Parliamentary Assembly
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COUNCIL OF EUROPE
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**Resolution 2282 (2019)**[1]

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

Parliamentary Assembly

1. On 21 June 2011, the Parliament of Morocco became the first partner for democracy with the Parliamentary Assembly under the terms of Resolution 1818 (2011) on the request for partner for democracy status with the Parliamentary Assembly submitted by the Parliament of Morocco.

2. The Assembly recalls that 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 undertook substantive political commitments in accordance with Rule 64.2 of the Rules of Procedure of the Assembly. When granting the status, the Assembly took note of these commitments and pointed to a number of specific measures which were essential to strengthen democracy, the rule of law and respect for human rights and fundamental freedoms in Morocco.

3. Progress in taking forward reforms was the prime aim of the partnership for democracy and should constitute the benchmark for assessing the effectiveness of this partnership. In 2013 and 2015 the Assembly reviewed the progress achieved in implementing the political commitments and reforms considered to be essential (Resolution 1942 (2013) and Resolution 2061 (2015) on the evaluation of the partnership for democracy in respect of the Parliament of Morocco).

4. After seven years of implementation of the partnership with the Parliament of Morocco, the Assembly makes a positive assessment of its results. In this context, the Assembly notes that Morocco has made progress in strengthening democratic governance and calls on the authorities to pursue and take ownership of the reforms so as to implement fully the ambitions of the 2011 constitution.

5. As regards the political commitments entered into by the Parliament of Morocco upon requesting partner for democracy status, the Assembly:

5.1. notes the maintaining of the *de facto* moratorium on the death penalty applied since 1993, a clear trend towards restricting the scope of capital punishment and the continuing debate on its abolition, both within civil society and among its institutions. Nevertheless, the Assembly is still concerned that the Moroccan courts continue to impose the death penalty. The Assembly reiterates its call on the Moroccan Parliament to work towards abolition of the death penalty and, pending such abolition, to promote a *de jure* moratorium on executions. It also encourages the Moroccan authorities to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

5.2. welcomes the professionalism with which the Moroccan authorities organised the 2016 parliamentary elections, and the prior reform of the electoral legislation, even though it was passed less than one year before polling. The Assembly encourages the Moroccan Parliament to take on board the recommendations of the National Human Rights Council and the ad hoc committee of the Bureau of the Assembly on the observation of the elections of 7 October 2016 (Doc. 14201 rev) in order to come up

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 24 May 2019 (see Doc. 14659 and Addendum, report of the Committee on Political Affairs and Democracy, rapporteur: Mr Bogdan Klich; Doc. 14853, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr André Vallini; and Doc. 14869, opinion of the Committee on Equality and Non-Discrimination, rapporteur: Ms Edite Estrela).

with ways of improving the representation of Moroccans living abroad and their participation in parliamentary elections. It calls on the parliament to promote the debate on modifying the system of voluntary voter registration in order to strengthen the legitimacy of national elections;

5.3. welcomes the improved representation of women in the political sphere and encourages the Moroccan Parliament to act on the proposals of the National Human Rights Council to increase the proportion of women voters registered and to introduce lists which alternate between female and male candidates at local elections. The Assembly encourages the Moroccan Parliament to consider the possibility of increasing the number of seats in the House of Representatives reserved for women and allocated on the basis of national electoral lists, and of introducing incentives for political parties with a view to increasing the number of female candidates in the other lists. It recommends repealing the provision prohibiting the re-election to the House of Representatives, for a national electoral constituency, of any person who has already been elected to the said House for that constituency. The Assembly also welcomes the decision to open up the profession of *adoul* (notaries who specialise in certain civil, family and property-related matters in Islamic law) to women and invites the Moroccan authorities to step up the protection of women against all the forms of violence and discrimination from which they suffer, including in inheritance and marriage matters;

5.4. calls on the Moroccan authorities to continue with the process begun in 2011 to create a common legal area between Europe and Morocco by ratifying the Convention on Mutual Administrative Assistance in Tax Matters (ETS No. 127), as amended by the 2010 protocol (CETS No. 208) and the Council of Europe Convention on the Counterfeiting of Medical Products and similar Crimes involving Threats to Public Health (CETS No. 211). It also calls on the Moroccan authorities to take up the 12 invitations from the Committee of Ministers to accede to certain conventions before those invitations expire. It once again calls on the Moroccan authorities to accede to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210);

5.5. welcomes the high-quality dialogue with the Moroccan Parliament, whether with regard to the Moroccan delegation’s level of participation in the Assembly’s activities or the various forms of co-operation set up between 2015 and 2018 between the parliament and the Assembly. It calls for a deepening of this dialogue and states its willingness, in due course, to give thought to how the partner for democracy status could develop in the future;

5.6. welcomes the fact that the Congress of Local and Regional Authorities of the Council of Europe granted to Morocco, in April 2019, the status of Partner for Local Democracy.

6. In addition, the Assembly:

6.1. urges the Moroccan authorities to take ownership of the reforms at national level by strengthening the resources available to parliament, and at local level by the implementation in practice of the process of devolution; to this end, the expertise of the Assembly, the Congress of Local and Regional Authorities of the Council of Europe and the European Commission for Democracy through Law (Venice Commission) could be requested;

6.2. notes with satisfaction the progress in the construction of a State governed by the rule of law, in particular the passing of almost all the institutional acts provided for in the 2011 constitution and the reform of the judiciary, which has, among other things, made the public prosecution service independent of the Ministry of Justice; calls on the Moroccan authorities and the Attorney General of the King at the Court of Cassation to make a clear contribution to a change of culture in the judiciary by promoting the principle of proportionality of sentences, both through a revision of the Penal Code and by sending general instructions to the members of the Public Prosecutor's Office, when one and/or the other proves necessary;

6.3. takes note of the results of the Universal Periodic Review carried out by the United Nations Human Rights Council; applauds the active role of the National Human Rights Council and the Royal Ombudsman in defending human rights, and the recognition enjoyed by these institutions in civil society; welcomes the extension of the powers of the National Human Rights Council to the implementation of the National Mechanism for the Prevention of Torture, and to the protection of the rights of children and of people with disabilities; and encourages the Moroccan authorities to promptly finalise implementation of these mechanisms;

6.4. urges the Moroccan authorities, in particular the parliament, which has expressed its commitment to the fundamental values of the rule of law and respect for human rights and fundamental freedoms which stem from the partnership, to address the issues identified in these areas by representatives of civil society, the media and the United Nations and to ensure respect for human rights and fundamental freedoms; as well as freedom from discrimination, and guarantee that human rights defenders, civil society and the media can operate in an environment that is conducive to their work;

6.5. asks the Moroccan authorities to reinforce their efforts to respond to the issues of concern raised in paragraph 5 of Resolution 2061 (2015);

6.6. welcomes the migration policy adopted by Morocco, based on a comprehensive and inclusive vision of the integration of migrants into Moroccan society;

6.7. urges the Moroccan Parliament to abolish the provisions of the Criminal Code that criminalise sexual relations between adults of the same sex or between adults of different sexes who are not related by marriage, as well as adultery, notes that no action has been taken in response to the recommendations on this subject set out in Resolution 1942 (2013) and Resolution 2061 (2015), and urges the Moroccan authorities to introduce a moratorium on the enforcement of Articles 489, 490 and 491 of the Moroccan Penal Code, pending their abolition.

7. Recalling its Resolution 2004 (2014) on the parliamentary contribution to resolving the Western Sahara conflict and Resolution 2061 (2015), the Assembly reaffirms its strong support to the ongoing efforts by the United Nations Secretary-General to find a political solution in the Western Sahara. It concurs with United Nations Security Council Resolution 2414 (2018), which encourages the parties “to work with the international community to develop and implement independent and credible measures to ensure full respect for human rights, bearing in mind their relevant obligations under international law”.

8. The Assembly takes note of serious concerns raised by the United Nations Secretary-General about alleged human rights violations in Western Sahara and urges the Moroccan authorities to ensure that these concerns are duly addressed, in accordance with their international obligations and in the spirit of respect of the basic values upheld by the Council of Europe. In this regard, it welcomes the role played by the National Council on Human Rights commissions operating in Dakhla and Laayoune, and Morocco’s interaction with Special Procedures of the United Nations Human Rights Council.

9. In the field of intergovernmental co-operation between the Moroccan authorities and the Council of Europe, the Assembly welcomes the positive assessment made on 21 March 2018 by the Committee of Ministers of the implementation of the Neighbourhood Partnership with Morocco 2015-2017, particularly with regard to the technical aspects. It is pleased to see the continuation of this partnership for the period 2018-2021 and the projected increase in the resources to be allocated to it.

10. The Assembly resolves to continue to review the implementation of political reforms in Morocco and to offer its assistance to the Moroccan Parliament, and to make a new assessment of the partnership when appropriate.