



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic (UPR) Review of the Kingdom of Morocco and welcome your constructive engagement and that of your Government during the 27<sup>th</sup> session of the UPR Working Group, in early May 2017.

As the final outcome report on the review of the Kingdom of Morocco was recently adopted by the Human Rights Council at its 36<sup>th</sup> session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review – the compilation and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the Kingdom of Morocco's presentation and responses, the recommendations made by 105 countries, and the action taken by the Kingdom of Morocco to implement the 140 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I would like also to highlight issues that were raised during the review which I am particularly encouraged by: measures taken to protect the rights of migrant workers, including the national strategy for immigration and asylum; the law establishing the Authority for Gender Equality and Action against all Forms of Discrimination, and the adoption of the national strategy on sustainable development (2015-2020).

I encourage the Kingdom of Morocco to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate the Kingdom of Morocco's preparations for the fourth cycle of the UPR. The development of the national human rights action plan should include consultations with all stakeholders, in particular, the national human rights institution and civil society organisations, and, where necessary, the support of international organisations, including OHCHR and other United Nations entities, under the leadership of the UN Resident Coordinator.

I also encourage the Kingdom of Morocco to strengthen its national mechanism for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to the Kingdom of Morocco the use of the practical guide that my Office released in 2016 on this topic and which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

H.E. Mr. Nasser Bourita  
Minister of Foreign Affairs and International Cooperation  
Kingdom of Morocco



Please be advised that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report and I congratulate the Kingdom of Morocco for submitting such a report during the second cycle. I encourage the Kingdom of Morocco to submit a mid-term report for the third cycle, by September 2019.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist the Kingdom of Morocco to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein  
High Commissioner for Human Rights



## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Continuing to strengthen the Kingdom of Morocco's normative framework by ratifying international human rights treaties to which the Kingdom of Morocco is not a party yet, in particular the First and Second Optional Protocols to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- Cooperating with the United Nations Secretary-General, AU Special Envoys, OHCHR and UNHCHR to redress the humanitarian situation in Western Sahara and ensure realization of the rights of people in Western Sahara;
- Supporting the inclusion of a human rights component in the mandate of the United Nations Mission for the Referendum in Western Sahara, as extensively recommended, given the need for independent and impartial monitoring of the human rights situation in Western Sahara.

### **National Human Rights Framework**

- Strengthening the legislative and institutional framework for the promotion and protection of human rights, including by supporting the efforts of the National Human Rights Council through its regional commissions.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Adopting comprehensive legislation aimed at eliminating all forms of discrimination and intensifying related awareness raising campaigns.

#### **B. Civil and political rights**

##### *Right to life, liberty and security of person*

- Intensifying dialogue on the death penalty towards its full abolition, and consider formalizing the de facto moratorium;
- Intensifying efforts to eliminate torture and ill treatment in particular by bringing the definition of torture in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and by accelerating the process to establish the national preventive mechanism in compliance with the requirements of the Optional Protocol to the Convention against Torture;

- Improving prison conditions, including by allocating sufficient budgetary resources, reduce the use of solitary confinement, which has been considered excessively, and putting in place a policy on the use of alternatives to deprivation of liberty.

*Administration of justice, including impunity and the rule of law*

- Complete the reform process of the system of justice.

*Fundamental freedoms and the right to participate in public and political life*

- Creating a safe environment to the activities of Human Rights Defenders (HRDs), and ensuring respect of freedoms of expression and association for civil society organizations, in particular those working on the question of Western Sahara; investigating, bringing to justice and sanctioning perpetrators of acts of intimidation and abuses against HRDs and civil society activists, and removing obstacles to associations that seek registration.

*Prohibition of all forms of slavery*

- Developing a national plan of action on trafficking in persons, to implement the Trafficking in Persons Act, incorporating a human rights perspective, with clear indicators to measure progress and the impact of police response.

**C. Economic, social and cultural rights**

*Right to an adequate standard of living*

- Continue taking measures aimed at poverty reduction, including the gender dimension;
- Adopting a framework law on the right to food, in conformity with international law, and an strategy based on time-bound benchmarks and effective implementation plans for each region;
- Improving social security protection, including by extending coverage of the social security system to workers in the agricultural sector, and ensuring compliance by private enterprises, especially in rural areas, with the obligation of affiliation to the social security system; and improving the identification of eligible beneficiaries of social protection schemes.

*Right to health*

- Extending universal access to high-quality sexual and reproductive facilities and services, particularly in rural areas.

*Right to education*

- Ensuring that a human rights based approach is incorporated in policies and programmes;



- Improving access to education, in particular by implementing the education reform for 2015-2030; putting in place a strategy/plan of action to fight illiteracy; and taking measures to ensure enrolment of girls and boys in rural areas.

#### **D. Rights of specific persons or groups**

##### *Women*

- Improving protection of the rights of women, in particular through adopting a law sanctioning violence against women consistent with international law; establishing the Authority for Gender Equality and Action against All Forms of Discrimination; repealing all provisions that discriminate against women; identifying the obstacles encountered by women in employment, taking appropriate measures, including targeted ones, to promote work-life balance so as to increase women's participation; and adopting temporary special measures where necessary.

##### *Children*

- Reinforcing the child protection system including by repealing the provisions in the Family Code which discriminate against children born outside of wedlock; withdrawing any reference in identity documents which would allow for the identification of children born outside of wedlock; ensuring that the minimum age or marriage at 18 years of age is respected; adopting the bill establishing the conditions of work and employment of domestic workers and ensuring that the law set the minimum age for employment at 18 years; and banning unequivocally corporal punishment in all settings.

##### *Minorities*

- Taking concrete measures to protect cultural rights in all the regions of the Kingdom of Morocco, including developing national languages, and promote the Amazigh language cultural heritages; adopting an organic law on the Amazigh language which allows using it in judicial and administrative proceedings and the registering of Amazigh names.

##### *Migrants, refugees and asylum seekers*

- Speeding up the review of the legal framework on migration and asylum, and envisaging continuing taking measures such as the initiative taken in 2014 aimed at regularizing the situation of thousands of migrants.