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Evaluation of the partnership for democracy in respect of the Parliament of Morocco

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Mr Luca VOLONTÈ, Italy, Group of the European People's Party

Summary

The report takes stock of political reforms in the country and of the implementation of political commitments undertaken by the Parliament of Morocco in June 2011, when it became the first to be granted partner for democracy status with the Parliamentary Assembly. It welcomes the adoption of the new constitution, the holding of early parliamentary elections and the formation of a government based on the results of those elections. It further notes the increased role of democratic institutions, including the parliament and political parties, and a livelier political process.

At the same time, the report calls on the parliament to intensify legislative work on the reform agenda and to take the lead in addressing issues of concern with regard to human rights and the rule of law.

The report concludes that the partnership has created new dynamics in the co-operation between the Council of Europe and Morocco, both at parliamentary and government level, and thus contributed to achieving its primary aim.

It is proposed to continue to review the implementation of political reforms in Morocco and to make a new assessment of the partnership within two years.

1. Reference to committee: Bureau decision, Reference 3831 of 23 January 2012.

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A. Draft resolution[2]

1. On 21 June 2011, the Parliamentary Assembly adopted Resolution 1818 (2011), whereby it granted partner for democracy status to the Parliament of Morocco. The Parliament of Morocco thus became the first to request and to be granted this status, introduced by the Assembly in 2009 to develop institutional co-operation with the parliaments of the Council of Europe's neighbouring States.

2. Upon making its official request for this status, the Parliament of Morocco declared that it shared the same values as those upheld by the Council of Europe and made political commitments in accordance with Rule 61.2 of the Rules of Procedure of the Assembly. These commitments are set out in paragraph 3 of Resolution 1818 (2011).

3. In addition, the Assembly stated, in paragraph 8 of the aforementioned resolution, that a number of specific measures were essential to strengthen democracy, the rule of law and respect for human rights and fundamental freedoms in Morocco.

4. Furthermore, the Assembly stressed that progress in taking forward reforms is the prime aim of the partnership for democracy and should constitute the benchmark for assessing its efficiency.

5. Accordingly, the Assembly decided to review, two years after the granting of partner for democracy status to the Parliament of Morocco, the progress achieved in implementing the political commitments and reforms considered to be essential.

6. The Assembly notes with satisfaction that Morocco made an important step on the path to democratic reform when it adopted, in July 2011, the new constitution which enshrines certain fundamental principles, such as a commitment to universally recognised human rights, the prohibition of all discrimination, the primacy of ratified international conventions over domestic law, the separation of powers and the strengthening of institutions, particularly of parliament.

7. The Assembly stresses the importance of continuing and speeding up the reform process by adopting the necessary constitutional laws and establishing the governance structures foreseen, so as to fully implement the democratic potential of the new constitution.

8. With regard to the political commitments entered into by the Parliament of Morocco upon requesting partner for democracy status, the Assembly:

8.1. notes that, while a *de facto* moratorium on the death penalty has been in place since 1993, courts in Morocco continue to hand down death penalty sentences. The Assembly welcomes the fact that political and public debate on the need to abolish the death penalty has become more prominent, including the constitution of a parliamentary network against the death penalty, and calls on the Moroccan Parliament to abolish the death penalty in law, and, pending abolition, to declare a *de jure* moratorium on executions;

8.2. notes that, despite some reported irregularities, most domestic and international observers, including an ad hoc committee of the Assembly, made a positive assessment of the 2011 early parliamentary elections. It calls on the competent Moroccan authorities to carry out, in close co-operation with the European Commission for Democracy through Law (Venice Commission), an in-depth analysis of the organisation of these elections with a view to improving electoral legislation, as well as certain practical aspects of organising voting and, more generally, the electoral process as a whole before the next elections. Furthermore, the Assembly expects to be invited to observe future parliamentary elections;

8.3. welcomes the fact that the new Moroccan Constitution proclaims equality between women and men and provides that the State shall work to achieve parity between women and men. It calls on the parliament to speed up the drafting, in co-operation with Council of Europe experts, of legislation on establishing the Authority for parity and the fight against all forms of discrimination foreseen by the new constitution, and to take further action to ensure that women are duly represented at all levels of power and society;

8.4. notes that Morocco has acceded to the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No. 120), and that it has signed the Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health (CETS No. 211). It further welcomes that Morocco has been invited

2. Draft resolution adopted unanimously by the committee on 6 June 2013.

to accede to, or to sign, a series of other Council of Europe conventions, and it calls on the Moroccan parliament to see to it that appropriate conditions are put in place to allow for it. The Assembly further encourages the Moroccan authorities to consider accession to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), and the Council of Europe Conventions on Action against Trafficking in Human Beings (CETS No. 197) and on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210);

8.5. welcomes the active participation of the Moroccan parliamentary delegation in the work of the Assembly and its committees, which provides opportunities to keep the Assembly informed about the political developments in their country in the light of the values upheld by the Council of Europe;

8.6. expects the parliament to affirm its role as a leading political institution, a platform for national dialogue and a driving force for change by intensifying legislative work on the reform agenda, including in the areas referred to in Resolution 1818 (2011), and calls on the parliament to associate more actively civil society with the law-making process;

8.7. calls on the parliament to put in practice its general commitment to the core values of the rule of law and respect for human rights and fundamental freedoms, and to address issues in these areas, including those reported by civil society organisations and the media.

9. The Assembly recalls that, when granting partner for democracy status to the Parliament of Morocco, it had hoped that this would contribute to intensifying co-operation between this country and the Council of Europe and had encouraged the Secretary General of the Council of Europe, in co-ordination with the European Union, to mobilise the Organisation's expertise, including that of the Venice Commission, with a view to contributing to the full implementation of democratic reforms in Morocco.

10. In this context, the Assembly welcomes the fact that, in April 2012, the Council of Europe and the Moroccan authorities agreed on an action plan "Neighbourhood Co-operation Priorities for Morocco 2012-2014", which contains a number of bilateral programmes intended to assist the process of democratic transition in the country and help tackle challenges relating to human rights, the rule of law and democracy, including by addressing some important issues raised in Resolution 1818 (2011). The Assembly resolves to review its implementation and is ready to fully contribute to its parliamentary dimension.

11. The Assembly takes note of the establishment of a permanent presence of the Council of Europe in Rabat, which is called upon to play a key role in implementing the "Neighbouring Co-operation priorities for Morocco 2012-2014". It regrets that the question of the status of this presence has not yet been settled and urges the competent Moroccan authorities to conclude without delay an agreement on the status of this presence.

12. The Assembly calls on all the actors involved, namely the Council of Europe, the European Union and the Moroccan authorities, to consider the extension of the joint activities under "Neighbouring Co-operation priorities for Morocco 2012-2014" beyond the three-year period and to expand the scope of these activities with a view to covering all the issues raised in Resolution 1818 (2011).

13. The Assembly believes that granting partner for democracy status to the Moroccan Parliament created new dynamics in the co-operation between the Council of Europe and Morocco and thus contributed to achieving its primary aim.

14. The Assembly encourages the members of the Moroccan partner for democracy delegation to step up efforts in order to speed up the implementation of the process of reform and to address remaining concerns with regard to the rule of law and respect of human rights and fundamental freedoms, in line with the political commitments entered into under the partnership.

15. The Assembly resolves to continue to review the implementation of political reforms in Morocco and to offer its assistance to the Moroccan Parliament. It will make a new assessment of the partnership within two years from the adoption of the present resolution.

B. Explanatory memorandum by Mr Volontè, rapporteur

1. Introduction

1. On 21 June 2011, the Parliamentary Assembly adopted Resolution 1818 (2011), whereby it granted partner for democracy status to the Parliament of Morocco. The Parliament of Morocco thus became the first to request and to be granted this status, introduced by the Assembly in 2009 to develop co-operation with the parliaments of the Council of Europe's neighbouring States.

2. When making its official request for this status, the Parliament of Morocco declared that it shared the same values as those upheld by the Council of Europe and made a number of political commitments in accordance with Rule 61.2 of the Rules of Procedure of the Assembly. These commitments are set out in paragraph 3 of Resolution 1818 (2011).

3. In addition, the Assembly stated, in paragraph 8 of the aforementioned resolution, that a number of specific measures were essential to strengthen democracy, the rule of law and respect for human rights and fundamental freedoms in Morocco.

4. Furthermore, the Assembly stressed that "progress in taking forward reforms is the prime aim of the partnership for democracy and should constitute the benchmark for assessing the efficiency of this partnership".

5. Accordingly, the Assembly decided to review, two years after the granting of partner for democracy status to the Parliament of Morocco, the progress achieved in implementing the political commitments and reforms considered to be essential.[3]

2. Major political and institutional developments

6. On 1 July 2011, one week after the granting of partner for democracy status to the Parliament of Morocco, the country's new constitution was adopted by referendum.

7. The new constitution has been an important step on the path to democratic reform. It enshrines certain fundamental principles, such as a commitment to universally recognised human rights, the prohibition of all discrimination, the primacy of ratified international conventions over domestic law, the separation of powers and the strengthening of institutions, particularly of parliament. Further information on the constitutional reform can be found in Chapter 5.

8. However, the reform process is not over. The constitution provides for the adoption of 19 constitutional laws (*lois organiques*) needed to implement certain provisions of the constitution.[4] In addition, it foresees the establishment of a range of new institutions.

9. To date, only a few of these constitutional laws have been passed, including on political parties, on the House of Representatives, and on appointments to senior posts. The bulk of the constitutional laws are yet to be adopted.

10. In the framework of the reform, early elections to the Chamber of Representatives were called; they took place on 25 November 2011. An ad hoc committee of the Assembly observed those elections. The main findings of this ad hoc committee are referred to in Chapter 6 of this report.

11. Out of 30 political parties which ran in the elections, 18 obtained seats in the new Chamber. The Justice and Development Party (PJD) obtained the largest number of seats (107 out of 395).

12. On 29 November 2011, in accordance with the new constitution, King Mohammed VI appointed Mr Abdel-llah Benkiran, leader of the PJD, as Head of the Government.

13. The PJD and three other parties, namely the *Istiqlal* Party, the Progress and Socialism Party (PPS) and the Popular Movement (MP) formed a coalition which has 217 seats in the Chamber of Representatives.

14. On 3 January 2012, the King appointed the government ministers.

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3. See also document AS/Pol (2011) 37 rev with respect to the procedure to be followed at committee level for the evaluation of the partnership for democracy status.
4. See Appendix for the list of constitutional laws to be adopted.

15. On 17 January 2012, the Head of the Government presented to parliament the government's programme, which was approved on 19 January 2012 by the Chamber of Representatives after separate debates in each of the two chambers.

16. Today, in May 2013, the results of the implementation of the government's programme seem limited and tensions between the coalition parties are on the rise.

3. Fact-finding visit[5]

17. On 17 and 18 April 2012, I made an initial fact-finding visit to Morocco in the context of the preparation of this report. During the visit, I had discussions with the Speakers of both Chambers of Parliament and with the leaders of parliament's main committees and its political groups, as well as with the Ministers of Justice and of the Interior.

18. Throughout the visit, I emphasised the importance, for Morocco, of complying with the political commitments entered into with the partner for democracy status, as stipulated in paragraph 3 of Assembly Resolution 1818 (2011), and of making progress on the path to reform in those areas which the Assembly had deemed essential in order to strengthen democracy, the rule of law and respect for human rights and fundamental freedoms in Morocco, set out in paragraph 8 of the same resolution.

19. I also pointed out that, as indicated in paragraphs 13 and 14 of Resolution 1818 (2011), the progress of these reforms was the prime aim of the partnership and would constitute the benchmark for assessing its efficiency.

20. As far as the reforms already under way are concerned, I expressed my appreciation regarding certain positive points, such as the adoption of the new constitution, the strengthening of representative democracy, the appointment of the Head of Government from the party which had obtained the best results in the elections, the increased role of parliament, the improvement of the election system and the inclusion in the constitution of the principle of the independence of the judiciary.

21. I particularly stressed the importance attached by the Assembly to the abolition of the death penalty, to freedom of expression, media freedom and freedom of association, and to issues relating to gender equality.

22. In this context, I referred to certain developments which gave rise to concern. At least one death sentence had been passed; even if the *de facto* moratorium on executions was still in place, no steps had been taken to make this official.

23. Information had also been received concerning a number of cases in which media freedom had been violated; some press editions had been banned or seized.

24. With regard to the situation of women, the recent suicide of a young Moroccan woman, who had been a victim of marital rape, sent a very disturbing signal and requires particular attention from the authorities.

25. Human rights organisations had reported abuses in terms of the use of child labour, ill-treatment of participants in protest movements, violations of freedom of assembly and certain other problems.

26. Furthermore, I drew our partners' attention to the need to speed up reforms in key areas, such as the justice system and the implementation of the recommendations of the Justice and Reconciliation Commission.

27. For their part, the representatives of the Moroccan authorities to whom I spoke informed me of their firm intention to consolidate the democratic changes under way in their country, particularly by drafting the constitutional laws provided for in the constitution. They considered that Resolution 1818 (2011) offered some very useful pointers in this context. More generally speaking, the partnership with the Assembly followed the strategic line of a rapprochement with Europe on the basis of shared values.

28. As examples of the progress already made, the representatives cited, in particular, the fact that the current government reflected the will of the people as expressed in the parliamentary elections, as well as the government's responsibility to parliament.

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5. See also the information note on my visit to Morocco (17-18 April 2012), document AS/Pol (2012) 36.

29. The increased role of parliament in the institutional system necessitated a strengthening of the level of parliamentary work, and required it to open up to society and be more sensitive to the Moroccan people's concerns. New forms of communication with civil society were therefore being sought, so that it can contribute to the work of parliament.

30. There was also a strong desire to make progress in terms of parity between men and women. Following the elections, women's representation in the Chamber of Representatives increased from 34 members (10.5%) to 67 (17%). It should nevertheless be noted that, whereas the previous government included seven women, the new government has just one, Ms Bassima Hakkaoui, Minister for Solidarity, Family Affairs and Social Development.

31. At the same time, representatives of the majority pointed out that their governmental coalition had been in power for only three months, and that it had not therefore had time to turn its attention to every issue. In practice, the constitution stipulated that the constitutional laws should come into force before the end of the current legislature. The coalition therefore had sufficient time, until autumn 2016, to complete this task.

32. The abolition of the death penalty was a subject under discussion in civil society, but also in political circles, and particularly in parliament. However, there was, as yet, no consensus in favour of abolition.

33. Following my visit, I made a statement in which I called for the pursuit of reforms in the fields mentioned in Resolution 1818 (2011) and urged the Moroccan authorities to make the most of the opportunities offered by their rapprochement with the Council of Europe to promote democracy, the rule of law and respect for human rights in their country, for the good of the people of Morocco.[6]

4. Meeting of the committee in Rabat (13-14 March 2013)

34. Following an invitation by the Parliament of Morocco, the Committee on Political Affairs and Democracy held a meeting in Rabat on 13 and 14 March 2013. The meeting in Rabat offered an excellent opportunity to hold an in-depth exchange of views on the evaluation of the partnership for democracy with the Parliament of Morocco. It enabled an interim review to be made of the implementation, on the one hand, of the parliament's political commitments and of the reforms mentioned in Assembly Resolution 1818 (2011), and, on the other hand, of the co-operation programmes between the Council of Europe and Morocco in the context of our Organisation's neighbourhood policy.

35. It also provided an opportunity for the Parliament of Morocco to affirm its role as a reform-minded institution, to consolidate its position in respect of the supervision of government action, and thus to give impetus to the reform process.

36. Last but not least, the meeting enabled the committee and the Parliament of Morocco to exercise parliamentary overview of the implementation of the programmes provided for in the Priorities for Morocco 2012-2014 in the context of co-operation with the Council of Europe's neighbouring regions.

37. The committee had the privilege of holding exchanges of views with the Speakers of both Chambers of the Parliament, Mr Karim Ghellab and Mr Mohamed Cheikh Biadillah. The Moroccan hosts outlined the ongoing reform process, which was a third option, and by far the best one, to revolution, on the one hand, and disintegration, on the other. By setting up an agenda of reforms to meet people's expectations, Morocco showed an example to the region.

38. The Moroccan representatives highly valued the committee meeting as a clear signal of support of their efforts on the path to reform. For them, the partnership with the Assembly was an opportunity to engage in a dialogue with European colleagues on issues which were common for the peoples on both sides of the Mediterranean, and to share the experience of democratic transition.

39. The Committee was briefed by high officials of the Ministry of Justice on the state of implementation of the justice system reform, which was one of the top priorities of the government, and also one of the key elements of the co-operation between Morocco and the Council of Europe.

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6. See the statement by the rapporteur on 24 April 2012: www.assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=7607.

40. Presentations and discussions with representatives of the Secretariat of the Council of Europe in charge of external relations and co-operation programmes, as well as with the Secretary of the European Commission for Democracy through Law (Venice Commission), were an opportunity to highlight the ongoing co-operation between the Council of Europe and Morocco in various fields, including on the issues mentioned in Assembly Resolution 1818 (2011).

41. The committee also discussed a variety of issues related to human rights protection and foreign policy with deputy ministers of the Interior and of Foreign Affairs, as well as with a representative of the National Council on Human Rights. It also held an exchange of views with the Moroccan representatives on issues related to the Western Sahara.

42. In my view, the meeting in Rabat was one of the high moments in the implementation of the partnership between the Assembly and the Parliament of Morocco. It brought together members of parliament, government officials, civil society representatives and Council of Europe officers, and allowed an in-depth exchange of views on the process of political reform in Morocco and the Council of Europe contribution to it.

43. The discussions showed that the partnership, which had started at the parliamentary level, had reached new dimensions and expanded to areas where expert contribution and advice were needed, and were provided by the Council of Europe at the request of the Moroccan authorities. This was an important achievement of our partnership of which we can be proud.

5. Constitutional reform

44. In the framework of the committee meeting held in March 2013 in Rabat, Mr Thomas Markert, Secretary of the Venice Commission, provided a detailed analysis of the constitutional process in Morocco.

45. According to Mr Markert's assessment, co-operation of Morocco with the Venice Commission, which the country joined in 2007, had intensified since the adoption of the new constitution in 2011. The constitution had been drafted by a committee of experts chaired by Professor Abdeltif Menouni, Moroccan member of the Venice Commission.

46. Even though the constitution had been drafted by a body of experts, and not by an elected Assembly, the drafting committee worked in an open way and encouraged broad participation through an "accompanying mechanism". Hearings with representatives of political parties and civil society, as well as with individuals, were held, and many proposals and expectations coming from the society were integrated into the draft constitution.

47. According to the Venice Commission, the new Moroccan constitution is of a high quality and is modern compared to a number of European constitutions. It reflects both the modern expert thinking on constitutional matters, and the expectations of the society.

48. Adopted at a time when several countries of the region were undergoing "Arab revolutions", the new Moroccan Constitution showed that the evolutionary way of democracy building, as an alternative to revolutions, was also possible in this part of the world. The constitution was not a break with the past, but was built on the existing institutional set-up and sought to develop and improve it.

49. The constitution was a democratic breakthrough as it strengthened democratic institutions, especially the parliament, but also the government, which is now responsible to the parliament. While the King remains an important player in the political system, the roles of parliament and government have been transformed, thus establishing a democratic model of power sharing.

50. Moreover, the constitution is not limited to reflecting the current state of affairs; it also has a programmatic character. Various constitutional provisions set the objectives for the future, and foresee the establishment of a number of institutions. The opening statement of the preamble reflects the spirit of the constitution as follows:

> *"With fidelity to its irreversible choice to construct a democratic State of Law, the Kingdom of Morocco resolutely pursues the process of consolidation and of reinforcement of the institutions of a modern State, having as its bases the principles of participation, of pluralism and of good governance."*

51. Strengthening the role of parliament is one of the key elements of the new constitutional order, and the most important change introduced by the new constitution, which makes Morocco comparable to European countries. Article 47, which establishes the procedure of appointing the new government, is crucial: The King nominates a candidate for the position of Head of Government from within the political party which obtains the

best results in the elections of the Chamber of Representatives. The government needs to obtain a vote of confidence in the parliament. The parliament can also express no confidence, which leads to the resignation of the government.

52. Article 10, guaranteeing the rights of the parliamentary opposition, is a welcome provision which is not usually found in European constitutions. Moreover, Article 69 provides that the presidency of one or two permanent parliamentary committees should be reserved for the opposition. In addition, in accordance with Article 67, one third of the members of each Chamber may request the establishment of commissions of inquiry. Therefore, the opposition can obtain the establishment of a commission of inquiry against the position of the majority.

53. While the primary role of the parliament is law-making, the new constitution underlines its role as regards control over government and examination of the general policy of the government. The drafters sought to establish a balance between the respective roles of the monarch, the parliament and the government.

54. The constitution enshrines the principle of the independence of the judiciary, and established a Superior Council of the Judicial Power which sees to the application of the guarantees of the independence of judges. One half of the members of this body are judges elected by their peers.

55. The role of the Constitutional Court has been strengthened by the new constitution. Courts can now refer to it to check the constitutionality of a law.

56. The constitution contains a modern and well elaborated catalogue of human rights (Title II of the constitution). It establishes equality between women and men (Article 19), and provides that the State shall work to achieve parity between women and men.

57. The new constitution leaves a large number of important issues to be regulated by organic laws in order to further develop constitutional principles and establish new independent institutions. For instance, as regards institutions aiming to protect human rights, it establishes the National Council on Human Rights and the Mediator. Furthermore, the constitution has a chapter on good governance.

58. In general, the new Moroccan Constitution lays down a solid basis for the reform process. It is an ambitious text which, in order to be fully implemented, requires considerable work by the Moroccan authorities. About 450 laws, including 15 organic laws, should be on the agenda of the parliament. The Venice Commission stands ready to contribute with regard to this legislative work. At the same time, it is clear that not everything can be done immediately; the reform process requires patience and perseverance.

6. Assessment of political commitments arising from partner for democracy status

59. In Resolution 1818 (2011), the Assembly took note that, in their letter requesting to be granted partner for democracy status, the Speakers of the two Chambers of the Parliament of Morocco, in line with the requirements set out in the Rules of Procedure, reaffirmed that "the Parliament [they] represent shares the same values as the Council of Europe, namely pluralist and parity-based democracy, the rule of law and respect for human rights and fundamental freedoms".

60. Furthermore, they committed themselves to:

– "continuing [their] efforts to raise the awareness of the public authorities and the main players in politics and civil society of the need to make progress in the discussion of issues relating to capital punishment and [to continuing] to encourage the authorities concerned to maintain the *de facto* moratorium that has been established on carrying out the death penalty since 1993. [They] intend to base [their] institutional and legislative work on the experience of the Assembly and of the European Commission for Democracy through Law (Venice Commission), bearing in mind that Morocco has been a member of the Venice Commission since 2007";

– "continuing their efforts to raise the awareness of the public authorities and politicians so that favourable conditions can be established for the holding of free, fair and transparent elections";

– "encouraging the balanced participation of women and men in public life and politics";

– "encouraging the authorities concerned to accede to relevant Council of Europe conventions and partial agreements that can be signed and ratified by non-member states, in particular those dealing with human rights, the rule of law and democracy";

– "inform[ing] [the] Assembly regularly on progress made in implementing Council of Europe principles in [their] country".

61. I am in a position to provide the following comments on the implementation, by the Moroccan authorities, of these political commitments.

6.1. Abolition of the death penalty

62. Although the *de facto* moratorium on executions has been in place since 1993, the death penalty remains on the books and the courts in Morocco continue to pass death penalty sentences. According to Amnesty International, five death sentences were pronounced in 2011, and at least seven in 2012.

63. During the Universal Periodic Review in the framework of the United Nations Human Rights Council, the Moroccan authorities announced that a draft law was under preparation aimed at reducing the number of crimes for which capital punishment could be handed down. The authorities agreed to consider further steps towards abolition, but rejected immediate abolition.

64. At the same time, public debate on abolition is ongoing. In October 2012, the first regional seminar on the death penalty was organised in Rabat by the International Bar Association's Human Rights Institute (IBAHRI) and several Moroccan human rights organisations.

65. In February 2013, the Parliamentary Network against the death penalty (*Réseau des parlementaires contre la peine de mort*) was established at a constitutive meeting which was held in the parliament. This network, which brings together more than 160 MPs from both Chambers and from various political groups, intends to advocate a law aimed at abolishing capital punishment, and in favour of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) aiming at the abolition of the death penalty. Pending abolition, the network seeks an official announcement of a moratorium.

6.2. Elections

66. As mentioned above, early elections to the Chamber of Representatives were held in Morocco on 25 November 2011 on the basis of the new constitution. The turnout was about 45% of registered voters, which was higher than in the previous parliamentary elections (37% in 2007), but much lower than in the constitutional referendum (about 70%).

67. In accordance with the new constitution, the number of seats at the Chamber of Representatives increased from 325 to 395. 305 seats are allocated for the local lists, while the national list of 90 seats consists of a 60-seat list reserved for women and another of 30 seats for candidates under the age of 40.

68. Under Moroccan law, the National Council on Human Rights (*Conseil national des Droits de l'Homme*, CNDH) is in charge of supervising and facilitating the work of domestic and international electoral observers. About 3 500 domestic and 300 international observers were accredited for the 2011 elections.

69. An ad hoc committee of the Assembly observed those elections and concluded that "the parliamentary elections … took place in a calm atmosphere, with voters able to choose freely among the different political parties".[7]

70. It also emphasised that "following the adoption of the new Constitution of 1 July 2011, the Moroccan authorities have improved the electoral framework, facilitating the organisation of free and fair elections, provided that it is properly implemented".[8]

71. At the same time, the ad hoc committee was informed of "a number of irregularities alleged to have taken place during the election campaign, including serious cases of electoral corruption, vote-buying, improper use of administrative resources, and also intimidation and exertion of pressure, particularly in respect of those who had called for a boycott of the elections".[9]

72. Consequently, the ad hoc committee asked the competent authorities of Morocco "to do their utmost to elucidate these allegations and establish responsibility and notify the public and the Parliamentary Assembly of their findings as swiftly as possible".[10]

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7. See Doc. 12832, paragraph 40.
8. Ibid., paragraph 41.
9. Ibid., paragraph 43.
10. Ibid., paragraph 44.

73. It invited the authorities of Morocco "to carry out in-depth analysis of the organisation of the parliamentary elections of 25 November 2011" and expressed the view that this work "should be carried out in close co-operation with the Venice Commission with a view to improving electoral legislation as well as certain practical aspects of organising voting and, more generally, the electoral process as a whole before the next elections".[11]

6.3. Balanced participation of women and men in public life and politics

74. As mentioned earlier, the new Moroccan Constitution proclaims equality between women and men, and provides that the State shall work to achieve parity between women and men (Article 19). It further provides for the establishment of a specific authority for parity and non-discrimination, but implementing legislation is yet to be adopted. The Council of Europe is providing assistance in the drafting of it.

75. Although women's representation in the parliament has increased from 34 to 67, the current government includes only one female minister.

76. I trust that more details on this subject matter will be provided by the rapporteur for opinion of the Committee on Equality and Non-Discrimination.

6.4. Accession to Council of Europe conventions and partial agreements

77. In January 2013, Morocco acceded to the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (ETS No. 120).

78. In December 2012, Morocco signed the Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health (CETS No. 211).

79. Furthermore, Morocco has been invited to accede to, or to sign, 14 more Council of Europe conventions.

80. In addition, Morocco is Party to six Council of Europe partial agreements: Co-operation Group for the Prevention of, Protection Against, and Organisation of Relief in Major Natural and Technological Disasters (EUR-OPA) (since 1995); European Pharmacopoeia (since 1997); European Commission for Democracy through Law (Venice Commission) (since 2007); European Centre for Global Interdependence and Solidarity (North-South Center) (since 2009); Enlarged Partial Agreement on Sport (EPAS) (since 2010); and Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs, Pompidou Group (since 2011).

6.5. Informing the Assembly on progress made in implementing Council of Europe principles

81. Chapter 8 of this report contains information on multi-form dialogue between the Assembly and the Parliament of Morocco, which provides opportunities for the Moroccan partners to keep our members regularly informed on the political developments in their country in the light of the values upheld by the Council of Europe.

82. In particular, at the meeting of the Committee in Turin in December 2012, the Speaker of the Chamber of Representatives, Mr Ghellab, made a detailed presentation on the state of play with regard to the legislative work aimed at implementing reforms. The meeting which the Committee held in Rabat in March 2013 largely focused on the review of the process of reforms in Morocco and the co-operation with the Council of Europe.

83. Generally, I conclude that the Moroccan authorities, both at parliamentary and at government level, keep in their sight the political commitments taken by the Parliament of Morocco in the framework of its partnership for democracy with the Assembly, and take them into account in the process of policy making.

84. More efforts on the part of our Moroccan colleagues are needed on issues related to the abolition of the death penalty and on ensuring parity between women and men. At the same time, other issues raised in Resolution 1818 (2011), in particular in paragraph 8, should remain on the top of the reform agenda. Legislative work needs to be intensified in order to fully and effectively implement the provisions of the new constitution.

85. Furthermore, the parliament should do more to put in practice its general commitment to the core values of rule of law and respect for human rights and fundamental freedoms, and take the lead in addressing issues reported by the major international human rights advocacies.

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11. Ibid., paragraph 47.

86. Those issues include, *inter alia*: use of excessive violence by police against peaceful protesters; alleged torture and other ill-treatment by the security forces; incommunicado detention; lack of fair trial and use of "confessions" obtained under torture; poor prison and detention conditions; infringement of freedom of speech and the press; lack of freedom of assembly and association; discrimination against women and girls; trafficking in human beings; and child labour. I count on the opinion of the Committee on Legal Affairs and Human Rights to provide further information and analysis on these matters which are of paramount importance for our partnership.

87. In this context, I would also encourage the Moroccan authorities to consider accession to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), and the Council of Europe Conventions on Action against Trafficking in Human Beings (CETS No. 197) and on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, CETS No. 210).

7. Intergovernmental co-operation

88. In Resolution 1818 (2011), the Assembly expressed the hope that "granting partner for democracy status to the Parliament of Morocco would contribute to intensifying co-operation between this country and the Council of Europe and promoting Morocco's accession to Council of Europe conventions". It furthermore encouraged the Secretary General of the Council of Europe, in co-ordination with the European Union, "to mobilise the Organisation's expertise, including that of the Venice Commission, with a view to contributing to the full implementation of democratic reforms in Morocco, in particular in the framework of the forthcoming constitutional reform".

89. This proposal has now been acted upon. In the context of Secretary General Jagland's initiative for the Council of Europe's policy towards its immediate neighbourhood, a series of action plans were drawn up to give form to structured co-operation with neighbouring countries, including Morocco.

90. In April 2012, the Council of Europe and the Moroccan authorities agreed on an action plan "Neighbourhood Co-operation Priorities for Morocco 2012-2014" (NCP Morocco), which contained a number of bilateral programmes intended to assist the process of democratic transition in the country and help tackle challenges relating to human rights, the rule of law and democracy.

91. The main objectives of this co-operation are:

– to enable Morocco to benefit from the Council of Europe's experience in building democracy, notably by providing expertise, good practice, training, advice, election observation, sponsorship, internships, etc.;

– to consolidate Morocco's presence in the Council of Europe structures with which it has already established co-operation, and to encourage its participation in other partial agreements and mechanisms;

– to bring Moroccan legislation into line with Council of Europe standards, with a view to the possible ratification of a certain number of the Organisation's conventions open to non-member States.

92. The programmes set out in the NCP Morocco are based on a "demand-driven" and targeted approach, and are the result of consultations between the Council of Europe and the Moroccan authorities. Thus, they reflect both the needs and expectations of the Moroccan side, and the offer that the Council of Europe can bring in the fields of its core competences, namely respect for human rights, rule of law and democracy.

93. It is worth pointing out that, when negotiating the NCP Morocco, due attention was paid to Assembly Resolution 1818 (2011), in particular to the need for reform in the areas singled out in paragraph 8 thereof.

94. As regards human rights, the NCP Morocco include activities to strengthen gender equality, prevent and combat violence against women and children, promote the integration of people with disabilities, and ensure social rights in the sphere of health.

95. Concerning the rule of law, the main emphasis is on accompanying the justice system reform aimed at strengthening its independence and efficiency. The Council of Europe's advice and expertise are also offered to the legislative work, including on constitutional laws (*lois organiques*), and on strengthening non-legal protection in the field of human rights through mediation.

96. Taking into account the interest of the Moroccan authorities in joining some Council of Europe conventions, as was called for by the Assembly in Resolution 1818 (2011), activities are planned to create the appropriate conditions for this.

97. The NCP Morocco also cover activities which address threats to the rule of law such as corruption, money laundering, cybercrime, and trafficking in human beings.

98. In the field of democracy, priority areas are strengthening of democratic governance, including at local and regional level, and providing electoral assistance. Furthermore, special attention is paid to creating elements of a sustainable democratic society, notably through the training of young people in human rights and democratic governance.

99. The Assembly is also contributing to the activities in this field, in particular, by organising seminars and training for members and support staff of the Moroccan Parliament (see chapter on parliamentary co-operation).

100. The activities foreseen in the NCP Morocco are mainly financed by the European Union under the joint Council of Europe-European Union programme "Strengthening democratic reform in the southern Neighbourhood" which covers three years (2012-2014) and has a budget of 4.8 million euros. In addition, a regional programme on prevention of violence against women and children, focusing on Morocco and Tunisia, has been financed through a 500 000 euro voluntary contribution by Norway.

101. Several concrete actions foreseen in the framework of the NCP Morocco are now in the process of implementation. As regards the rule of law, the Council of Europe's European Commission for the Efficiency of Justice (CEPEJ) produced an evaluation report on the Moroccan judicial system, and presented its proposals to the Moroccan authorities, which expressed interest in obtaining observer status with this expert body.

102. As regards the fight against corruption, Council of Europe experts are conducting an assessment of the existing Moroccan legislative and institutional framework, and provide legal analysis and advice in drafting a law on a future national instance of probity, prevention and struggle against corruption, which is to be established in accordance with the new constitution.

103. A regional programme on the prevention of violence against women and children started with a high-level conference in Rabat in September 2012; specific assistance to Morocco is now being studied.

104. In the area of gender equality, Council of Europe experts provide assistance in drafting legislation on establishing the Authority for parity and the fight against all forms of discrimination and the Consultative Council of the Family and Childhood, both foreseen under the new constitution.

105. The Council of Europe also contributes to the strengthening of civil society and the promotion of democratic values. A Citizen School of Political Studies was launched in Rabat in March 2013; it joins the Council of Europe network of schools of political studies and will participate in various activities, such as the World Forum for Democracy to be held in Strasbourg in November 2013. In addition, several activities aimed at promoting the democratic participation of young people have already been organised in Morocco, also covering the regional dimension.

106. In order to facilitate the implementation of the activities foreseen in the NCP Morocco, the Council of Europe established a presence in Rabat which has been in operation since June 2012. It has been instrumental in the initial phase of the co-operation, and is set to become even more important as co-operation intensifies. However, this presence is yet to be given an appropriate formal status in the form of an agreement with the Moroccan authorities. I hope that such an agreement can be concluded in the near future, so as to contribute to the implementation of the whole range of activities foreseen in the NCP Morocco.

107. I also wish to stress that the democratic transformation is a process to be seen in a long-term perspective. A three-year co-operation programme with Morocco should be considered as the first stage, which needs to be continued and expanded, provided that it brings about expected results.

8. Parliamentary dialogue and co-operation

108. Representatives of the Parliament of Morocco have been regularly invited to attend the Assembly sessions since the adoption of Resolution 1598 (2008) on strengthening co-operation with the Maghreb countries, and took part in the meetings of the Political Affairs Committee during the examination of the report on the Moroccan Parliament's request for partner for democracy status in 2010 and 2011.

109. Since the status was granted, members of the newly appointed partner for democracy delegation have been fully involved in the activities of the Assembly and its committees. They regularly speak in the Assembly Chamber and are constantly present at our committee meetings, both in Strasbourg and in Paris, as well as at external meetings (for example in Helsinki in September 2012 and in Turin in December 2012). In Turin, the Moroccan delegation was headed by the Speaker of the Chamber of Representatives.

110. Our Moroccan partners also took part in the meetings of the Sub-Committee on External Relations in New York (December 2012) and of the Sub-Committee on the Middle East in Jordan (April 2013). As far as the latter meeting is concerned, the two members of the Moroccan delegation were unfortunately prevented from entering Palestine.

111. A hearing on Women in the Arab Spring was jointly organised by the Committee on Political Affairs and Democracy and the Committee on Equality and Non-Discrimination on 24 April 2012 and participants included the Moroccan Minister of Solidarity, Family, Women and Social Development, Ms Bassima Hakkaoui. On the same day, the Assembly adopted Resolution 1873 (2012) "Equality between women and men: a condition for the success of the Arab Spring", on the basis of a report presented by the Committee on Equality and Non-Discrimination (Rapporteur: Ms Fatiha Saïdi) which covers also the situation and role of women in Morocco.

112. Our committee also held two hearings on the theme "Parliamentary contribution to solving the Western Sahara conflict", one in Paris on 14 November 2012 and one in Rabat on 14 March 2013, in the context of the preparation of a report on this topic by Ms Liliane Maury Pasquier.

113. In addition to the above mentioned meeting of the Committee on Political Affairs and Democracy in Morocco, the Committee on Migration, Refugees and Displaced Persons also held a meeting in Rabat in April 2013.

114. The Moroccan representatives have also participated in conferences and other events organised by the Assembly. For example, the Speakers of both Chambers of the Parliament attended the European Conference of Presidents of Parliament on "Is representative democracy in crisis? Challenges for national parliaments" (Strasbourg, September 2012).

115. Moreover, in the framework of the joint Council of Europe–European Union programme on strengthening democratic reforms in the countries of the southern neighbourhood, the Assembly prepared a number of activities on some specific themes destined for the members and staff of the Parliament of Morocco.

116. In November 2012, the Assembly organised in Rabat, in co-operation with the Venice Commission, a seminar on parliamentary control over the activities of the government. Members of the Assembly shared with Moroccan colleagues their experience in controlling the government through oral and written questions and through procedural means and commissions of inquiry.

117. Another parliamentary seminar on the practice of people's legislative initiatives was organised in Rabat in May 2013. I must, however, express my disappointment at the low number of Moroccan participants at this event.

118. Further parliamentary seminars on combating violence against women and on the rights of parliamentary opposition are planned in 2013 and 2014, and I hope that these activities will receive due attention and involve the active participation of Moroccan parliamentarians.

119. In December 2012, a group of members of the staff of the parliament participated in a study seminar in Strasbourg on the Assembly and on the activities of various bodies and instruments of the Council of Europe, including the European Court of Human Rights and the Council of Europe Commissioner for Human Rights. A new seminar for the staff is foreseen in June 2013.

120. In turn, representatives of the Assembly have been invited to several events organised by the Moroccan Parliament.

121. I can but welcome the active involvement of the Moroccan partners in the parliamentary activities within our Assembly and I encourage them to further strengthen this relationship.

9. Conclusions

122. When agreeing to grant partner for democracy status to the Parliament of Morocco, the Assembly stressed that progress in taking forward reforms was the primary aim of the partnership and should constitute the benchmark for assessing its efficiency.

123. Against this background, we can observe that the reform process in Morocco has made a promising start with the adoption of the new constitution, the holding of early parliamentary elections and the formation of a government based on the results of those elections.

124. The role of democratic institutions, including the parliament and political parties, has increased; the political process has become livelier, thus offering the Moroccans more opportunities to democratically express their will.

125. However, the democratic potential of the new constitution has yet to be implemented through the adoption of necessary legislation and the establishment of structures foreseen by the constitution.

126. At the same time, the Council of Europe and the Government of Morocco have drawn up an important co-operation programme, intended to make a tangible contribution to the reform process and to give our partnership practical meaning. This programme aims to address some important issues raised in Resolution 1818 (2011).

127. We can therefore conclude that the partnership has created new dynamics in the co-operation between the Council of Europe and Morocco, and thus contributed to achieving its primary aim.

128. The members of the Moroccan partner for democracy delegation have actively participated in the work of the Assembly and of its committees, and have become more integrated in the European parliamentary dialogue.

129. By and large, the members of the Moroccan partner for democracy delegation have acted in the spirit of the political commitments entered into under the partnership. They are encouraged to step up their efforts in order to speed up the implementation of the process of reform, and to address remaining concerns with regard to the rule of law and respect of human rights and fundamental freedoms, including in the areas mentioned in paragraph 8 of Resolution 1818 (2011).

130. The Assembly should continue to review the implementation of political reforms in Morocco and to assess the efficiency of its partnership with, and to offer its assistance to the Moroccan Parliament.

Appendix – Constitutional laws provided for by the new Constitution of Morocco

Constitutional laws on:

– ensuring the official status of the Amazigh language (Article 5)
– the setting up of the National Council for Moroccan languages and culture (Article 5)
– the rules relating to the setting up and activities of political parties (Article 7)
– citizens' right to submit legislative motions (Article 14)
– the right to submit petitions to public authorities (Article 15)
– the conditions and arrangements for the exercise of the right to strike (Article 29)
– the rules of procedure of the Regency Council (Article 44)
– the list of strategic establishments and enterprises whose leaders are appointed by the government (Article 49)
– the House of Representatives (Article 62)
– the House of Councillors (Article 63)
– parliamentary committees of enquiry (Article 67)
– the budget (Article 75)
– the rules relating to the organisation and conduct of the work of the government and the status of its members (Article 87)
– the status of judges (Article 112)
– the Supreme Judicial Council (Article 116)
– the rules relating to the organisation and functioning of the Constitutional Court (Article 131)
– the jurisdiction of the Constitutional Court (Article 133)
– the management of local and regional authorities (Article 146)
– the Economic, Social and Environmental Council (Article 153)