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Morocco

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The United Nations country team noted that Morocco had not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights or the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. Given that the Government had accepted the recommendations to do so during the previous review cycle, it recommended that Morocco ratify those optional protocols.²

3. In its resolution 2548 (2020) on Western Sahara, the Security Council strongly encouraged enhancing cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), including through facilitating visits to the region. In 2021, the Secretary-General noted that OHCHR had been unable to conduct any visits to the region for the sixth consecutive year, and that lack of access by OHCHR to Western Sahara had continued to result in substantial gaps in human rights monitoring in the territory.³

III. National human rights framework

1. Constitutional and legislative framework

4. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance acknowledged that the adoption of a new Constitution in 2011 had been a key achievement that had paved the way for important legislative, policy and institutional reforms.⁴



2. Institutional infrastructure and policy measures

5. While also acknowledging the leadership role of the National Human Rights Council in the area of gender equality and women's rights, the Special Rapporteur on racism stated that the Council must take a more active role in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. She recommended strengthening the capacity and expertise of the regional offices of the Council to address racism, racial discrimination, xenophobia and related intolerance.⁵ The United Nations country team recommended that Morocco enable the Council to carry out its mandate in an effective and independent manner. It also recommended following up on and assessing progress made in implementing measures under the national action plan on democracy and human rights.⁶

6. The United Nations country team noted the establishment of the national preventive mechanism on torture in 2018. It recommended ensuring support for, and the provision of sufficient resources to, the mechanism to enable it to fulfil its mandate.⁷ The Committee on the Rights of Persons with Disabilities recommended empowering the National Human Rights Council, as the national preventive mechanism, to monitor all settings in which persons with disabilities might be deprived of their liberty, in line with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁸

7. The Committee on the Elimination of Discrimination against Women recommended establishing, without delay, the Gender Parity and Anti-Discrimination Authority and the Advisory Council for Family and Children, and providing adequate resources for those bodies to carry out their work.⁹

8. The United Nations country team recommended strengthening the interministerial coordination mechanisms under the leadership of the Ministry of Youth in order to guarantee the effectiveness of interventions in favour of young people and to optimize resources and efforts in the youth field. It also recommended prioritizing the operationalization of youth-friendly governance structures and service that met the needs of young people, particularly those who were in the most vulnerable situations.¹⁰

9. The Special Rapporteur on racism recommended collecting reliable and disaggregated data based on indicators that accurately reflected the racial, cultural and ethnic diversity of the Moroccan population, including linguistic diversity.¹¹

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

10. The Special Rapporteur on racism recognized that Morocco had played a key role in international agreements relevant for combating racism, racial discrimination, xenophobia and related intolerance, including the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. While commending the integration of equality and non-discrimination provisions in several laws, she expressed concern that significant shortcomings remained in the legal framework of Morocco. She recommended adopting a comprehensive legal and policy anti-discrimination framework that fully implemented the racial equality provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and a national action plan to combat racism, racial discrimination, xenophobia and related intolerance. She further recommended considering the adoption of special measures to secure to disadvantaged groups the full and equal enjoyment of human rights and fundamental freedoms.¹²

11. The Special Rapporteur on racism recommended improving accountability for all acts of racial discrimination and xenophobia, ensuring that allegations of such acts were

thoroughly investigated, prosecuted and punished, even in cases where rights violations were not the result of deliberate government policy or action.¹³

12. The Committee on the Rights of Persons with Disabilities recommended providing for, in national law, explicit protection against multiple and intersectional forms of discrimination on the basis of sex, gender, age, disability, national origin, ethnicity and migratory status, and for effective sanctions against perpetrators.¹⁴

2. Right to life, liberty and security of person, and freedom from torture

13. The United Nations country team recommended that Morocco consider abolishing the death penalty and commute existing death sentences.¹⁵

14. In two decisions adopted in 2019 and 2021, the Committee against Torture found that the solitary confinement imposed on the complainant constituted a violation by Morocco of its obligations under the Convention. The Committee recalled that solitary confinement and seclusion should be used as measures of last resort, for as short a time as possible, under strict supervision and with the possibility of judicial review.¹⁶

15. In two other decisions adopted in 2021, the same Committee considered that the physical ill-treatment and injuries the complainants had allegedly suffered during arrest, interrogation and detention constituted torture.¹⁷ In a decision adopted in 2021, the Committee called on Morocco to take steps to prevent all acts of torture and ill-treatment, and to announce a policy that would produce measurable progress towards the eradication of all torture and ill-treatment by State officials.¹⁸

16. In 2021, several special procedure mandate holders called on Morocco to halt a decision to extradite an individual to a country where he risked serious human rights violations, including arbitrary detention, enforced disappearance and torture.¹⁹ In a decision adopted in 2019, the Committee against Torture noted that, in authorizing the complainant's extradition, the Court of Cassation had made no assessment of the risk of torture that extradition would entail. The Committee stated that Morocco had an obligation to ensure that similar violations did not occur in the future by conducting an individual assessment of the real risk of torture and ill-treatment whenever it considered an extradition request.²⁰

17. The United Nations country team noted that the number of prisoners had increased between 2015 and 2019, mainly due to the absence of alternative measures to incarceration. It also noted that, for sociocultural reasons, women prisoners suffered more than men from cruel, inhumane or degrading treatment. The country team recommended adopting draft law No. 73.15, which would introduce alternative penalties for offences punishable by less than two years of imprisonment. It also recommended improving prison conditions in line with international standards, including for the protection of women prisoners.²¹

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

18. In a decision adopted in 2021, the Committee against Torture observed that Morocco had far exceeded the reasonable length of time for dispensing justice, and that the complainant had been held in detention solely on the basis of mere suspicions and a confession he had been forced to sign under duress. The Committee considered that the failure to conduct a thorough, prompt and impartial investigation had denied the complainant any possibility of exercising his right to redress, in violation of the Convention against Torture. The Committee noted that the complainant had been repeatedly subjected to acts of torture, which had escalated in gravity following the complaint presented to the investigating judge, and that the fact that the judge had not ordered a medical examination had prevented the complainant from receiving rehabilitation, compensation, support and guarantees of non-repetition of the crime.²²

19. The same Committee recalled that, in 2011, it had recommended that Morocco investigate acts of torture and prosecute and punish those who had committed such acts, and that it guarantee the right of prisoners to have access to a lawyer and a doctor and to communicate with their family.²³ The Committee urged Morocco to provide the complainant with fair and adequate compensation and to refrain from any form of pressure, intimidation or reprisals.²⁴

20. The Special Rapporteur on racism was informed that Amazigh speakers had continued to experience significant communication difficulties in their interactions with the State administration and the judiciary. The limited availability of qualified, certified interpreters created communication difficulties for Amazigh-speakers at every stage of the legal process. She recommended removing language barriers, and strengthening efforts to advance the use of the Amazigh language in judicial and administrative proceedings and to guarantee the availability of free interpretation services.²⁵

21. The United Nations country team recommended strengthening the independence of the judiciary.²⁶ The Special Rapporteur on racism recommended empowering all individuals to claim their rights, by ensuring effective access to justice and adequate remedies for all victims of racial and xenophobic discrimination and of related intolerance. She also recommended raising awareness about available avenues of redress and facilitating access thereto, including through the provision of adequate and accessible information on rights and remedies available to groups and individuals in vulnerable situations.²⁷

22. While acknowledging that children represented less than 5 per cent of the prison population, the United Nations country team was concerned that the percentage of children in conflict with the law had increased by 39 per cent since 2016 and that the special measures provided in national legislation to protect children's rights and interests within the justice system were not fully implemented. It recommended ensuring the full and effective implementation of those measures by the relevant actors in the juvenile justice system,²⁸ and creating centres where the needs of children in conflict with the law could be adequately met.²⁹

4. Fundamental freedoms and the right to participate in public and political life

23. The Special Rapporteur on racism welcomed the disciplinary measures taken by the High Council for Audiovisual Communication against several television and radio stations that had broadcast racist discourses. Nevertheless, she had received a number of allegations concerning violations of the rights of Amazigh communities and activists to freedom of opinion and expression, peaceful assembly and association.³⁰

24. In 2021, the Special Rapporteur on the situation of human rights defenders, endorsed by other special procedures mandate holders, urged the Government to cease targeting human rights defenders and journalists for their work; they had reportedly been subjected to intimidation, harassment, death threats, criminalization, physical and sexual assault, threats of rape and surveillance.³¹ The United Nations High Commissioner for Human Rights expressed similar concerns.³²

25. In 2020, the Secretary-General referred to three communications concerning allegations of torture and ill-treatment of protestors, journalists, bloggers, lawyers and human rights defenders that special procedure mandate holders of the Human Rights Council had sent to Morocco during the reporting period.³³

26. The Special Rapporteur on the situation of human rights defenders urged Morocco to create an environment in which human rights defenders and journalists could carry out their work without fear of retaliation.³⁴

27. The Special Rapporteur on racism had received information about restrictions placed on religions other than Islam.³⁵ The United Nations country team noted that the 2016 Press and Publications Code included fines for publishing content found to be disruptive to public order or to undermine Islam or the monarchy. It also noted that acts and statements perceived as offensive to Islam, the monarchy, State institutions and public agents or posing a threat to the country's territorial integrity were criminalized under the Penal Code, and that journalists and others continued to be prosecuted and convicted under the Code. It recommended that Morocco amend legislative provisions that unduly restricted the right to freedom of expression and bring national law into conformity with international human rights standards, including the International Covenant on Civil and Political Rights. It also recommended pursuing efforts to remove obstacles to non-governmental organizations seeking registration and ensuring a safe and enabling environment for civil society and human rights defenders.³⁶

28. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Morocco to ensure the independence of the Commission on the Right to Access to Information; take steps to address the issue of broadcast licensing for non-profit media, including community media; decriminalize defamation and place it within a civil code in accordance with international human rights standards; and improve transparency on information regarding the broadcasting environment held by the High Authority for Audiovisual Communication.³⁷

5. Prohibition of all forms of slavery, including trafficking in persons

29. The United Nations country team noted that the number of cases relating to human trafficking had increased from 17 in 2017 and 80 in 2018 to 151 in 2019. It recommended that Morocco ensure implementation of Act No. 27-14 on combating human trafficking and develop a national plan of action to combat trafficking in persons. It also recommended enabling the national commission responsible for coordinating measures aimed at combating and preventing human trafficking to carry out its mandate and reinforce protection mechanisms for victims.³⁸ The Committee on the Elimination of Discrimination against Women recommended ensuring provision of adequate protection and support to victims of trafficking.³⁹

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

30. In 2020, the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) trusted that Morocco would implement its gender equality mainstreaming policy in the public service and continue promoting the employment of women at all levels, including in supervisory posts. It requested Morocco to carry out regular evaluations of the policy. It recommended increasing the participation of women in waged employment and in self-employment, combating actively gender stereotypes and prejudices and eliminating obstacles to gender equality.⁴⁰

31. The Committee on the Elimination of Discrimination against Women recommended promoting access by women to the formal sector after completion of their education, including by increasing the availability of accessible and affordable childcare facilities and introducing flexible working arrangements.⁴¹ The United Nations country team recommended pursuing the process of revising the Labour Code to ensure that that gender equality was applicable for wages as well as other benefits, and strengthening the protection of domestic workers and including them in the Labour Code.⁴²

32. The United Nations country team noted the high levels of youth unemployment, particularly among young graduates, which sometimes led young people to migrate. It recommended promoting young people's political participation and additional employment opportunities, and involving young people in decision-making processes.⁴³

33. The United Nations country team also recommended amending legislation to extend the right to organize and to engage in collective bargaining to several categories of workers.⁴⁴

7. Right to social security

34. The Committee on the Elimination of Discrimination against Women welcomed the adoption of Act No. 9-21, on social protection, in March 2021.⁴⁵ The United Nations country team noted that the ratification by Morocco in 2019 of the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) was a positive development. The country team recommended ensuring that, within the context of the reform of the social protection system, a gender-based approach was integrated into universal health coverage, particularly with regard to the enjoyment of women's and young people's rights to care and services for sexual and reproductive health and gender-based violence. It also recommended ensuring that social protection measures included foreigners, migrants, refugees and asylum-seekers.⁴⁶

8. Right to an adequate standard of living

35. The United Nations country team noted that Morocco had developed several housing programmes, including the nationwide "Cities without Slums" initiative, launched in 2020,

and had promoted direct access to bank financing for housing from 2016 to 2020. It recommended continuing efforts to realize the right to adequate housing for all.⁴⁷

36. The Special Rapporteur on racism had been informed that forced evictions in August 2018 in neighbourhoods in Tangier predominantly with black sub-Saharan migrants had resulted in the destruction of property and the displacement of migrants, pregnant women and children. In December 2018, some of those people had reported that they were residing in utterly inhumane conditions in a forest, with no sanitation and no shelter despite freezing winter temperatures. She recommended that Morocco refrain from conducting forced relocations.⁴⁸

9. Right to health

37. The United Nations country team noted that the adoption of a national strategy for sexual and reproductive health (2021–2030) was a positive development. Nevertheless, the gap between the maternal mortality rates in urban and rural areas remained large and seemed to be increasing. The country team also noted that the coronavirus disease (COVID-19) pandemic had increased women's vulnerability in terms of access to essential health and social services.⁴⁹

38. The country team further noted that young people's access to sexual and reproductive health services was limited and was influenced by socioeconomic factors and gender norms.⁵⁰ It recommended promoting and guarantying access to contraception, adopting a comprehensive sexual and reproductive health policy for adolescents focusing on preventing early pregnancy and sexually transmitted infections,⁵¹ and developing and implementing relevant action plans.⁵²

39. The United Nations country team also recommended that Morocco promote innovative solutions and private sector involvement to ensure that persons with disabilities had access to reliable information and quality services relating to sexual and reproductive health and gender-based violence.⁵³ The Committee on the Rights of Persons with Disabilities recommended paying attention to the links between article 25 of the Convention on the Rights of Persons with Disabilities and target 3.7 of the Sustainable Development Goals, with a view to ensuring universal access to sexual and reproductive health-care services.⁵⁴ The United Nations country team recommended that Morocco guarantee universal access to high-quality sexual and reproductive facilities and services, particularly in rural areas.⁵⁵

40. The Committee on the Elimination of Discrimination against Women recommended that Morocco consider amending article 453 of the Penal Code to decriminalize abortion when it was necessary to protect the woman's health, in accordance with the World Health Organization's 1948 definition of health.⁵⁶

41. The Special Rapporteur on racism was concerned that Amazigh communities and migrants, including pregnant women, faced difficulties in accessing health care. She recommended that Morocco ensure that Amazigh were not subjected to racial discrimination in the enjoyment of their human rights, including with regard to health services.⁵⁷

42. The Committee on the Rights of Persons with Disabilities noted with concern the barriers faced by persons with disabilities in accessing health services. It recommended that Morocco adopt a strategy to ensure access to health services by persons with disabilities.⁵⁸

10. Right to education

43. UNESCO was concerned to note that there was a discrepancy between the minimum working age established in the Labour Code (15 years of age) and the school-leaving age established in the 2019 Framework Act (16 years of age). This situation could lead to children dropping out of school.⁵⁹ UNESCO recommended that Morocco explicitly guarantee in law at least 12 years of free primary and secondary education and 1 year of free preschool education. It also recommended that Morocco increase the minimum working age to align it with the age at which compulsory education finishes; continue its efforts to reduce inequalities in access to education, especially in rural areas; and strictly prohibit all forms of violence in the education system, including corporal punishment.⁶⁰

44. The United Nations country team was concerned about the number of girls who dropped out of school.⁶¹ The Committee on the Elimination of Discrimination against Women recommended that Morocco take targeted and comprehensive measures to prevent dropouts, especially of girls in rural areas, and to promote and facilitate the return of girls to school. It also recommended addressing illiteracy rates among women and girls, particularly in rural areas, and among women and girls belonging to disadvantaged groups, including through the work of the National Agency to Combat Illiteracy.⁶²

45. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that in 2018, the Ministry of National Education and Vocational Training had set up a framework aiming to facilitate the integration of migrant and asylum-seeking children and young people, without distinction of nationality, into the training and education systems. UNHCR recommended pursuing the effective inclusion of refugees in education and health services and in national social protection systems.⁶³

11. Cultural rights

46. The Special Rapporteur on racism commended the establishment in 2001 of the Institut Royal de la Culture Amazighe and the comprehensive outreach and communication strategies employed by the Institute. She noted that article 5 of the Constitution provided for the creation of a National Council of Languages and Moroccan Culture mandated to protect and develop the Arabic and Amazigh languages and the diverse Moroccan cultural expressions. She recommended that Morocco adopt without delay the organic law required to implement the constitutional status of Amazigh as an official language.⁶⁴ The United Nations country team made a similar recommendation.⁶⁵

12. Development, the environment, and business and human rights

47. The United Nations country team noted that, since the development of a national strategy for sustainable development in 2017, the environmental pillar had been strengthened with the adoption of three major environmental laws.⁶⁶

48. The Special Rapporteur on racism had received reports that Amazigh communities experienced inequality and discrimination regarding forced displacement, land dispossession and environmental despoilment of rural areas across the country, often in the context of development projects and natural resource extraction by private actors or public authorities. She had been told about several regions in which mining companies exploited land and resources without paying due regard to the needs and rights of the communities affected.⁶⁷

B. Rights of specific persons or groups

1. Women

49. While acknowledging the efforts of Morocco to promote women's rights, the United Nations country team noted that the prevalence of violence against women, including sexual and digital violence, remained high and had increased during the COVID19 pandemic. There was a lack of comprehensive legal frameworks relating to women's rights.⁶⁸ It recommended stepping up measures to prevent gender-based violence and ensuring accountability.⁶⁹ The Committee on the Elimination of Discrimination against Women called upon Morocco to expeditiously carry out a comprehensive legislative review with a view to amending or repealing all laws that discriminated against women directly or indirectly, including provisions relating to divorce, child custody and inheritance. It urged Morocco to strengthen support services for women victims of gender-based violence.⁷⁰

50. The same Committee recommended abolishing polygamy; recognizing the right of unmarried mothers to assert their rights and the rights of their children without fear of any form of prosecution and stigmatization; and enacting legal provisions to ensure that, upon dissolution of marriage, women had equal rights to property acquired during marriage, in line with the Convention on the Elimination of All Forms of Discrimination against Women.⁷¹

51. The United Nations country team noted that a bill to reform the Nationality Act had been pending before Parliament for several years.⁷² The country team and the Committee on

the Elimination of Discrimination against Women recommended expediting the adoption of the 2017 bill amending and supplementing article 10 of the Nationality Act in order to enable women to confer Moroccan citizenship on their foreign spouse on an equal footing with men.⁷³

52. The United Nations country team noted that child marriage was still relatively commonplace in Morocco.⁷⁴ UNESCO noted that the minimum age of marriage, established at 18 years for both boys and girls under the Family Code, could be lowered by a judge, and that the lack of an absolute minimum age could seriously undermine the right to education as married children were more likely to drop out of school. UNESCO also found it regrettable that there are no laws protecting the right to education of pregnant girls and young mothers. UNESCO recommended that the absolute minimum age for marriage be established at 16 years.⁷⁵ The Committee on the Elimination of Discrimination against Women recommended repealing article 20 of the Family Code so that exceptions to the minimum age of marriage were no longer allowed and putting in place policy measures to prohibit “Al-Fatiha” marriages involving minors.⁷⁶

53. The Committee on the Rights of Persons with Disabilities was concerned about the multiple and intersectional forms of discrimination against, and marginalization of, women and girls with disabilities. It recommended raising awareness about all forms of discrimination against women.⁷⁷

54. The Committee on the Elimination of Discrimination against Women noted that COVID-19 had exacerbated gender disparities in employment, domestic work, and access to health and education. It recommended placing women at the centre of COVID-19 recovery strategies as a strategic priority for sustainable change, in line with the Sustainable Development Goals, and promoting and facilitating the equal participation of women and girls, including disadvantaged and marginalized groups of women, in official national recovery programmes and strategies.⁷⁸

55. The same Committee recommended designing and implementing comprehensive awareness-raising programmes to foster a better understanding of equality between women and men at all levels of society with a view to changing stereotypical attitudes and negative cultural norms about the responsibilities and roles of women and men in the family and society.⁷⁹

56. The United Nations country team noted that a law adopted in 2021 had established a mechanism to guarantee the representation of women on local councils.⁸⁰ The Committee on the Elimination of Discrimination against Women recommended increasing the political and judicial representation of women at all levels.⁸¹

2. Children

57. UNESCO found it regrettable that there were no laws prohibiting corporal punishment in schools.⁸² The Committee on the Rights of Persons with Disabilities was concerned about reported violence, including corporal punishment, against children with disabilities in the home, in alternative care and day-care settings and in schools.⁸³ The United Nations country team recommended that Morocco ensure that the prohibition of corporal punishment in law was implemented in practice.⁸⁴ The Committee on the Rights of Persons with Disabilities recommended adopting legislation and concrete measures to ensure that children with disabilities were adequately protected from violence, exploitation and abuse and that perpetrators were sanctioned.⁸⁵

58. The United Nations country team recommended implementing the integrated policy on protecting children against exploitation, continuing efforts to combat child domestic labour, particularly by ensuring implementation of Act No. 19-12, and continuing efforts to combat the commercial sexual exploitation of children.⁸⁶

59. In view of the growing presence of unaccompanied children seeking asylum in Morocco, UNHCR recommended ensuring that the draft law on asylum included a mechanism to determine the best interests of asylum-seeking and refugee children and to provide adequate support and assistance for their protection and their integration.⁸⁷

3. Persons with disabilities

60. The Committee on the Rights of Persons with Disabilities noted with concern the marginalization of persons with disabilities, especially persons with psychosocial or intellectual disabilities, from participation in the activities of daily life owing to a lack of accessible essential services. It recommended that Morocco adopt a plan at the national and regional levels to develop community support services in urban and rural areas for families of children with disabilities and parents with disabilities. It also recommended adopting measures at the national and local levels to ensure the accessibility of community services and facilities for all persons with disabilities in all areas of life.⁸⁸

61. The same Committee recommended that Morocco adopt a long-term plan to ensure access by persons with disabilities to the open labour market and set up specific targets and measures concerning access to employment for women and young persons with disabilities. It also recommended establishing a social protection scheme aimed at guaranteeing an adequate standard of living for persons with disabilities.⁸⁹

62. The Committee further recommended adopting, implementing and overseeing a comprehensive plan to develop an inclusive education system throughout the national territory.⁹⁰ The United Nations country team recommended developing an inclusive education policy, road map and financing plan in close coordination with organizations of persons with disabilities.⁹¹

4. Indigenous peoples and minorities

63. The Special Rapporteur on racism noted that Amazigh communities inhabiting rural areas and those who were not fluent in Arabic had reported marginalization and discrimination with regard to equal access to employment and health services. Amazigh women had reported that they often experienced multiple and intersecting forms of discrimination on account of their gender and their Amazigh identity.⁹²

64. She noted that, although Morocco had achieved substantial progress in reducing poverty, regional disparities, inequality and the urban-rural gap in poverty remained significant. Predominately Amazigh-speaking regions were the poorest in the country and thus faced the greatest challenges in terms of infrastructure and the adequate provision of basic services such as water, sanitation and health-care facilities. She recalled that the Committee on Economic, Social and Cultural Rights had previously called upon Morocco to remedy regional disparities and combat the de facto discrimination against Amazigh, including by adopting special measures.⁹³

65. The Special Rapporteur recommended intensifying efforts to ensure that Amazigh were not subjected to racial discrimination, including with regard to education, access to justice, access to employment and health services, land rights, and freedoms of opinion and expression, and of peaceful assembly and of association.⁹⁴

5. Lesbian, gay, bisexual, transgender and intersex persons

66. The Special Rapporteur on racism had learned that lesbian, gay, bisexual and transgender migrants, refugees and asylum-seekers were especially vulnerable to human rights violations on account of their sexual orientation and gender identity.⁹⁵ The United Nations country team noted that the Penal Code criminalized same-sex relations and that 188 individuals had been prosecuted for homosexual relations in 2020. It recommended that Morocco repeal provisions that criminalized same-sex relations and take measures to prevent and address discrimination on the basis of sexual orientation or gender identity.⁹⁶

6. Migrants, refugees and asylum-seekers

67. In June 2022, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families deplored the incidents that had led to the deaths of at least 23 migrants as they had tried to cross the border from Morocco. The Committee highlighted that States must guarantee that all policies and practices at borders effectively respected all human rights obligations. It urged Morocco to conduct investigations into those deaths and to determine the corresponding responsibilities.⁹⁷

68. While welcoming the efforts of Morocco to develop a draft law on asylum, UNCHR regretted that nine years after the launch of the new immigration and asylum policy, the draft law had not yet been finalized.⁹⁸

69. The Committee on Migrant Workers had received reports that migrants in irregular situations were subjected to physical and psychological violence, including sexual violence, by security services and criminal groups in Morocco. It had also received information indicating that Morocco expelled migrant workers in an irregular situation and members of their families, including unaccompanied children, to neighbouring countries, in violation of the principle of non-refoulement.⁹⁹

70. The Secretary-General noted that the already fragile socioeconomic situation in the five refugee camps near Tindouf, Algeria, had further deteriorated as a result of the COVID-19 pandemic. Camp-based Sahrawi refugees had continued to report widespread losses of income, jobs and shortages of cash, resulting in reduced purchasing power and thus increased difficulties in addressing their basic needs. Access to health, sanitation, energy and food were of pressing concern among the refugee population. The overall nutritional situation of the Sahrawi refugees remained precarious as the related indicators had steadily declined over the years.¹⁰⁰

71. The Special Rapporteur on racism recommended that Morocco eliminate barriers to the integration of refugees and migrants, and ensure that the national human rights-based policy on migration was implemented evenly at all local levels.¹⁰¹ UNHCR recommended ensuring that all individuals in need of international protection were able to exercise their fundamental rights, without discrimination.¹⁰² UNHCR and the United Nations country team recommended accelerating efforts to enact the draft law on asylum, in compliance with the Convention relating to the Status of Refugees, and providing effective access to asylum procedures at all entry points to the country in order to guarantee effective protection against refoulement.¹⁰³

72. UNHCR recommended that Morocco facilitate the issuance of a residency permit to any person recognized as a refugee by the Office for Refugees and Stateless Persons, and to their spouse and children; ensure that all refugees benefited from proper legal status and residence permits; relax the measures for renewing residence permits; and pursue the effective inclusion of refugees in national social protection systems and health and education services.¹⁰⁴ The United Nations country team recommended ensuring follow-up to national regularization campaigns.¹⁰⁵

73. The United Nations country team also recommended that Morocco ensure that consent for voluntary returns was given free of any coercion.¹⁰⁶

7. Stateless persons

74. UNHCR noted that many refugees and asylum-seekers, mostly single mothers, failed to register their newborns as some hospitals withheld birth notification documents pending payment, which increased the risk of statelessness. It recommended that Morocco accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness; amend the Nationality Act in order to comply with international standards, in particular by adopting provisions that granted nationality to a child born in Morocco who would otherwise be stateless; establish a national legal framework for the protection of stateless persons in accordance with the Convention on the Reduction of Statelessness; and increase access to civil status documentation.¹⁰⁷

C. Specific regions or territories

75. In 2021, the Secretary-General noted that the situation in Western Sahara had significantly deteriorated since 2020. The resumption of hostilities between Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO) and the COVID-19 pandemic had limited the ability of the United Nations Mission for the Referendum in Western Sahara to implement its mandate.¹⁰⁸

76. In 2020, the Secretary-General noted that OHCHR had received reports of the negative consequences of border closures, impediments to humanitarian aid and decreased economic activities in the Tindouf refugee camps. It had also received reports of harassment, arrest and ill-treatment by Frente POLISARIO security forces of bloggers, doctors and nurses engaged in documenting COVID-19 cases in those camps.¹⁰⁹

77. In 2021, the Secretary-General noted that OHCHR remained concerned at reports of undue restrictions imposed by Morocco on the rights to freedom of expression, peaceful assembly and association in Western Sahara, and of unnecessary and disproportionate use of force by Moroccan security forces to disperse protests, house raids conducted without warrants, harassment and arbitrary arrests, including of journalists, lawyers and human rights defenders, and detentions, unlawful and arbitrary surveillance, intimidation and destruction of property. He noted reports of torture, ill-treatment and medical neglect in prisons, with civil society organizations and lawyers advocating for the release during the COVID-19 pandemic of Sahrawi prisoners.¹¹⁰

78. The Secretary-General reiterated his call to the parties to respect, protect and promote the human rights of all people in Western Sahara, including by addressing outstanding human rights issues and enhancing cooperation with OHCHR and the United Nations human rights mechanisms, and to facilitate their monitoring missions. Independent, impartial, comprehensive and sustained monitoring of the human rights situation was necessary to ensure the protection of all people in Western Sahara.¹¹¹

Notes

- 1 [A/HRC/36/6](#), [A/HRC/36/6/Add.1](#) and [A/HRC/36/2](#).
- 2 United Nations country team submission for the universal periodic review of Morocco, p. 3.
- 3 [S/2021/843](#), para. 73.
- 4 [A/HRC/41/54/Add.1](#), para. 8.
- 5 *Ibid.*, paras. 27 and 90.
- 6 United Nations country team submission, p. 3.
- 7 *Ibid.*
- 8 [CRPD/C/MAR/CO/1](#), para. 33 (c).
- 9 [CEDAW/C/MAR/CO/5-6](#), para. 18 (a).
- 10 United Nations country team submission, p. 11.
- 11 [A/HRC/41/54/Add.1](#), para. 72.
- 12 *Ibid.*, paras. 8, 18, 70 and 73.
- 13 *Ibid.*, para. 75.
- 14 [CRPD/C/MAR/CO/1](#), para. 13 (b).
- 15 United Nations country team submission, p. 4.
- 16 [CAT/C/68/D/817/2017](#), paras. 8.5–10, and [CAT/C/72/D/871/2018](#), para. 11.2.
- 17 [CAT/C/72/D/923/2019](#), para. 13.2, and [CAT/C/72/D/871/2018](#), para. 11.2.
- 18 [CAT/C/72/D/871/2018](#), para. 11.4.
- 19 See https://www.ohchr.org/en/press-releases/2021/12/morocco-un-experts-say-extradition-uyghur-asylum-seeker-china-violates#:~:text=UN%20human%20rights%20experts*%20today,or%20degrading%20treatment%20or%20punishment.
- 20 [CAT/C/68/D/782/2016](#), paras. 10.8 and 12, and [CAT/C/68/D/826/2017](#), paras. 7.10 and 9.
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- 22 [CAT/C/72/D/650/2015](#), paras. 11.5–11.7.
- 23 *Ibid.*, para. 11.3. See also [CAT/C/MAR/CO/4](#), paras. 7 and 10.
- 24 [CAT/C/72/D/650/2015](#), para. 13.
- 25 [A/HRC/41/54/Add.1](#), para. 36 and 74.
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- 29 *Ibid.*
- 30 [A/HRC/41/54/Add.1](#), paras. 31 and 40.
- 31 See <https://waps.ohchr.org/en/press-releases/2021/07/morocco-un-human-rights-expert-decries->

- clampdown-human-rights-defenders.
- ³² [A/HRC/48/28](#), annex II, paras. 94–101, and [S/2021/843](#), para. 73.
- ³³ [S/2021/843](#), para. 74.
- ³⁴ See <https://waps.ohchr.org/en/press-releases/2021/07/morocco-un-human-rights-expert-decries-clampdown-human-rights-defenders>.
- ³⁵ [A/HRC/41/54/Add.1](#), para. 63.
- ³⁶ United Nations country team submission, p. 5.
- ³⁷ UNESCO submission for the universal periodic review of Morocco, pp. 8–9.
- ³⁸ United Nations country team submission, pp. 4–5.
- ³⁹ [CEDAW/C/MAR/CO/5-6](#), para. 26 (b).
- ⁴⁰ See https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4051745,102993:NO.
- ⁴¹ [CEDAW/C/MAR/CO/5-6](#), para. 34 (a).
- ⁴² United Nations country team submission, p. 7.
- ⁴³ *Ibid.*, pp. 10–11.
- ⁴⁴ *Ibid.*, p. 5.
- ⁴⁵ [CEDAW/C/MAR/CO/5-6](#), para. 4 (b).
- ⁴⁶ United Nations country team submission, p. 8.
- ⁴⁷ *Ibid.*, p. 6.
- ⁴⁸ [A/HRC/41/54/Add.1](#), paras. 56 and 84.
- ⁴⁹ United Nations country team submission, p. 7.
- ⁵⁰ *Ibid.*, p. 11.
- ⁵¹ *Ibid.*, p. 8.
- ⁵² *Ibid.*, p. 6.
- ⁵³ *Ibid.*, p. 11.
- ⁵⁴ [CRPD/C/MAR/CO/1](#), para. 49 (d).
- ⁵⁵ United Nations country team submission, p. 7.
- ⁵⁶ [CEDAW/C/MAR/CO/5-6](#), para. 36 (c).
- ⁵⁷ [A/HRC/41/54/Add.1](#), paras. 37, 49 and 79.
- ⁵⁸ [CRPD/C/MAR/CO/1](#), paras. 48 (a) and 49 (a).
- ⁵⁹ UNESCO submission, p. 7.
- ⁶⁰ *Ibid.*, p. 8.
- ⁶¹ United Nations country team submission, p. 7.
- ⁶² [CEDAW/C/MAR/CO/5-6](#), para. 32 (a)–(b).
- ⁶³ UNHCR submission for the universal periodic review of Morocco, pp. 3 and 6.
- ⁶⁴ [A/HRC/41/54/Add.1](#), paras. 30, 33 and 78.
- ⁶⁵ United Nations country team submission, p. 6.
- ⁶⁶ *Ibid.*, p. 7.
- ⁶⁷ [A/HRC/41/54/Add.1](#), para. 38.
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- ⁶⁹ *Ibid.*, p. 9.
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- ⁷¹ *Ibid.*, para. 40 (b)–(d). See also United Nations country team submission, p. 9.
- ⁷² United Nations country team submission, p. 9.
- ⁷³ United Nations country team submission, p. 9, and [CEDAW/C/MAR/CO/5-6](#), para. 30 (a).
- ⁷⁴ United Nations country team submission, p. 9.
- ⁷⁵ UNESCO, pp. 5–6 and 8.
- ⁷⁶ [CEDAW/C/MAR/CO/5-6](#), paras. 24 (c) and 40 (a).
- ⁷⁷ [CRPD/C/MAR/CO/1](#), paras. 14 (a) and 15 (b).
- ⁷⁸ [CEDAW/C/MAR/CO/5-6](#), paras. 9–10 (b).
- ⁷⁹ *Ibid.*, para. 22 (b).
- ⁸⁰ United Nations country team submission, p. 5.
- ⁸¹ [CEDAW/C/MAR/CO/5-6](#), para. 28 (a).
- ⁸² UNESCO submission, p. 7.
- ⁸³ [CRPD/C/MAR/CO/1](#), para. 16.
- ⁸⁴ United Nations country team submission, p. 4.
- ⁸⁵ [CRPD/C/MAR/CO/1](#), para. 17.
- ⁸⁶ United Nations country team submission, p. 10.
- ⁸⁷ UNHCR submission, p. 5.
- ⁸⁸ [CRPD/C/MAR/CO/1](#), paras. 38 (c) and 39 (c)–(d).
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- ⁹¹ United Nations country team submission, p. 11.
- ⁹² [A/HRC/41/54/Add.1](#), paras. 32 and 37.
- ⁹³ *Ibid.*, paras. 37 and 39.
- ⁹⁴ *Ibid.*, para. 79.
- ⁹⁵ *Ibid.*, para. 50.
- ⁹⁶ United Nations country team submission, pp. 9–10.
- ⁹⁷ See <https://www.ohchr.org/en/press-releases/2022/06/un-committee-urges-prompt-investigation-deaths-migrants-moroccan-spanish>.
- ⁹⁸ UNHCR submission, p. 3. See also United Nations country team submission, p. 12.
- ⁹⁹ [CMW/C/MAR/QPR/2](#), paras. 17–18.
- ¹⁰⁰ [S/2021/843](#), para. 66.
- ¹⁰¹ [A/HRC/41/54/Add.1](#), paras. 82–83.
- ¹⁰² UNHCR submission, p. 4.
- ¹⁰³ *Ibid.* and United Nations country team submission, p. 12.
- ¹⁰⁴ UNHCR submission, pp. 5–6.
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- ¹⁰⁶ *Ibid.*, p. 13.
- ¹⁰⁷ UNHCR submission, p. 4.
- ¹⁰⁸ [S/2021/843](#), para. 2.
- ¹⁰⁹ [S/2020/938](#), para. 71.
- ¹¹⁰ [S/2021/843](#), para. 74.
- ¹¹¹ [S/2021/843](#), para. 92.
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