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## **Committee on Political Affairs and Democracy**

### **Evaluation of the partnership for democracy in respect of the Parliament of Morocco**

Rapporteur: Mr Bogdan KLICH, Poland, Group of the European People's Party

**Information note on the visit to Morocco (7-10 July 2014)**

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<sup>1</sup> Document declassified by the Committee at its meeting of 4 September 2014.

## 1. Introduction

1. I would like to thank the Moroccan partner for democracy delegation to the Parliamentary Assembly for the excellent organisation of my visit and for setting up a rich programme with high-level meetings (see appendix). The purpose of my visit was not only to hear about the progress made by Morocco but also to better understand the country's regional, cultural and religious background, which is why I also paid a visit to Fez and Tangier.

2. In June 2013, the Parliamentary Assembly adopted Resolution 1942 (2013) on the Evaluation of the partnership for democracy in respect of the Parliament of Morocco. Paragraph 20 stated that the Assembly will continue to review the implementation of political reforms in Morocco and will make a new assessment of the partnership within two years. Resolution 1942, as well as Resolution 1818 (2011), which granted Partner for Democracy status to the Moroccan Parliament, were the basis for my discussion with the Moroccan partners during my first visit following my appointment as rapporteur in October 2013.

3. The meetings I held in Rabat with representatives of the government, leaders of political groups in the Moroccan parliament, as well as civil society representatives, allowed me to identify a number of areas which need to be addressed through further reforms, and to discuss what the Council of Europe can do to meet our partners' expectations.

## 2. Progress towards the Partnership objectives and other areas of interest

4. Morocco adopted a new Constitution in 2011, the independence of the judiciary is now enshrined in the Constitution, parliamentary democracy has been strengthened, the electoral framework has been improved and the November 2011 elections received a positive assessment by our Assembly's election observation mission. During my visit I was able to discuss a number of areas which need further improvement as follows.

### 2.1. Death penalty

5. The new Constitution enshrines the right to life in Article 20. A *de facto* moratorium on the death penalty is in place, however this has not been made official. A network of 300 parliamentarians against the death penalty is currently putting forward legislative proposals towards abolition and will continue to work towards the adoption of the second Optional Protocol to the International Covenant on Civil and Political Rights and of the Rome Statute.

6. Several interlocutors stressed that Islam in itself is not a fundamentalist religion and noted the need to move beyond dogmatism and 'barbaric practices'. However, they also pointed to some resistance in society, especially when serious crimes such as rape or child murders occur, and to the need for more public debate and information campaigns.

7. The death penalty is the most institutionalised violation of the right to life and abolition thus constitutes a prerequisite to any serious penal reform as well as a commitment undertaken in the context of the partnership for democracy's goals.

### 2.2. Constitutional laws

8. The elaboration of constitutional laws ("*lois organiques*") which are needed in order to fully implement the democratic potential of the new Constitution remains slow. Out of 19 laws planned in the Constitution, only 5 have been passed and 5 are being finalised. In 2013, only the law on the Economic, Social and Environmental Committee had been adopted. According to the members of the Moroccan delegation, this process cannot be easily speeded up due to lengthy procedures and internal divergences on fundamental values. Some interlocutors mentioned a "legislative indigestion" and hoped that the new government coalition would show substantial progress on the ground in 2014 and 2015.

9. The 2011 Constitution was a turning point but only its full implementation can guarantee the protection of human rights and fundamental freedom enshrined in this forward-looking text. Morocco therefore needs to establish a clear and realistic time-frame for reforms.

### 2.3. *The situation of women*

10. In January 2014, the Moroccan Parliament voted to scrap a highly controversial law that allowed the rapist of an underage girl to avoid punishment if he married his victim. Unfortunately, there has been an alarming increase in the cases of violence against women, especially domestic violence, and for female rape victims it is still difficult to find justice and support. Further reforms in this area are urgent.

11. Two important initiatives are currently being discussed: the establishment of the “Authority on parity and fight against all forms of discrimination” and the “Legal framework related to the fight of violence against women and girls”. The Ministry of Solidarity, Women, Family and Social Development is currently studying the Council of Europe Istanbul Convention and has opened a dialogue with the National Council on Human Rights (CNDH) and women organisations which are strong and active in Morocco.

12. I should underline that equal rights for women and men guaranteed by the 2011 Constitution cannot be watered down by appealing to traditional values.

### 2.4. *Reforms of the judiciary*

13. Implementation of the judicial reforms and of the recommendations of the *Instance Équité et Réconciliation* is making slow progress. Following my discussions with the Minister of Justice, I understand that a timetable for reforms is in place for the year 2014-2015 concerning the status of judges, the Higher Judiciary Council and new Penal Procedure. Draft laws have been sent to the European Commission for the Efficiency of Justice (CEPEJ) and Venice Commission.

14. Morocco also benefits from joint EU-Council of Europe projects in this field, which includes training of the judiciary. This is a much appreciated area of intervention which should be continued and further expanded.

### 2.5. *Torture and ill treatment*

15. The Moroccan Council on Human Rights (CNDH) stressed the need to introduce preventative measures to complete the eradication of torture, through in particular granting the right of anyone in police custody to immediately contact a lawyer, audio-visual recording during investigation, entrusting the CNDH with the mandate of the National Prevention Mechanism to carry out announced and unannounced visits to places of detention.

### 2.6. *Freedom of the press*

16. There are reports about violations of the freedom of the media and some publications have been forbidden or seized, according to several NGOs. Clear restrictions remain in place discouraging coverage of politically and socially sensitive subjects, including the royal family and the status of Western Sahara.

17. The law governing the media and publishing sector needs a comprehensive and urgent revision and provisions providing for the deprivation of liberty need to be repealed.

### 2.7. *Child labour*

18. I discussed with some interlocutors the National Initiative for Human Development (INDH), a community based poverty alleviation programme designed to enhance the lives of vulnerable families and children, and to invest in education in rural areas. Despite these efforts, children in Morocco continue to engage in child labour, particularly in hazardous activities in agriculture and domestic service. Rural families are often unaware that all children under 15 must attend school, a legal requirement introduced in 2000 which is not strictly enforced.

19. Civil society organisations attack the practice of bringing girls from villages to the towns by middlemen to work as live-in maids (*petites bonnes*). Usually illiterate, and sometimes as young as eight, they work all hours and are vulnerable to sexual abuse. The Moroccan Parliament is due to debate legislation in the autumn and local NGOs are lobbying to include a minimum age of 18.

### *2.8. Human rights and civil society organisations*

20. With over 30 000 NGO workers, the civil society sector is dynamic and vibrant but needs streamlined actions, human rights training and financial support in strategic areas related to the implementation of the Constitution, with a view to increasing transparency and participation.

### *2.9. Economic and social rights*

21. I had a very interesting meeting with the President of the Economic, Social and Environmental Council, and discussed the challenges of social dialogue in Morocco between trade unions, business and civil society. He mentioned a rate of poverty of 8.9% in Morocco and an unemployment rate of over 10%.

22. This Council is already in contact with the EU Economic and Social Committee and we both agreed that it may also benefit from the work and experience of the Council of Europe European Committee of Social Rights and the European Social Charter.

## **3. Concluding remarks**

23. Morocco represents a unique model of peaceful transition initiated by the authorities and an example for the whole region in this respect. The 2011 Constitution provides a legal framework that can accommodate democratic changes, but needs full implementation.

24. The Moroccan Parliament, which has become stronger, should play a more active role in pushing a democratic agenda and reforms in critical areas, such as equality between women and men, the abolition of the death penalty, the independence and efficiency of the judiciary, and freedom of press.

25. I also believe the level of co-operation between the Council of Europe and Morocco could be upgraded to further mobilise the expertise of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Venice Commission, the Group of States against Corruption (GRECO) and the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Istanbul Convention, in particular.

## **Appendix - Programme of the visit by Mr Klich (7-10 July 2014)**

### **Monday 7 July**

- 11h00 Meeting with **Dr. Mohamed Cheïkh BIADILLAH**, President of the Chamber of Councillors
- 12h00 Meeting with **Mr Driss EL YAZAMI**, President of the National Council for Human Rights
- 14h30 Meeting with Chairpersons of the Parliamentary Groups
- 16h00 Meeting with **Mr Moustafa RAMID**, Minister of Justice and Liberties
- 19h00 Dinner hosted by **Dr. Mohamed Cheïkh BIADILLAH**, President of the Chamber of Councillors, with the participation of **Mr Rachid TALBI ALAMI**, President of the Chamber of Representatives

### **Tuesday 8 July**

- 9h30 Meeting with **Mr Nizar BARAKA**, President of the Economic, Social and Environmental Council
- 11h00 Meeting with **Ms Bassima HAKKAOUI**, Minister of Solidarity, Women, Family and Social Development
- 12h00 Meeting with representatives of Amnesty International Rabat
- 14h00 Meeting with **Mr Anis BIROU**, Minister in charge of Moroccans residing abroad and Migration Affairs
- 15h00 Meeting with **Mr Mohamed HASSAD**, Minister of the Interior
- 16h00 Meeting with **Ms Mbarka BOUAIDA**, Deputy Minister in charge of Foreign Affairs and Cooperation
- 17h00 Meeting with **Mr Moulay Ismail ALAOUI**, President of the National Commission for national dialogue on Civil Society and new constitutional prerogatives
- 19h00 Cocktail buffet hosted by the Polish Ambassador in Rabat, **M. Witold SPIRYDOWICZ**, with the participation of Ambassadors of member States of the Council of Europe and with the Ambassador of European Union in Rabat, **Mr Rupert JOY**

### **Wednesday 9 July**

- 11h00 Visit of Fez
- 12h00 Meeting with **Dr Lhaj MOUSSA AOUNI**, Professor of Archeology and Islamic history

### **Thursday 10 July**

- 10h00 Visit of Tangier
  - 11h00 Visit of the Tangier-Med Port
  - 12h00 Meeting with **Mr Omar MORO**, President of the Chamber of Commerce, Industry and Services of the Wilaya of Tangier
- Return to Rabat
- 19h00 Meeting with Members of the PACE delegation of the Moroccan Parliament