



Aide-memoire on Morocco's contribution and commitments in the field of human rights

1. In line with its internal democratic choices and with its sustained and irreversible commitment to the promotion and protection of human rights throughout the world, the Kingdom of Morocco decided to present its candidature to the Human Rights Council for the period 2014-2016.
2. This aide-memoire presents Morocco's contribution, achievements and commitments for the promotion and protection of human rights, in keeping with Resolution 60/251 of the General Assembly of the United Nations.
3. The Kingdom's commitments to human rights herewith presented are the logical international extension of the national momentum created for democracy, the rule of law and human rights. They establish Morocco's deep-rooted attachment to the universal values of gender equality, pluralism, moderation, tolerance, peaceful coexistence and dialogue between civilizations and cultures.
4. As a founding member of the Human Rights Council, the Kingdom has continuously worked to strengthen the spirit of cooperation and dialogue and avoid politicization. It is in this vein that Morocco firmly committed to defend human rights in their equality, interdependence and indivisibility.
5. The new Moroccan Constitution adopted by referendum last July confirmed this choice of a democratic and modern society that respects human rights. It consolidated the framework and conditions for deeper commitment to human rights and first and foremost constitutionally guaranteed the irreversibility of the progress achieved and commitments made by the Kingdom at the international level.
6. The constitutionalisation of the primacy of international law over national law, the recognition of, and respect for local cultural diversity, the criminalization of torture and enforced disappearances, together with the decision by Morocco to further open up to all the special procedures of the Human Rights Council, are further measures to reinforce the Kingdom's voluntary and concrete commitment to promote and protect human rights.
7. The Kingdom of Morocco turned the promotion and protection of human rights into a fundamental dimension of its diplomacy and relationship with all of its partners at the United Nations as well as with its Maghreb, Arab-Muslim, Euro-Mediterranean and African neighbors, and in the context of South-South cooperation and partnership initiatives.

I. Morocco's contribution to the promotion and protection of human rights

1) State of implementation of commitments:

8. Morocco has fulfilled all the commitments made in the framework of its first candidature to the Council back in 2006, in keeping with General Assembly resolution 60/251. These achievements were consolidated through the following structuring reforms:

- The reform of the justice system to strengthen the means and guarantees for better protection of citizens;
- The constitutionalisation of all recommendations of the Equity and Reconciliation Commission;
- The strengthening of the institutional human rights system and its constitutionalisation, especially through the creation or consolidation of twelve entities such as:
 - * The National Human Rights Council;
 - * The "Al-Wassit" -office of the ombudsman-;
 - * The Authority for Parity and the Fight against all forms of Discrimination;
 - * The National Authority for Probity and the Fight against Corruption.

2) The role of Morocco at the Human Rights Council:

a) Contribution to the work of the Council

9. Though not being a member of the HRC since 2007, Morocco initiated several concrete actions on various key aspects of the promotion of human rights, such as:

- The resolution for the creation of a Special Procedure for the promotion of truth, justice, reparation and guarantees of non recurrence, in cooperation with Argentina and Switzerland;
- The Resolution on technical assistance to developing countries, jointly with Thailand and a group of countries;
- The Resolution on enforced or involuntary disappearances, with France and Argentina.

10. Morocco acted as a moderator throughout the negotiations for many thematic resolutions, in particular the one on "Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence against persons, based on religion or belief".

11. Morocco co-sponsored 197 resolutions adopted by the Council since its inception, i.e. two-thirds (2/3) of all resolutions, a genuine testimony to its permanent and active commitment to the promotion and protection of human rights in the world.

12. Morocco actively supported the creation by the Human Rights Council of several special procedures such as the Working Group on discrimination against women in law and practice, the Independent expert in the field of cultural right and the Special Rapporteurs on the human right to safe drinking water and sanitation and on the rights to freedom of peaceful assembly and of association.

b) The United Nations Declaration on Human Rights Education and Training

13. Together with Switzerland, in 2007 Morocco initiated a resolution in the Human Rights Council to launch the drafting process a United Nations Declaration on Human Rights Education and Training aimed at strengthening human rights education and training related activities.

14. Adopted by consensus in 2011 by the General Assembly of the United Nations, this Declaration is the first international instrument initiated by the Human Rights Council and, as such, a reference document and a roadmap in this area for the years to come.

c) Commitment under the Universal Periodic Review - UPR

15. Since the creation of the HRC, Morocco greatly contributed to the implementation and consolidation of the UPR mechanism. In this context, Morocco was appointed:

- Facilitator on Universal Periodic Review during the institutional building phase of the HRC in 2006-2007.
- Facilitator on UPR modalities in 2008.
- Facilitator for the UPR review in the framework of the HRC five-year review, from November 2010 to March 2011.
- Facilitator on the follow-up to the UPR review adopted in June 2011.

16. Morocco organized and facilitated training workshops, panel discussions and conferences on the UPR, among which two seminars held in Rabat together with the OIF and the HCHR, in 2008 and 2010 respectively.

17. In 2011 Morocco contributed USD 500 000 to the UPR Voluntary fund for financial and technical assistance to developing countries for the implementation of their commitments in the framework of the UPR.

18. During its review under the UPR in April 2008, Morocco accepted almost all the recommendations it received (11 out of 13, i.e. nearly 85% of them) and rejected none.

19. Since 2008, Morocco adopted a global approach to follow-up its review going beyond the 11 recommendations accepted, by adopting a National Action Plan for Democracy and Human Rights. Morocco is therefore amongst the first countries in the world to have followed up on the recommendation of the 1993 Vienna Conference to put on place such Plan of Action. It is also the 2nd Mediterranean country and the 27th in the world that implemented this recommendation.

3) *Morocco and the General Assembly*

a. The resolution on the ombudsman and the mediator

20. Morocco presented the United Nations General Assembly with a yearly resolution on "The role of the ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights", the first of its kind in the UN.

b. Morocco as a facilitator on the HCR review process in New York

21. As co-facilitator with Liechtenstein, Morocco contributed to the New York chapter of the review of the Human Rights Council.

4) Regional cooperation in the field of human rights

22. Under the status of "Partner for Democracy" granted by the Parliamentary Assembly of the Council of Europe, the Kingdom has embarked in a process of gradual accession to the Council's relevant Conventions on the protection of fundamental rights which are open to non members of the Council of Europe.

23. Morocco's commitment to, and action for human rights also involve its Arab and African neighbors through the initiation of, and its active contribution to the consolidation of the standard-setting arsenal and the institutional scheme for the promotion and protection of human rights through the Arab plan for the promotion of the culture of human rights, in 2010, and technical assistance to African countries in connection with the right to development.

5) Ratification of international instruments and lifting of reservations

24. Morocco's action for human rights was enriched thanks to the strengthening of the relevant international legal arsenal. In this vein:

- The new Constitution now enshrines the primacy of international conventions over domestic law;

- The Kingdom ratified the Convention on the rights of persons with disabilities and its optional protocol in April 2009;

- The Kingdom ratified the Protocol against the smuggling of migrants by land, sea and air, to the United Nations Convention against organized crime (Palermo Protocol).

- The Kingdom acceded to the Optional Protocol to the Convention on the elimination of all forms of discrimination against women.

6) Cooperation with, and support to special procedures

25. The Kingdom of Morocco attaches particular importance to the strengthening of the action of the special procedures of the council.

26. In April 2011, the Kingdom of Morocco decided to further open up to the 33 thematic procedures of the Human Rights Council.

27. Over the last years the Kingdom of Morocco was visited by the five following procedures: the Special Rapporteurs on the sale of children, on child prostitution and child pornography, on the rights of migrants, on the right to education and on cultural rights, as well as the Working Group on enforced or involuntary disappearances.

28. Morocco is currently organizing several more visits of special procedures planned in 2012, including the Special Rapporteurs on torture, water and sanitation, trafficking in human beings, as well as the Working Group on discrimination against women in law and practice.

7) Cooperation with the Office of the High Commissioner for Human Rights

29. Morocco has continuously supported the activities and programs of the OHCHR.

30. Since 2008, Morocco has been making an annual US\$ 1 million contribution to the budget of the OHCHR. With this voluntary and unearmarked contribution, Morocco moved its ranking on the list of donors from 67 in 2007 to 20 in 2010.

31. Morocco has organized several meetings in cooperation with the OHCHC, among which two round tables on the role of the ombudsman in the promotion and protection of human rights and a meeting on strengthening treaty bodies. Similarly, Morocco will host an expert seminar to be organized by OHCHR on the relationship between freedom of expression and incitement to racial, national and religious hatred.

32. In 2010, Morocco presented the OHCHR with a draft agreement on tripartite cooperation for technical assistance to developing countries in implementing the recommendations of the UPR.

8) *The role of Moroccan civil society*

33. The Kingdom of Morocco has engaged in a process aimed at raising awareness on civil society and Moroccan NGOs' participation in HRC sessions and at supporting them in this endeavor. This is how the Moroccan civil society distinguished itself by an active participation and presence at almost all the sessions of the HRC.

34. In this respect, the Moroccan authorities fundamental interest for community life is enshrined in article 170 of its Constitution that provides for the creation of a Youth and Associative Action Council aimed at promoting community life of young people in a spirit of responsible citizenship.

35. Civil society takes an active part in the drafting and implementation of human rights related public policies and is fully involved in the various mechanisms for dialogue that have been set up.

9) *The role of national institutions*

36. In keeping with the international impetus given by national human rights institutions in the world, the National Council for Human Rights, Morocco's A-Status NHRI, is acting as an independent and effective promoter of human rights at national level as well as in the framework of its cooperation with UN human rights institutions and mechanisms and the various national human rights bodies.

II. Future commitments: The Kingdom of Morocco shall:

37. Further its action to promote human rights both internally and internationally.

38. Strive to improve the work of the UPR.

39. Maintain dialogue with special procedures regarding their visits as well as the activities carried out under their mandate and their cooperation with the Council.

40. Continue to cooperate fully with the various Treaty monitoring bodies by presenting its periodic reports on time, establishing an interactive dialogue with the committees when the reports are examined and by actively following-up their recommendations.

41. Promote the strengthening and optimization of the work of treaty bodies in the UN human rights system.

42. Continue to support the action of the Human Rights Council, as a key body of the United Nations for the promotion and protection of human rights.

43. Maintain a participatory approach in the field of human rights through direct involvement of citizens as well as all actors and dynamic forces in Morocco, such as associations and NGOs.

44. Continue its efforts to promote human rights education and training at national and international levels.

45. Share Morocco's experience of transitional justice and continue to support the Council's mechanisms and its initiatives in this area. In this respect, Morocco is considering strengthening its cooperation with the OHCHR in this area, in particular through the signing of a memorandum of understanding on assistance in the field of transitional justice for developing countries, especially in Africa.

46. Continue to harmonize its domestic legislation with international standards and, if needs be, ratify the few international instruments Morocco isn't yet a party to.

47. Notify the United Nations of the ratification of the three following instruments that were examined by the Council of Ministers on September 9, 2011, as soon as the ratification process finishes:

- Optional protocol to the Convention on the elimination of all forms of discrimination against women;
- Optional protocol to the Convention against torture and other cruel, inhuman or degrading treatment or punishment;
- Optional protocol to the International covenant on civil and political rights.

48. Sign, as soon as it is open to signature in 2012, the Optional protocol to the Convention on the rights of the child establishing to provide a communications procedure.

49. Continue to take an active part in the work of the Human Rights Council, through:

- Constructive dialogue with the Council's mechanisms;
- Concrete initiatives and parallel events;
- Cooperation with international NGOs;
- Support to the Council's thematic initiatives.