by virtue of *Sherifian Dahir* (royal decree) 1.06.222, as a national institution of research into Morocco's history and promotion of knowledge inherent in the near and distant past of Morocco in order to entrench the Moroccan identity and document the collective memory. The CCDH is intending to be strongly involved in the field of current research within the scope of the program of archives, history and memory preservation.

#### **4.10 Broadening CCDH Jurisdiction in the Prevention of Violations**

As part of the implementation of the IER relevant recommendations, the CCDH opened a debate among its members on this subject during its sessions and the meetings of the Working Group on the Protection of Human Rights and Prevention of Violations. Therefore, it amended its house rules, restructured its administration, opened regional sections and created numerous momentums through many projects and activities. The CCDH is now reflecting on the broadening of its jurisdiction as regards the prevention of human rights violations, by reviewing and assessing its experience, and making the proposals likely to enhance its role in this field.

#### **4.11 Other Structuring Projects Supporting IER Recommendations**

##### **4.11.1 Drawing up National Action Plan in Democracy and Human Rights**

The CCDH has launched important projects, including the action to draw up a national action plan to promote democracy and human rights in our country. Thus, the CCDH held a meeting at which the National Steering Committee in charge of drawing up this plan under the aegis of the Prime Minister was set up. It should be noted that the CCDH announced the launch of this important project in last April, followed by a series of regional dialogues and consultations, through organizing consultative workshops attended by all those concerned. This helped set up the National Steering Committee according to a participatory approach to ensure that all the par-



ties concerned are represented in this highly important project, including the government, civil society, national institutions, professional bodies and the media.

The plan aims at ensuring the coordination of the intervention of all stakeholders and the coordination among the sector-based programs, particularly the sector-based plans which cover group and thematic rights within a participatory process to which contribute government departments, national institutions, the media, and representatives of civil society with all its components while taking into account gender. It should be noted that the plan is being developed with support from the EU. The CCDH is invested with two tasks through the CDIFDH, as an executive body, and through its contribution to the strategic framing and support of the plan.

#### **4.11.2 Drawing up Charter for Citizen's Rights and Obligations**

As an implementation of the Royal commission on the occasion of the 2003 Throne Speech, which calls on the CCDH to work out a charter for citizen's rights and obligations, the CCDH has been involved in this project under the supervision of an expanded committee composed of the chairmen of the CCDH working groups and some other members. The project will be presented at the CCDH 33<sup>rd</sup> session, with a view to drafting a final version that will be submitted to His Majesty Mohamed VI.

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