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Request for Partner for Democracy status with the Parliamentary Assembly submitted by the

Parliament of Morocco

Committee Opinion¹

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Arcadio DÍAZ TEJERA, Spain, Socialist Group

A. Conclusions of the committee

The Committee on Legal Affairs and Human Rights congratulates the rapporteur of the Political Affairs Committee, Mr Luca Volontè (Italy, Group of the European People's Party), on his excellent report and supports by and large the proposed draft resolution.

The committee wishes, however, to make some amendments to further strengthen the draft resolution from a legal and human rights perspective.

B. Proposed amendments to the draft resolution

Amendment A (to the draft resolution)

In the draft resolution, at the end of paragraph 8.1, add the following words: "in accordance with relevant international standards;"

Amendment B (to the draft resolution)

In the draft resolution, after paragraph 8.3, insert the following sub-paragraph:

"conducting the constitutional reform announced in March 2011, in particular by consolidating the separation of powers and strengthening the role of the parliament;"

Amendment C (to the draft resolution)

In the draft resolution, replace paragraph 8.7 by the following sub-paragraph:

"abolishing the death penalty set forth in the Penal Code, going beyond the de facto moratorium on executions which has been established since 1993;"

Amendment D (to the draft resolution)

In the draft resolution, paragraph 8.17, replace the word "promoting" by the word "guaranteeing".

1. Reference to committee: Bureau decision, Reference 3672 of 30 April 2010. Reporting committee: Political Affairs Committee. See [Doc. 12625](#). Opinion approved by the committee on 20 June 2011.



Amendment E (to the draft resolution)

In the draft resolution, in paragraph 8.18, replace the word “promoting” by the word “guaranteeing”.

Amendment F (to the draft resolution)

In the draft resolution, after paragraph 8, insert the following paragraph:

“The Assembly expects that Morocco will accede in due course to relevant Council of Europe conventions and partial agreements, in particular those dealing with human rights, rule of law and democracy issues, in accordance with the commitment included in the joint letter of 22 February 2010 from the Speakers of the two Chambers of the Parliament.”

Amendment G (to the draft resolution)

In the draft resolution, paragraph 9, at the end of second sentence, add the following text:

“and to ensure that, when dealing with the situation in the region, the competent authorities fully respect human rights, fundamental freedoms and humanitarian norms as set forth in relevant international legal instruments.”

C. Explanatory memorandum by Mr Díaz Tejera, rapporteur for opinion

1. I can only congratulate Mr Luca Volontè on his excellent report and fully support the request of the Parliament of Morocco for partner for democracy status with the Parliamentary Assembly.
2. I should like, however, to propose a few amendments to the draft resolution, with a view to strengthening it by putting special emphasis on the need to carry out constitutional reform, adhere to the Council of Europe conventions and respect human rights and fundamental freedoms.

Amendment A

It would be more explicit to specify that free and fair elections should be held in conformity with relevant international standards, in order to ensure that they are not conducted in an arbitrary manner.

Amendment B

The amendment aims to stress the need for comprehensive constitutional reform in Morocco, and in particular consolidating the separation of powers and strengthening the role of parliament. A constitutional reform has already been launched by King Mohammed VI (see paragraph 82 of the report). In his report, Mr Volontè welcomed these developments (paragraph 83) and stressed that such a reform is a cornerstone for further democratisation (paragraph 86). Paragraph 14 of the draft resolution also mentions this reform. I consider that consolidating the separation of powers and strengthening the role of parliament are crucial for the further development of democracy in Morocco. The draft resolution should therefore specifically encourage the Moroccan authorities to carry out this important reform.

Amendment C

This amendment aims to use more concise legal terminology by replacing the verb “to strike out” with “to abolish”. It should also be stressed that the full abolition of the death penalty is the logical completion of the process initiated eighteen years ago with a *de facto* moratorium on the death penalty.

Amendment D

The amendment aims to reinforce paragraph 8.17, since Morocco should not only promote freedom of expression, media independence and plurality but, most of all, guarantee them. Freedom of expression is a cornerstone of a democratic society, and therefore it is not enough to promote it. The recent Amnesty International report on the situation in Morocco shows that this freedom is one of the most seriously threatened in this country: human rights defenders, journalists and others were criminally prosecuted and punished for commenting on some politically sensitive issues.² Therefore, I propose to strengthen the call upon the Moroccan authorities to respect and guarantee this fundamental freedom.

2. Amnesty International Report 2011: The state of the world’s human rights, Amnesty International, London, 2011, p. 232. The report covers the period from January to December 2010.

Amendment E

In a similar manner to the previous one, this amendment aims to reinforce the wording of paragraph 8.18 by stipulating that freedom of association and peaceful assembly should be guaranteed. Alongside the freedom of expression, this is one of the fundamental freedoms that must be ensured in a democratic society.

Amendment F

The proposed paragraph refers to the criteria established in Rule 60.2 of the Rules of Procedure of the Assembly, according to which any formal request for partner for democracy status shall contain, amongst others, “a commitment to encourage the competent authorities to become party to the relevant Council of Europe conventions and partial agreements which are open for signature and ratification by non-member states, in particular those dealing with human rights, rule of law and democracy issues”. In their letter of 22 February 2010, addressed to the President of the Assembly, the Speakers of the two Chambers of the Parliament of Morocco reaffirmed this commitment (see paragraph 3 of the draft resolution), and paragraph 14 of the draft resolution refers broadly to it. However, it would be useful to stress, in a separate paragraph, that the Assembly expects the fulfilment of this commitment too, since the other commitments mentioned in the said letter are also reflected in the draft resolution.

Amendment G

The situation in the Western Sahara is one the most sensitive and complex human rights issues in North Africa.³ Although I fully agree with the rapporteur not to deal with this topic in the current report, I consider that the need for respect of human rights and humanitarian norms should be invoked in this context. Morocco is bound by international legal instruments, such as the United Nations Charter and the International Covenant on Civil and Political Rights, as well as by customary and treaty-based humanitarian norms; therefore, it must observe these norms in continuing to seek the settlement of the dispute over this region. That is why I am referring to the call already made by the Assembly in its Resolution 1408 (2004) on the situation in Western Sahara, in which it underlined the need not to forget the humanitarian aspects of the said dispute (paragraph 10).

3. Ibid, pp. 231-232