



General Assembly

Distr.: General
9 March 2012
English
Original: English/French

Human Rights Council

Working Group on the Universal Periodic Review

Thirteenth session

Geneva, 21 May–4 June 2012

Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

Morocco*

The present report is a summary of 31 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

A. Background and framework

1. The National Human Rights Council (CNDH) stated that, since it had undergone the Universal Periodic Review, Morocco had ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the first Optional Protocol to the International Covenant on Civil and Political Rights, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.²

2. CNDH also indicated that Morocco had withdrawn its reservations to article 9, paragraph 2, and article 16 of the Convention on the Elimination of All Forms of Discrimination against Women.³

3. CNDH recommended that Morocco speed up the process of depositing its instruments of ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to launch an inclusive consultation process to establish a national preventive mechanism.⁴ CNDH recommended that Morocco ratify a number of international instruments, including the Rome Statute of the International Criminal Court, the International Convention for the Protection of All Persons from Enforced Disappearance, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and International Labour Organization Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).⁵

4. CNDH reported that, in recognizing that the international conventions ratified prevail over domestic law, the new Constitution, which had been adopted by referendum in July 2011, reaffirmed the country's commitment to the principles and values of human rights.⁶

5. CNDH stated that it had succeeded the Consultative Council on Human Rights in March 2011, and enjoyed broader responsibilities and powers than that body. Its establishment is provided for in the new Constitution.⁷

6. CNDH reported that the political reforms in 2011 had brought about the adoption of the new statutes of the Office of the Ombudsman, established an Inter-ministerial Human Rights Delegation and strengthened the independence of the judiciary through the creation of the Higher Council of the Judiciary.⁸

7. CNDH mentioned the establishment in 2009 of the Steering Committee for Follow-up and Monitoring of the Citizen's Platform for the Promotion of Human Rights Culture and the adoption of a 2011–2014 programme of work on education, training and awareness-raising. CNDH also noted that the National Action Plan for Democracy and Human Rights had been presented to the Government in 2011. CNDH recommended that Morocco adopt and implement both the Plan and the Citizen's Platform.⁹

B. Cooperation with human rights mechanisms

8. CNDH recommended that Morocco extend a standing invitation to the Special Procedures; respect the timetables for the submission of reports to the treaty bodies; and implement the recommendations made during examination of the reports.¹⁰

C. Implementation of international human rights obligations

9. Noting the progress made in promoting women's rights, CNDH recommended that Morocco be guided by the principles of non-discrimination and parity in the drafting and implementation of public policy, and that it adopt a specific law on domestic violence.¹¹

10. Further noting the occasional use of disproportionate police force, CNDH recommended that Morocco continue to apply the partnership agreement between the CNDH and the Ministry of Internal Affairs on human rights training and awareness-raising for officials involved in enforcing the law.¹²

11. CNDH recommended that Morocco bring its legislation into line with the relevant international provisions on combating human trafficking.¹³

12. CNDH called for an immediate and comprehensive review of the regulations governing the communications sector, particularly the press, and criminal provisions in the area of freedom of expression, to ensure in particular that custodial sentences are removed from the Press Code.¹⁴

13. CNDH recommended that Morocco pass a special act on the status of refugees, in line with the 1951 Convention relating to the Status of Refugees, and facilitate the procedure for granting such status.¹⁵

14. CNDH recommended that Morocco adopt bill 62-09 on enhancing the rights of persons with disabilities. CNDH called for the establishment of a mechanism to monitor public policy, to ensure that the disability perspective and the principle of non-discrimination on the basis of disability are taken into account in all public policies.¹⁶

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

15. Joint Submission 1 (JS1) stated that Morocco had not lifted reservations made on Article 92 (1) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and on article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination.¹⁷ L'Association démocratique des femmes du Maroc (ADFM), the Fédération de la Ligue Démocratique des Droits des Femmes (FLDDF) and the International Commission of Jurists (ICJ) recommended that Morocco withdraw its remaining declaration and reservations to the Convention on the Elimination of All Forms of Discrimination against Women and to ratify its Optional Protocol.¹⁸

16. ADFM recommended that Morocco ratify the Convention on the Nationality of Married Women and the International Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.¹⁹

2. Constitutional and legislative framework

17. Joint Submission 4 (JS4) reported that the 2011 constitutional amendments were supposed to limit the powers of the monarchy but the King still had full authority over the security and military apparatuses, the power to dissolve Parliament, and a monopoly on religious leadership.²⁰

18. Alkarama considered that, although the wish to establish a true parliamentary monarchy had not been granted, it was too soon to assess the real impact of all the reforms.²¹

19. Front Line Defenders (FL) stated that the constitutional referendum was boycotted by the February 20 Movement, a broad coalition of civil society groups and political entities.²²

3. Institutional and human rights infrastructure and policy measures

20. The Association marocaine des droits humains (Moroccan Human Rights Association) (AMDH) pointed out that the composition and regulations of CNDH showed that it was under the authority of the King and did not fully meet the Paris Principles. It did not have a broad mandate and could not freely consider any questions falling within its competence.²³

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

21. The Collectif pour la promotion des droits des personnes en situation de handicap (Disability Rights Promotion Group) (CHDM) recommended that Morocco submit its initial report to the Committee on the Rights of Persons with Disabilities.²⁴ ICJ added that Morocco failed to adhere to reporting deadlines for periodic reports to four other treaty bodies.²⁵

2. Cooperation with special procedures

22. While ICJ recalled that Morocco failed to reply to various requests by Special Rapporteurs,²⁶ FL recommended that Morocco invite the Special Rapporteur on the situation of human rights defenders.²⁷

C. Implementation of international human rights obligations

1. Equality and non-discrimination

23. Recalling the progress made on gender equality in the new Constitution, ADFM recommended that Morocco bring its legal system into line with the Constitution and clearly state its commitment to implementing special provisional measures to guarantee gender equity and equality, including in access to senior posts in the civil service.²⁸

24. JS1 and FLDDF reported that Morocco, among others, made an assessment of the National Strategy for Gender Equality and Parity in 2008, and developed an agenda for equality and for activating the 2010–2015 strategy.²⁹ However, JS1 and FLDDF stated that, in the absence of public gender policies, existing initiatives were considered as inconsistent and limited in scope.³⁰ JS1 and FLDDF recommended that Morocco establish a mechanism for equality and parity according to the Constitution and develop institutional mechanisms on gender, equality and gender violence elimination to activate public policies.³¹

25. JS4 made specific reference to the existing discrimination against women in the labour market although labour law upheld gender equality in labour and wages.³² ADFM recommended that Morocco develop gender-based programmes to combat unemployment.³³

26. ADFM emphasized that, despite the progress made in the most recent elections (2009), women were underrepresented in elected and decision-making positions, because of a lack of political vision and coherence between the existing mechanisms.³⁴ FLDDF also recommended that Act No. 27.11 governing the organization of the Chamber of Representatives be revised to strengthen equal opportunity and parity measures.³⁵

2. Right to life, liberty and security of the person

27. Le Comité de coordination des familles des disparus dont le sort est encore inconnu et des victimes de la disparition forcée au Maroc (CCFDM), JS1, Joint Submission 3 (JS3) and la Ligue marocaine pour la citoyenneté et les droits de l'homme (LMCDH) stated that death sentence was not abolished though the Constitution provided for the right to life.³⁶ JS3 indicated that, despite a de facto moratorium since 1993, a number of detainees remained on death row and around 10 death sentences were imposed every year according to official figures.³⁷ JS3 recommended that Morocco replace the death penalty with a sentence that is fair, proportionate and respects international human rights standards.³⁸

28. JS1 and CCFDM recalled that the 2011 Constitution criminalized enforced disappearance and arbitrary detention and that several provisions of the Code of Criminal Procedure guaranteed protection from enforced disappearance.³⁹ CCFDM and JS1 recommended that Morocco expressly provide in the Penal Code for criminalization and imprescriptibility of enforced disappearance and implement the 2010 recommendations of the Working Group on Enforced or Involuntary Disappearances.⁴⁰ JS1 and CCFDM referred to the CNDH Follow-up Report on the Implementation of Equity and Reconciliation Commission's recommendations and its results and recommended that Morocco create another mechanism to pursue investigations into enforced disappearance cases.⁴¹

29. A number of stakeholders referred to deaths in police stations as well as violence inflicted by public forces in public places.⁴² AMDH reported similar findings.⁴³ JS4 notably indicated that the Moroccan Parliament still had not published a report on the events around the sit-in in the port of Sidi Ifni in 2008.⁴⁴ AFD International (AFD-I) reported, in particular, that 11 persons had died as a result of police repression during the 20 February movement.⁴⁵ FL recommended that Morocco take urgent measures to ensure the accountability of security forces for their actions.⁴⁶

30. Joint Submission 6 (JS6) stated that the authorities failed to investigate cases of torture or even prevented alleged victims to lodge a complaint.⁴⁷ AFD-I and AMDH submitted several specific cases of torture by Government officials, some of which had been brought to the attention of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.⁴⁸ FL and ICJ recommended that Morocco investigate all alleged cases of torture and ill-treatment.⁴⁹ ICJ also indicated that the current definition of torture in the Criminal Code was not in line with international standards.⁵⁰

31. JS3 indicated that conditions at Prison Centrale, where most death row inmates were reportedly detained, as well as other prisons, were dire at best and life-threatening at worst.⁵¹ JS3 and JS4 made reference to deaths in prisons.⁵² Alkarama indicated that, because of these conditions, hunger strikes and protest movements were a recurrent feature in the prisons.⁵³ AMDH stated that collective punishments were inflicted on detainees, for example, after the May 2011 incidents in Salé prison.⁵⁴ While echoing recommendations by treaty bodies, JS3 recommended that Morocco continue to build new prisons and take additional measures to alleviate overcrowding; and improve the availability of medical

treatment and nourishment.⁵⁵ JS1 recommended that Morocco ensure access by human rights organizations to detention facilities.⁵⁶

32. Joint Submission 2 (JS2) reported that, while a 2011 national study found a high prevalence of gender violence, the current legislation was outdated and rarely enforced by the justice system, and JS2 described the barriers to prosecution.⁵⁷ In addition to the adoption of a specific law on violence against women that contains both criminal and civil provisions,⁵⁸ JS2 recommended that Morocco amend the Penal Code to explicitly criminalize marital rape; eliminate laws that criminalize those who assist or harbor married women; abolish provisions that allow a perpetrator of rape to escape prosecution for marrying his victim; eliminate discriminatory legal provisions that place the burden of proof solely on the victim of violence.⁵⁹ JS2 also referred to the lack of shelters for victims of gender violence and stated that the cells for receiving women victims of violence in courts were often not effective or functioning.⁶⁰ ADFM recommended that Morocco make better provision for receiving such victims.⁶¹ ADFM and JS2 made further recommendations on public education on and prevention against domestic violence.⁶²

33. AMDH and LMSCH reported that children were subject to economic and sexual exploitation, and stated that it was still very common for young girls to be domestic workers.⁶³ LMCDH reported about trafficking in women for prostitution.⁶⁴

34. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment was unlawful in the penal system but was not prohibited in the home, in schools or in alternative care setting.⁶⁵ GIEACPC recommended that Morocco introduce legislation to prohibit all forms of corporal punishment of children in all settings.⁶⁶

3. Administration of justice, including impunity, and the rule of law

35. Despite provisions in the Constitution reinforcing the independence of the judiciary, JS1 reported that bribery and nepotism were rampant within the judiciary, that rulings were lacking in quality and that difficulties were met in notifying and enforcing them.⁶⁷ The Swedish Section of the International Commission of Jurists (ICJ-S) stated that the Constitution provided the King with much power over the judiciary.⁶⁸ JS4 stated that the judiciary still had not implemented recommendations of the IER relating to its independence.⁶⁹ Alkarama recommended that Morocco ensure that adoption of the Act governing the organization of the Higher Council of the Judiciary conforms to the principles of judicial independence.⁷⁰

36. JS1 recommended that Morocco improve the conditions of the judiciary staff; develop and implement mechanisms for preventing bribery; and establish special courts to consider juvenile cases in big cities.⁷¹

37. Alkarama indicated that the rule in the Code of Criminal Procedure that any statement obtained by torture is rendered void was not respected.⁷² JS4 also indicated that torture was used to obtain confessions from detainees and routinely used in detention centres run by the Directorate of Territorial Surveillance and domestic intelligence agencies.⁷³

38. Jubilee Campaign (JC) called on Morocco to follow its own laws and constitutional provisions giving due process to those accused of crimes and provided examples of denial of due process.⁷⁴

39. JS4 indicated that Morocco had not yet implemented the Equity and Reconciliation Commission (IER)'s recommendation relating to the national strategy to fight impunity, while it did implement others.⁷⁵ AMDH added that the most important of the Commission's recommendations had not been implemented.⁷⁶ The Congrès mondial amazigh (Amazigh

World Congress) (CMA) indicated that the Commission had averted some human rights violations.⁷⁷

4. Right to privacy, marriage and family life

40. ADFM and FLDDF recommended that Morocco revise the Family Code to ban polygamy and the marriage of minors, and to guarantee equality between fathers and mothers in the legal guardianship of their children and gender equality in inheritance, in accordance with the new Constitution.⁷⁸

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

41. JS1 reported that the new Constitution provided for the right to freedom of thought, opinion and expression; freedom of the press; to access to information; and to freedom of gathering, assembly, peaceful demonstration and association.⁷⁹ JS2 stated that the importance of NGOs was therefore reinforced.⁸⁰

42. While recalling that freedom of worship was recognized in the Constitution, the European Centre for law and Justice (ECLJ) stated that Morocco actively prohibited attempts to proselytize Sunni Maliki Muslims.⁸¹ ECLJ and JC provided examples of persecution or discrimination based on the faith.⁸² JC called Morocco to bring its laws in accordance with international human rights standards concerning proselytization.⁸³

43. JS4 reported that freedom of the press had deteriorated, as indicated in on-going proceedings against a number of journalists.⁸⁴ JS6 added that Morocco had demonstrated that it will not tolerate dissenting political views in the press, or any other sort of public criticism and provided examples in this regard.⁸⁵ Several stakeholders quoted the example of the trial of a journalist.⁸⁶

44. A number of stakeholders reported that activists, bloggers, journalists and others had been apprehended for expressing their views, including speaking about the monarchy, Islam and the unity of Morocco.⁸⁷

45. AMDH and LMCDH also referred to violations of the freedom of association.⁸⁸

46. JS4 indicated that individuals exercising their right to freedom of assembly and association had also come under attack, most recently in response to the peaceful protest movement that began in February 2011.⁸⁹

47. LMCDH also referred to restrictions suffered by organisations dealing with migrants and Amazigh issues.⁹⁰ The Committee for the Defence of the Right to Self-Determination for the People of Western Sahara (CODAPSO) recommended that Morocco ensure that the procedures governing registration of civil society organizations are in conformity with international human rights standards.⁹¹

48. FL reported that human rights defenders exposing corruption or abuses by the authorities faced arrest and prosecution, often on the basis of charges of offending State authorities.⁹² AFD-I and LMCDH reported cases of pressure being put on human rights organizations.⁹³

49. JS1 recommended inter alia that Morocco abolish censorship; ensure that reparation in defamation cases be proportionate to the damage caused; harmonize the law on association establishment with the Constitution and explicitly define the conditions for banning demonstrations.⁹⁴

6. Right to work and to just and favourable conditions of work

50. JS4 reported that Morocco did not yet ratify several ILO Conventions while the labour law had not been brought in line with international standards. JS4 added that among existing violations of the right to work were rampant unemployment, especially among those with higher and intermediate qualifications; spread of temporary, low-wage labour; violations of labour regulations; intensive exploitation of working women; and serious assault on trade-union freedoms.⁹⁵ AMDH reported similar information.⁹⁶

51. JS1 recommended that Morocco take measures to remove the huge discrepancies noted in the guaranteed minimum wage paid to different categories of workers and raise it to ensure an adequate standard of living for workers and their families.⁹⁷

7. Right to social security and to an adequate standard of living

52. JS1 reported that the new Constitution provided for most economic and social rights and Morocco had developed a strategy for the gradual fight against poverty and exclusion suffered by a section of the population, as reflected in the budget share allocated to social sectors, the establishment of development agencies and the launch of several programmes.⁹⁸

53. FLDDF reported that women were among the vulnerable sectors most exposed to poverty.⁹⁹ LMCDH reported that the privatization of basic services sectors increased poverty rate.¹⁰⁰ JS4 reported that high prices, rampant unemployment and the resulting loss in purchasing power had gradually extended the scope of hunger and associated illnesses, particularly those of small children.¹⁰¹

54. JS1 recommended inter alia that Morocco intensify efforts to address poverty,¹⁰² and improve efficiency, scope and control of social security.¹⁰³

55. JS4 reported about the persistent shortage in housing, real estate speculation, the absence of programs to address the problems of the homeless, and the erosion of the sewage system in most cities and their total absence in rural areas.¹⁰⁴ AMDH reported that the number of families living in shanty towns had increased.¹⁰⁵ LMCDH reported on forced eviction without measures for rehousing as well as the lack of housing for those who had been victims of natural disasters.¹⁰⁶

8. Rights to health

56. LMCDH reported that the right to health was not included in the Constitution.¹⁰⁷ JS4 noted that, despite the reforms to modernize the health system, public policies remained unresponsive to the needs of the vulnerable.¹⁰⁸ AMDH added that reproductive health had deteriorated and the under-five mortality rate had not improved significantly.¹⁰⁹ JS1 recommended that Morocco adopt a national strategy on health to expand medical insurance scope, especially in rural areas and take all necessary measures to address maternal and infant mortality.¹¹⁰ JS1 also recommended that Morocco provide additional data on the spread of AIDS, curbing measures, and the State support to AIDS-affected people.¹¹¹

9. Right to education

57. JS4 stated that education was under severe stress on the outskirts of major cities and semi-urban areas because of overcrowded classrooms. In rural areas, girls' school enrolment remained extremely low despite the continued policy of geographic distribution of education. Schools continued to suffer from a severe shortage of teachers.¹¹² LMCDH noted the gap between the level of public and private education.¹¹³ JS1 recommended that Morocco develop public policies guaranteeing children's right to education up to the age of

15, and build necessary infrastructure, with the State covering schooling expenses for needy families.¹¹⁴

10. Cultural rights

58. AMDH reported that little funding was allocated to promoting cultural rights, and protecting threatened cultural heritage was given little importance.¹¹⁵

11. Persons with disabilities

59. Le Collectif autisme Maroc (CAM), le CHDM, JS1 and le Médiateur pour la démocratie et les droits de l'homme (MDDH) reported that the new Constitution enshrined provisions relating to persons with disabilities, notably on their rehabilitation and integration, in addition to the principle of non-discrimination based on the handicap.¹¹⁶

60. CHDM indicated that, despite the relevant criminal provisions, persons with disabilities still suffered much discrimination, particularly in the workplace.¹¹⁷ CHDM recommended that Morocco mobilize the necessary resources to allow children with disabilities to enjoy their right to education.¹¹⁸ CAM mentioned the particular problems of autistic children in education, and shortcomings in the right to health of persons with disabilities; it also made recommendations, particularly on stopping autism being treated as a psychosis and establishing a national fund for persons with disabilities.¹¹⁹ MDDH reported that few persons with disabilities were recruited into the public sector.¹²⁰ CHDM also reported the restrictions on the participation of persons with disabilities in public and political life,¹²¹ and mentioned the issue of the restricted legal capacity of the "feeble-minded", making a recommendation on the matter.¹²²

61. CHDM reported that no investigations had been made and/or prosecutions brought in the case of physical and/or sexual violence suffered by a number of persons with disabilities.¹²³

12. Minorities and indigenous peoples

62. JS1 indicated that Morocco recognized Tamazight as an official language and the various dimensions of Moroccan identity and civilization; provided Tamazight teaching programmes and launched a public Amazigh-speaking channel since 2010.¹²⁴ JS1 and AZETTA recommended that Morocco clear up the confusion noted in Article 5 of the Constitution by implementing measures and laws that would place Tamazight on equal footing with Arabic as an official language.¹²⁵

63. CMA, however, reported that the Amazigh people were still not recognized and that the Constitution continued to refer to membership of the Arab-Islamic Ummah.¹²⁶ AZETTA also mentioned the progress made, including its limitations, such as the ban on Amazigh forenames; the continued weakness of Amazigh language teaching programmes; the non-universal use of the Amazigh language in Government departments and administration; non-application of the right to organize and to join Amazigh organizations; refusal to issue the legal deposit receipt that some of these organizations were entitled to; and the continued violation of economic and social rights with the permanent policy of expropriation and deprivation of the population's natural resources, and the infringement of its right to development.¹²⁷

64. CMA mentioned cases of torture and ill-treatment of Amazigh activists,¹²⁸ and recommends that an end be put to the marginalization of, and discrimination and institutional racism against the Amazigh.¹²⁹ JS1 and AZETTA recommended that Morocco enforce the provisions of Article 14 (2) of ICERD; and implement the 2010 recommendations of the Committee on the Elimination of All Forms of Racial

Discrimination, and those by the Committee on Economic, Social and Cultural Rights in 2006.¹³⁰

65. The Observatoire amazigh des droits et libertés (Amazigh Observatory of Rights and Freedoms) (OADL) added that there was a need for awareness-raising and information work to educate Moroccans about linguistic and cultural diversity.¹³¹ The University of Oklahoma, International Human Rights Clinic (OUCL-IHRC) made a series of recommendations to protect land rights of Amazighen and recommended that Morocco consider allowing Amazigh political parties to form and participate in elections.¹³²

13. Migrants, refugees and asylum-seekers

66. JS1 reported that the new Constitution recognized migrants' rights and that Morocco developed assistance programmes for refugees.¹³³ Alkarama indicated that the implementing decree of the 2003 Act on the entry and stay of foreigners, illegal emigration and immigration, had been adopted in 2010 to clarify the procedure for implementation of the Act.¹³⁴

67. JS4 and Alkarama stated that the repressive security policies pursued by the Moroccan authorities for many years in the framework of cooperation with the European Union continued in 2010.¹³⁵ JS1 stated that refugees' basic rights such as health care, education and movement were not respected and recommended that Morocco activate the Foreign Ministry's Office of Refugees and Stateless Persons and recognize basic rights for migrants and refugees, consistently with international conventions.¹³⁶

14. Human rights and counter-terrorism

68. JS4 indicated that violations continued against dozens of people arrested as part of counter-terrorism, such as incommunicado detention; lack of investigations in allegations of torture, continued abductions and arbitrary detentions in secret facilities; and that despite the recommendations of the IER.¹³⁷ Alkarama reported that the already excessive time limits on detention in custody were not respected.¹³⁸ Alkarama also stated that the fight against terrorism led to unfair trials.¹³⁹ It recommended that Morocco abrogate all the oppressive provisions of the 2003 Anti-Terrorism Act, particularly the definition of a terrorist offence and detention in custody.¹⁴⁰ ICJ recommended that Morocco end immediately the policy and practice of secret detention and secret rendition.¹⁴¹

15. Situation in or in relation to specific regions or territories

69. Joint Submission 5 (JS5) stated that Morocco currently exercised de facto administrative control over the non-self-governing territory of Western Sahara and refused the principle of a referendum where the option of independence is included.¹⁴² Joint Submission 7 (JS7) made similar comments.¹⁴³ JS5 recommended that Morocco should declare its acceptance of the established United Nations principles for the achievement of self-determination, including through a referendum with independence of Western Sahara as an option; should welcome the establishment of a permanent human rights component within MINURSO; and should declare a reversal of its policy regarding the exploitation of the natural resources of Western Sahara.¹⁴⁴ JS7 made similar recommendations and further recommended that Morocco cease and reverse the influx of Moroccan settlers to Western Sahara and the work incentives given to Moroccans in Western Sahara, as well as stop the continued housing programmes in the Territory.¹⁴⁵

70. JS6 urged the Human Rights Council to take the lead in establishing an independent permanent monitoring body and designate a Special Rapporteur for Western Sahara.¹⁴⁶

71. CODAPSO, FL, JS4 and JS6 reported about torture against Saharawi people while in custody.¹⁴⁷ JS6 also reported that Saharawi detainees had reported that they were

subjected to rape and sexual assault, severe beatings, and inhuman and degrading treatment.¹⁴⁸

72. JS4 reported that Saharawi activists in general suffered significantly greater repression than human rights defenders in other parts of the country.¹⁴⁹ FL indicated that they notably suffered intrusive surveillance physical attacks, arbitrary detention and unfair trials and also travel restrictions.¹⁵⁰ CODAPSO, FL, ICJ-S and JS6 provided examples in this regard.¹⁵¹ JS6 also stated that Morocco subjected Saharawi human rights defenders to trials that failed to meet the minimum standards.¹⁵² CODAPSO provided examples in this regard.¹⁵³ Several stakeholders mentioned that many Saharawi people were subjected to military proceedings.¹⁵⁴ JS7 recommended that Morocco guarantee a fair, transparent and credible legal process for Saharawi imprisoned¹⁵⁵ and CODAPSO recommended that Morocco end using military courts.¹⁵⁶

73. JS7 reported that the Saharawi people were not able to exercise its right to peaceful assembly and participation in public life.¹⁵⁷ JS6 specifically referred to the attack on Gdim Izik Camp.¹⁵⁸ JS6 reported about the deprivation of legal status of Saharawi human rights organizations.¹⁵⁹

74. JS6 added that unemployment rate was almost three times higher in Western Sahara than in Morocco.¹⁶⁰ JS7 added that Saharawi phosphate workers were discriminated against and that the settler population had been given preferential treatment in terms of employment.¹⁶¹ JS7 further reported that Saharawi fishermen were routinely prevented from fishing, especially during periods when it is officially allowed to fish for more lucrative species.¹⁶² JS7 stated that half of the Saharawi population lived in refugee camps inside a neighbouring country.¹⁶³

75. JS7 stated that Morocco's disrespect for basic rights of the Saharawi population of Western Sahara had resulted in continuing massive protests denouncing the Saharawi's dire socio-economic living conditions, contrasting with Morocco's ongoing plunder of their homeland's natural resources.¹⁶⁴

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status.)

Civil society

ADFM	Association démocratique des femmes du Maroc, Rabat, Morocco;
AFD-I AFD	International, Brussels, Belgium;
Alkarama	Alkarama, Geneva, Switzerland;
AMDH	Association marocaine des droits humains, Morocco;
AZETTA	Réseau amazigh pour la citoyenneté, Rabat, Morocco;
CAM	Collectif autisme Maroc, Rabat, Morocco;
CCFDM	Comité de coordination des familles des disparus dont le sort est encore inconnu et des victimes de la disparition forcée au Maroc, Morocco;
CHDM	Collectif pour la promotion des droits des personnes en situation de handicap, Rabat, Morocco (joint submission);
CMA	Congrès mondial amazigh, Paris, France;
CODAPSO	The Committee for the Defence of the Right to Self-Determination for the People of Western Sahara;
ECLJ	European Centre for Law and Justice, Strasbourg, France;
FL	Front Line Defenders, Dublin, Ireland;
FLDDF	Fédération de la ligue démocratique des droits des femmes, Casablanca, Morocco;

GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
ICJ	International Commission of Jurists, Geneva, Switzerland;
ICJ-S	Swedish Section of the International Commission of Jurists, Stockholm, Sweden;
JC	Jubilee Campaign, Fairfax, Va, United States of America;
JS1	Joint Submission 1 supervised and coordinated by the Driss Benzekri Foundation for Human Rights and Democracy with the support of the Friedrich Ebert Foundation (Morocco), Temara, Morocco;
JS2	Joint submission 2 by The Advocates for Human Rights and Global Rights, in association with an alliance of Morocco NGOs; United States of America and Morocco;
JS3	Joint submission 3 by The Advocates for Human Rights and the World Coalition Against the Death Penalty; United States of America;
JS4	Joint Submission 4 by Instance marocaine des droits humains (IMDH); Cairo Institute for Human Rights Studies (CIHRS); Morocco and Egypt;
JS5	Joint Submission 5 by International Youth and Student Movement for the United Nations (ISMUN); France libertés: Fondation Danielle Mitterrand; International Educational Development; Association of Humanitarian Lawyers; Bureau International pour le Respect des Droits Humains au Sahara Occidental and; Comité suisse de soutien au peuple sahraoui;
JS6	Joint Submission 6 by Robert F. Kennedy Center for Justice and Human Rights; Fahamu Refugee Programme Cairo Institute for Human Rights Studies; Collectif des défenseurs sahraouis des droits de l'homme (CODESA); The Norwegian Support Committee for Western Sahara; Boston University Asylum & Human Rights Program; U.S. Western Sahara Foundation;
JS7	Joint Submission 7 by Western Sahara Resource Watch and Sahara Thawra;
LMCDH	Ligue marocaine pour la citoyenneté et les droits de l'homme, Rabat, Morocco;
MDDH	Le Médiateur pour la démocratie et les droits de l'homme, Rabat, Morocco;
MRAP	Mouvement contre le Racisme et pour l'Amitié entre les Peuples, Paris, France;
OADL	Observatoire amazigh des droits et libertés, Morocco; Tamaynut Tamaynut, Rabat, Morocco;
OUCL-IHRC	University of Oklahoma, International Human Rights Clinic, United States of America.

National Human Rights Institutions

CNDH* Conseil national des droits de l'homme du Royaume du Maroc, Rabat, Morocco.

² CNDH, para. 7; see also ADFM, p. 2; CAM, p. 2; JS1, pp. 4 and 7.

³ CNDH, para. 7; see also ADFM, p. 2; JS4, para. 28.

⁴ CNDH, para. 7; see also FL, para. 24; ICJ, para. 16; ICJ, para. 8.

⁵ CNDH, para. 7; see also Alkarama, p. 5; AMDH, para. 7; CCFDM, pp. 3 and 6; ICJ, para. 20 (xii); JS1, p. 3; LMCDH, pp. 4–5.

⁶ CNDH, para. 2; see also ADFM, p. 3; AMDH, para. 2; FLDDF, para. 1; JS4, para. 15–16.

⁷ CNDH, p. 1; see also Alkarama, para. 6.

⁸ CNDH, paras. 1–2; see also Alkarama, para. 7; AMDH, para. 6; CHDM, para. 6; JS1, p. 7 JS4, para. 15.

⁹ CNDH, para. 5; see also AMDH, para. 12; FLDDF, p. 5; JS1, p. 7.

¹⁰ CNDH, para. 7; see also CODAPSO, p. 7; ICJ, para. 20 (xvi).

¹¹ CNDH, para. 9; see also JS2, paras. 11, 17, 18 and 42; JS1, p. 7.

¹² CNDH, para. 10.

¹³ CNDH, para. 7.

¹⁴ CNDH, para. 6; see also Alkarama, p. 5; FL, para. 24.

- 15 CNDH, para. 7.
16 CNDH, para. 8; see also AMDH, para. 39; CHDM, paras. 3–4 and 22; JS1, p. 7; MDDH, pp. 3–4.
17 JS1, p. 5; see also AMDH, para. 7.
18 ADFM, p. 4; FLDDF, pp. 4–5; ICJ, para. 20 (xiii); see also JS4, para. 28.
19 ADFM, p. 4.
20 JS4, para. 15; see also AMDH, para. 5.
21 Alkarama, para. 6.
22 FL, para. 4.
23 AMDH, paras. 8–10.
24 CHDM, para. 22.
25 ICJ, para. 18.
26 ICJ, para. 19.
27 FL, para. 24.
28 ADFM, pp. 4–5.
29 JS1, p. 6; FLDDF, p. 4.
30 JS1, p. 6; FLDDF, p. 4.
31 JS1, p. 7; FLDDF, p. 5; see also ADFM, pp. 4–5.
32 JS4, para. 29; see also AMDH, para. 37.
33 ADFM, p. 5.
34 ADFM, p. 4.
35 FLDDF, para. 1 and pp. 3–5.
36 CCFDM, p. 3; JS1, p. 3; JS3, para. 5; LMCDH, p. 4.
37 JS3, paras. 6–7.
38 JS3, para. 18.
39 JS1, p. 2; CCFDM, p. 2; see also JS4, para. 15.
40 JS1, p. 3; CCFDM, p. 6.
41 JS1, p. 3; CCFDM, pp. 3–5; see also AMDH, paras. 11 and 18; JS4, para. 10; JS6, para. 9.
42 JS4, paras. 4–5; see also FL, para. 17; JS6, para. 7; MRAP, paras. 6–7.
43 AMDH, paras. 13 and 23.
44 JS4, para. 6.
45 AFD-I, pp. 5–6; see also AMDH, para. 23.
46 FL, para. 24.
47 JS6, paras. 26–28; see also Alkarama, para. 13; CODAPSO, p. 7.
48 AFD-I, pp. 6–9; AMDH, paras. 14–15.
49 FL, para. 20 (2); ICJ, para. 20 (viii).
50 ICJ, paras. 2–6.
51 JS3, paras. 8–15; see also Alkarama, paras. 14–15; JS4, para. 11; JS6, para. 10; LMCDH, p. 4.
52 JS3, para. 11; JS4, paras. 4 and 11.
53 Alkarama, para. 16; see also AMDH, para. 20; LMCDH, p. 4.
54 AMDH, para. 19.
55 JS3, para. 18.
56 JS1, p. 8.
57 JS2, paras. 8–9 and 15; 20–33; see also FLDDF, para. 6.
58 JS2, paras. 11, 17, 18 and 42; see also ADFM, p. 6; AMDH, para. 37; FLDDF, para. 7 and p. 5; JS1, p. 7.
59 JS2, paras. 29–34 and 42; see also FLDDF, para. 3.
60 JS2, paras. 6 and 38.
61 ADFM, p. 6.
62 ADFM, p. 6; JS2, para. 42.
63 AMDH, para. 38; LCMDH, p. 4.
64 LCMDH, p. 4.
65 GIEACPC, p. 2.
66 GIEACPC, p. 1.
67 JS1, p. 7; see also Alkarama, para. 7; AMDH, para. 6; JS4, para. 15.
68 ICJ-S, pp. 3–4.
69 JS4, para. 13; see also AMDH, para. 11.

- 70 Alkarama, p. 5.
71 JS1, p. 8.
72 Alkarama, para. 10; see also ICJ, para. 9.
73 JS4, para. 8; see also Alkarama, para. 10; AMDH, para. 14; ICJ, para. 7; LMCDH, p. 4.
74 JC, pp. 3–4.
75 JS4, para. 16; see also CCFDM, p. 6; JS1, p. 3.
76 AMDH, para. 11.
77 CMA, pp. 2–3.
78 ADFM, p. 5; FLDDF, p. 5.
79 JS1, pp. 10–11; see also FL, para. 3; JC, para. 2.
80 JS2, para. 13.
81 ECLJ, para. 5.
82 ECLJ, paras. 8–15; JC, paras. 5–7; see also JS4, para. 18.
83 JC, para. 8 and p. 4.
84 JS4, para. 17.
85 JS6, paras. 18–20; see also AFD-I, p. 9; LMCDH, p. 3.
86 AFD-I, p. 9; Alkarama, para. 8; ICJ, para. 24; LMCDH, p. 3.
87 JS4, para. 19; see also AMDH, para. 24; FL, para. 6; JC, p. 4; JS6, para. 17; LMCDH, p. 2.
88 AMDH, para. 22; LMCDH, p. 3.
89 JS4, para. 20; see also AMDH, para. 17; CODAPSO, p. 5; ECLJ, para. 4; FL, paras. 8–9.
90 LMCDH, p. 2.
91 CODAPSO, p. 7; see also LMCDH, p. 5.
92 FL, paras. 10–12.
93 AFD-I, p. 9; LMCDH, p. 2; see also AMDH, para. 17.
94 JS1, p. 11.
95 JS4, para. 26; see also LMCDH, p. 3.
96 AMDH, paras. 27–29.
97 JS1, p. 5.
98 JS1, p. 5.
99 FLDDFF, p. 3.
100 LMCDH, p. 3.
101 JS4, para. 23.
102 JS1, p. 5.
103 JS1, p. 6; see also ADFM, p. 5.
104 JS4, para. 25; see also AMDH, paras. 33–36.
105 AMDH, para. 36.
106 LMCDH, p. 4.
107 LMCDH, p. 3.
108 JS4, para. 24; see also LMCDH, p. 3.
109 AMDH, para. 30.
110 JS1, pp. 6 and 9; see also ADFM, p. 5.
111 JS1, p. 6.
112 JS4, para. 22; see also ADFM, p. 5; JS4, para. 35; FLDDF, p. 3.
113 LMCDH, p. 3.
114 JS1, p. 9.
115 AMDH, para. 36.
116 CAM, p. 2; CHDM, para. 5; JS1, p. 7; MDDH; p. 2.
117 CHDM, paras. 10–11, 16–17 and 24.
118 CHDM, paras. 19, 20 and 22; see also MDDH, p. 3.
119 CAM, pp. 3–5.
120 MDDH, p. 4.
121 CHDM, para. 12.
122 CHDM, paras. 15 and 24.
123 CHDM, paras. 13–14.
124 JS1, p. 3; see also CMA, p. 2; JS4, para. 15; see also Tamynut, pp. 2–3.
125 JS1, p. 4; AZETTA, p. 5.

- ¹²⁶ CMA, p. 2.
- ¹²⁷ AZETTA, pp. 1–4; see also CMA, pp. 3–5; OADL, pp. 1–4; UOCL-IHRLC, pp. 4–6.
- ¹²⁸ CMA, pp. 6–7.
- ¹²⁹ CMA, p. 7; see also AZETTA, p. 6; JS1, pp. 3–4; JS4, para. 27; and Tamaynut, pp. 3–4.
- ¹³⁰ JS1, p. 4; AZETTA, p. 5; see also CMA, pp. 7–8.
- ¹³¹ OADL, pp. 1–3 and 5; see also CMA, p. 4; UOCL-IHRLC, pp. 5–6.
- ¹³² UOCL-IHRLC, pp. 3–4.
- ¹³³ JS1, pp. 9–10.
- ¹³⁴ Alkarama, para. 17.
- ¹³⁵ JS4, para. 30; Alkarama, para. 18.
- ¹³⁶ JS1, pp. 9–10; see also AMDH, para. 40; JS4, para. 30.
- ¹³⁷ JS4, paras. 9 and 12; see also Alkarama, paras. 7 and 9–13; AMDH, paras. 11 and 18; ICJ, paras. 10 and 14; LMCDH, p. 3.
- ¹³⁸ Alkarama, para. 9.
- ¹³⁹ Alkarama, para. 7; see also AMDH, para. 26.
- ¹⁴⁰ Alkarama, p. 5; see also ICJ, para. 20.
- ¹⁴¹ ICJ, para. 20 (vi).
- ¹⁴² JS5, p. 2; see also MRAP, paras. 8, 9, 26 and 29.
- ¹⁴³ JS7, paras. 4, 5 and 19.
- ¹⁴⁴ JS5, pp. 2–3; see also CODAPSO, p. 7; MRAP, para. 30.
- ¹⁴⁵ JS7, para. 20.
- ¹⁴⁶ JS6, paras. 3 and 33–34.
- ¹⁴⁷ CODAPSO, p. 6; FL, paras. 19–20; JS4, para. 5; JS6, para. 25.
- ¹⁴⁸ JS6, paras. 11–13.
- ¹⁴⁹ JS4, para. 21; see also JS6, paras. 17 and 23.
- ¹⁵⁰ FL, paras. 13 and 21.
- ¹⁵¹ CODAPSO, pp. 4–5; FL, paras. 15–17 and 22–23; ICJ-S, pp. 4–5; JS6, para. 8.
- ¹⁵² JS6, paras. 15–16.
- ¹⁵³ CODAPSO, p. 4.
- ¹⁵⁴ JS4, para. 5; JS6, para. 20; JS7, para. 9.
- ¹⁵⁵ JS7, para. 20.
- ¹⁵⁶ CODAPSO, p. 7.
- ¹⁵⁷ JS7, para. 11.
- ¹⁵⁸ JS6, paras. 21–22; see also JS7, para. 9.
- ¹⁵⁹ JS6, para. 24.
- ¹⁶⁰ JS6, para. 29.
- ¹⁶¹ JS7, paras. 12–16.
- ¹⁶² JS7, para. 18.
- ¹⁶³ JS7, para. 8.
- ¹⁶⁴ JS7, para. 9.