Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15400
25 November 2021

Observation of the parliamentary elections in Morocco (8 September 2021)

Election observation report
Rapporteur: Mr Alberto RIBOLLA, Italy, European Conservatives Group and Democratic Alliance

1. Introduction

1. The Moroccan Parliament was the first to receive the partner for democracy status with the Parliamentary Assembly in 2011, committing itself to do everything possible for future elections to be conducted according to international standards. By signing this partnership status, it also undertook to invite the Assembly to observe future legislative elections.

2. The Assembly observed the 2011 and 2016 parliamentary elections. In 2016 in Morocco, the Assembly election observation mission concluded that the legislative elections held on 7 October 2016 took place in a calm atmosphere, with voters able to make their choice freely from the lists presented by parties of different political sensibilities. Major concerns included: legislative changes at a late stage; low turnout; low participation of Moroccans living abroad; lack of independent central electoral commission, and confusing voting slips.

3. On 12 July 2021, Ms Amina Bouayach, President of the Moroccan National Human Rights Council (CNDH - Conseil national des droits de l'homme), sent an invitation letter to the President of the Assembly inviting the Assembly to observe the elections to the House of Representatives to be held on 8 September 2021. These elections were to be held in parallel with the local and regional elections.

4. The Bureau of the Assembly, following a written consultation, reacted positively to this invitation and, at its meeting on 6 September 2021, confirmed its decision to observe these elections and set up an ad hoc committee, comprising 11 members. It also confirmed the appointment of Mr Alberto Ribolla (Italy, EC/DA) as its chairperson. The list of members of the ad hoc committee appears in Appendix 1.

5. In line with the co-operation agreement signed on 4 October 2004 between the Assembly and the European Commission for Democracy through Law (Venice Commission), a representative of the Venice Commission was invited to join the ad hoc committee as a legal adviser.

6. The ad hoc committee visited Morocco from 6 to 9 September 2021 and held meetings with *inter alia* political party members, the President of the CNDH, representatives of the Ministry of the Interior, of the High Council and High Authority for Audio-visual Communication, as well as representatives of the international community present in Morocco and representatives of the media and civil society. The programme of the ad hoc committee is set out in Appendix 2.

7. On polling day, the ad hoc committee split into seven teams which observed voting in Rabat and its region, as well as in the towns and regions of Casablanca, Fez and Marrakesh.

8. The ad hoc committee concluded that the legislative elections held alongside the local and regional elections were well run, in spite of the many challenges posed by the Covid-19 pandemic. The delegation welcomed the professionalism of the State authorities responsible and the courtesy of the members of the polling stations, who helped organise the poll with integrity and in transparency. It nevertheless regretted the

late introduction of changes to the electoral law and the fact that the exercise of the right to vote remains denied to several categories of the Moroccan population and is made overly difficult for Moroccan citizens residing abroad. The press release prepared following the elections appears in Appendix 3.

9. The ad hoc committee wishes to thank the Moroccan authorities and the CNDH for their co-operation. It also extends its gratitude to the staff of the Council of Europe office in Morocco for their organisational and logistical support. It regrets, however, that it was not possible to converse directly with representatives of the various political parties, which would have enabled the ad hoc committee to better understand the political platforms and the concerns of the political forces in the country.

2. Political system and legal electoral framework

10. The Kingdom of Morocco is a constitutional monarchy. The King still exercises effective influence and political power, albeit shared with the representative parliament. The new Constitution adopted in 2011 was proposed by King Mohammed VI himself and approved by referendum. Article 1 of the Constitution describes the political system as "a constitutional, democratic, parliamentary and social monarchy".

11. The Constitution was adopted in the aftermath of the 20 February 2011 popular movement, which has been seen as part of the Arab Spring movements, and which represented a significant step towards democratisation through the increased powers of the parliament and the autonomy of the government. Nonetheless, the balance of power remains strongly in favour of the monarchy.

12. Executive power is exercised by the government, the head of which is appointed by the King "from within the political party arriving ahead in the elections of the members of the House of Representatives, and with a view to their results" (Article 47). The King also directly appoints the Minister for Foreign Affairs, the Minister of Interior, the Minister of Defence and the Minister of Religious Endowments and Islamic Affairs; and enjoys a high level of decision-making power on long-term and strategic issues, such as foreign policy, large infrastructure projects or the status of Western Sahara. On the religious front, the King remains the country's foremost religious authority and retains his title of "Commander of the Faithful". He can also dissolve the parliament and suspend constitutional guarantees. Therefore, the Moroccan political system cannot quite be considered a parliamentary one.

13. Legislative power is vested in the bicameral parliament, comprising a lower house – the House of Representatives (Majlis al-Nuwab) – with 395 members elected every five years by universal suffrage, and an upper house – the House of Councillors (Majlis al-Mistacharin) – with 120 members elected indirectly by representatives of professional bodies, employees, the General Confederation of Business and regional and local authorities, a third of whom are renewed every three years. The latest elections for the House of Councillors took place a month after the elections to the House of Representatives, on 5 October 2021.

14. The members of the House of Representatives are elected for a five-year term. Any member of the House of Representatives who relinquishes the political affiliation under which they stood for election or membership of their parliamentary group or grouping, forfeits their office. As far as immunity of parliamentarians in office is concerned, Article 64 of the Constitution stipulates that no member of parliament may be prosecuted, subject to a search warrant, arrested, detained or judged on the grounds of an opinion expressed or a vote cast by them in the exercise of their duties, except where the opinion expressed challenges the monarchic form of the State or the Muslim religion or constitutes a violation of the respect due to the King.

15. The voting process for the House of Representatives is complex and is governed by:

– Article 11 of the Constitution;

– Organic Law No. 27-11 on the House of Representatives, which contains specific provisions on the electoral system, eligibility requirements; declaration of candidates; electoral campaigning; offences and sanctions; electoral operations; electoral disputes and campaign financing;

– Law No. 57-11 on general electoral lists, referendum operations and the use of public audiovisual means during electoral and referendum[1] campaigns, amended by Law No. 02-16. It applies to the election of the House of Representatives with regard to the establishment and revision of the general electoral roll, including registration requirements and electoral disabilities;

1. This law incorporates all the provisions of Law No. 9-97 on the Electoral Code, while introducing new provisions mainly taken from Law No. 36-11 on the renewal of general electoral rolls after their computer processing.

– Organic Law No. 29-11 on political parties and Organic Law 33-15 supplementing and amending it;

– Law No. 30-11 fixing the conditions and modalities of independent and neutral observation of elections.

16. The 395 members of the House of Representatives are elected by direct universal suffrage under a list system, broken down as follows (Articles 1 and 2 of the Organic Law):

– 305 members are elected in 92 local constituencies established by decree according to a principle geared towards geographical balance while taking account of spatial aspects. At least one constituency is established per prefecture, for which a number of seats determined by decree are allocated, ranging from two to six. More than one constituency may be established in certain prefectures or provinces. The redistricting took place in 2011 and does not take into account the demographic changes that may have intervened in the last 10 years.

– 90 members are elected from the regional electoral constituencies.

In practice, it should be noted that the electoral division does not respect the demographic balance by acting as an electoral engineering mechanism. In general, the population residing in large cities is under-represented, thus giving greater weight to votes from less populated areas

17. The creation of regional constituencies is one of the novelties introduced by the reform of the electoral law adopted in March 2021. This reform eliminated the national electoral constituency, which provided for a double quota of women and men under 40 years of age. The new regional constituencies have to respect a quota for women's representation, where the first and second positions in each candidate list are reserved for women.

18. These measures have been regarded as being highly necessary, for despite the slight increase in the presence of women in elected positions, political participation of women remains contingent on the use of affirmative action mechanisms. In the 2016 composition of the House of Representatives, women were represented by 20,5 %; and in the at the Chamber of Councillors – 11,5%. Only 4 out of 24 ministries were headed by women in the previous government.

19. The reform adopted in March 2021 changed the way the quotient is calculated: it is no longer calculated on the basis of the valid votes obtained by the lists that have reached the electoral threshold, but on the basis of the number of registered voters – a method without precedent in the world. This would normally result in a much higher electoral quotient. The higher the electoral quotient, the less likely a party is to reach it, which in practice translates into a distribution of seats among all parties, as all seats will be obtained according to the remainders. In sum, the new law introduced a new seat quotient that would make it difficult for a party to win more than one seat per constituency, something that had previously provided the Justice and Development Party (PJD) an additional number of seats in 23 constituencies in 2016.

20. Furthermore, the new law abolished the 3% threshold for representation, which opened the way to a greater fragmentation of parliament. It also abolished the previously introduced list of young people but on the other hand it should foster women’s representation in parliament through the replacement of the national electoral constituency by regional electoral constituencies

21. This atomisation effect of representation is likely to be even stronger in regional constituencies. Theoretically, with this new electoral quotient and the abolition of the electoral threshold, it will be almost impossible for a party to win more than one seat in a regional constituency. Thus, for example, it was clear from its introduction that the PJD which had obtained 27 seats on the national list in 2016, would arithmetically not be able to obtain more than 12 seats in 2021 in the regional constituencies.

22. In 2016, the electoral threshold was reduced from 6% to 3%. The March 2021 electoral reform removed it altogether. This abolition aimed at favouring small political parties, which would be able to win seats on the basis of the highest remainder, thus multiplying the atomisation effects of the representation resulting from the change in the calculation of the electoral quotient.

23. This reform, contested by the PJD as it clearly curbed their chances for a third governing mandate, was approved by the parliament with the support of all other parties. In addition, its coalition partners frequently placed it in awkward stances over issues such as the legalisation of cannabis cultivation for therapeutic purposes (supported by the Authenticity and Modernity Party (PAM - Parti authenticité et modernité) or the application of a controversial temporary hiring system in the public sector, especially involving teachers and doctors, to meet the guidelines of international financial institutions.

3. Political landscape in the run-up to the 2021 legislative elections

24. Since the constitutional reform of 2011, the Moroccan political landscape has been marked by the erosion of historical parties and the emergence of new political parties, resulting in the atomisation of parliamentary representation (18 parties represented in parliament following the 2011 elections, 12 following the 2016 elections and 13 following the 2021 elections). The lack of clear majorities – which is triggered also by the adoption of a new electoral law – favours the formation of coalition governments and thus facilitates the control of governments by the royal palace. Similarly, the repression of social protest in the past years has cast a shadow on the effectiveness of the constitutional institutions that are supposed to guarantee the protection of fundamental rights. Furthermore, in October 2018, Mohammed VI appointed an ad hoc extra-governmental commission to draw up a "new development model" for the country. In April 2021, this commission submitted its general report, which will undoubtedly serve as the economic programme of the government that emerges from these elections.

25. In the last decade, the moderate Islamist Justice and Development Party (PJD) has been the dominant political force. However, the party's electoral support percentages (27.08% in 2011, 27.88% in 2016) have not allowed it to form a government on its own. Following the 2016 elections, the outgoing head of government Abdel-Ilah Benkiran (PJD) was reappointed by the King, but the six-month stalemate in negotiations with the other parties forced him to step down in favour of Saad Dine El Otmani (PJD), who became head of government on 17 March 2017. The coalition included, in addition to the PJD, the National Rally of Independents (Rassemblement National des Indépendants – RNI), the Party of Progress and Socialism (Parti du Progrès et du Socialisme – PPS), the Popular Movement (Mouvement Populaire – MP), the Constitutional Union (Union Constitutionnelle – UC) and the Socialist Union of Popular Forces (Union Socialiste des Forces Populaires – USFP). Following the change of government in October 2019, the PPS left the coalition.

26. March 2020 saw the beginning of the Covid-19 pandemic. Morocco's initial fast response to the pandemic put it among the world's Covid-19 success stories and lockdown measures were lifted by July. However, the government's actions under the state emergency situation were largely criticised and described as a "reversal of democratic reforms", with parliament being side-lined and its duties increasingly usurped by the government. For instance, the Interior Ministry suspended local council meetings (even remote meetings held online), an action the Constitution has reserved exclusively for parliament.

27. In general, Morocco has known significant and long-standing popular disaffection with political parties, which is reflected in very low rates of participation in elections (43% in 2016, 45% in 2011, according to data provided by the Ministry of Interior). Disaffection has also been expressed through very high percentages of invalid and blank ballots. For instance, the estimated percentage of blank or invalid votes in 2016 was close to 20%.

28. According to the Moroccan Institute for Policy Analysis (MIPA) Trust Index 2021[2], about two-thirds of respondents (64%) did not consider voting in the upcoming elections (2021), compared to only 32% who were considering voting. In addition, the study found that there is low trust in the elected institutions, with the exception of trust in the government, which has significantly increased in 2020, as 50% of Moroccans said they trust the current government compared to 23% in the previous year. Furthermore, 70% of the respondents stated that they do not trust the parliament (with 33% not trusting it at all).

29. In response to the general public disaffection and, considering the traditionally higher voter turnout for local elections, the authorities decided to call for the national legislative elections to coincide with the municipal and regional elections. The new electoral law, besides providing for a new way to calculate the seat quotient, also moved the elections on a working day, instead of Friday, the traditional polling day. Several parties had argued in favour of this change on the assumption that participation in the polls would be higher if they were held on a working day.

30. On 8 August 2021, it was reported that the government was considering postponing the elections due to the Covid-19 pandemic. The difficulty of carrying out election activities while limiting transmission of the virus, as well as the economic challenges of carrying out an election during the economic recession, were cited as underlying factors. Meanwhile, some parties, and notably the Ministry of Interior opposed this proposal, claiming it was a ploy by the incumbent government to prolong its control over the nation.

2. MIPA Trust Index 2021: Crisis as an Opportunity to Build Trust, https://mipa.institute/8425.

4. Election administration, voter lists and candidate registration

31. Parliamentary elections in Morocco are run by a governmental commission for the elections formed by the Ministry of the Interior and the Ministry of Justice. In practical terms, the Ministry of the Interior manages the electoral process. There is no independent professional structure in the form of a central election commission, which has been a long-standing recommendation by the Assembly.

32. Election observation and accreditation issues are run by a Special Commission for the Accreditation of Election Observers, which is chaired by the President of the CNDH or her delegate. This special Commission is made up of: four members representing the government authorities responsible for Justice, the Interior, Foreign Affairs and Cooperation, and Communication; a representative of the Inter-ministerial Delegation for Human Rights; a representative of the National Authority for Integrity, Prevention and the Fight against Corruption; representatives of civil society associations represented on the National Human Rights Council; any person qualified to attend the work of the commission in an advisory capacity. At the same time, the CNDH also acts as an election observation body.

33. The elections were organised in 92 electoral constituencies, via 3 884 offices and 43 314 polling stations. Each polling station was managed by a president and three members of the Board, the youngest being the secretary.

34. Any Moroccan citizen over 18 years of age has the right to vote, on condition that he or she has full civil and political rights and does not present any of the disqualifying criteria provided for in the law. Morocco has an active registration system, according to which a citizen should register to the competent authorities to exercise his/her right to vote.

35. One special feature of the 2021 elections is that they coincided with the holding of municipal and regional elections that are scheduled every six years. The aim was to ensure a higher turnout, given that the municipal elections have always recorded higher levels of voting than the legislative elections.

36. In 2016, the turnout was 43%, namely 6.8 million of the 15.7 million people entitled to vote. Exceeding this figure therefore constituted a challenge. In June 2021, the Ministry of the Interior reopened the voter registration process and gave the possibility to register or to re-register to change address. The statistics of the electoral roll as of 30 July 2021 showed an increase of 2 280 898 voters in 5 years, namely 14.5% compared to the lists drawn up for the 2016 parliamentary elections. A total of 17 983 490 people were registered.

37. A large proportion of new registrants were young people aged 18 to 24, most of whom were voting for the first time, representing 8% of the total number of registered voters. In terms of gender distribution, 46% of voters on the voters' list were women and 54% men, while 46% of registered voters were from rural areas and 54% from urban areas. In terms of age segmentation, 23% of the registered voters were 60 years and older, while 9% were between 55 and 59 years old and 20% between 45 and 54 years old. Registered voters aged 35-44 represented 21% compared to 19% for the 25-34 age group and the above-mentioned 8% for the 18-24 age group.

38. Nonetheless, the number of registered voters remained relatively low. The pyramid of voters indicates an under-representation of young people aged 18-24 as compared to the forecast of 17% by the High Commission for Planning, which means that around 2 800 000 were not included in the lists. At least 7 million Moroccans with the right to vote, in addition to those living abroad, remain missing from incomplete electoral lists due to the method of compilation, which is reliant on citizens' voluntary registration[3]. In fact, Moroccan citizens who meet all the legal requirements but are not yet registered on the general electoral registers must submit their applications to register directly with the offices of the local administrative authorities closest to them or via the website on general electoral registers. The same also applies to voters who have changed address, who must re-register on the general registers.

39. The electoral census issue has traditionally been very controversial in Morocco. For decades, there has been a great discrepancy between the figures for the population of voting age and the electoral registers. Several political parties have called for an automatic registration system but the government has opposed this on technical grounds. An actual electoral census would further highlight the disaffection with politics among a large section of the population, especially the young.

3. López García, B. and Kirhlani, S., The Moroccan Elections of 2021: A New Political Architecture For a New Development Model – Analysis, Eurasia Review: News and Analysis, 4 October 2021.

40. Over the years, the Moroccan authorities have made substantial efforts into curbing fraud in the electoral procedures. One of the measures taken is to allow voting only in polling stations; there is no mobile ballot box to reach those who are unable to come to the designated polling stations. This however means that people with limited mobility are deprived of their right to vote. It is equally regrettable that, according to the Electoral Code, various categories of citizens such as the military, law enforcement agents, naturalised Moroccans of less than 5 years or detainees in pre-trial detention are excluded from the electoral process.

41. Moroccan citizens living abroad may apply to register. Those concerned must submit their applications to the relevant administrative board or Moroccan embassies or consulates in their place of residence, or via the specially dedicated website (listeselectorales.ma). According to the High Commission for Planning[4], more than 5 million Moroccans are living abroad. Those who register can either to travel to Morocco and cast their vote personally or use a proxy vote. This system is considered insufficient by associations of Moroccans living abroad, who denounce the *de facto* exclusion of millions of voters. The Assembly has also consistently asked to improve the representation of Moroccans living abroad in the parliament and to facilitate their participation in elections, notably by opening polling stations abroad in the areas where considerable communities of Moroccans reside. The turnout of citizens living abroad remains low and a change in the legislation concerning their voting system should definitely be considered. The Minister of the Interior has pointed to "logistical difficulties and diplomatic constraints" that would prevent the organisation of polling stations in the countries of residence of Moroccans living abroad.

42. Altogether, 31 political parties registered for the 2021 parliamentary elections, submitting a total of 1 704 lists, of which 1 472 were local lists with 5 046 candidates, including 120 persons with disabilities. Lists of regional constituencies reached 232 containing 1 769 candidates, which is 20 candidates on average for each seat. 206 representatives (out of the 395) were standing for re-election.

43. A total of 2 329 women candidates were registered, namely 34.17%. Of these, 1 567 were included in the regional lists, which are one of the new features of this election. Only 762 women candidates were included in the local legislative constituencies. Of the 1 704 lists, 97 had a woman as head of list: 90 of whom were on the regional lists, which are reserved for women according to the new law, and only 7 by the free choice of the party to promote a woman as head of list.

44. The CNDH in its communiqué on 9 September 2021 underscores that "the data on the participation of women in the three elections confirms a persistent gap between the development of the legal system and mindsets in society". While legal mechanisms reinforced women's participation in political life (through the allocation of regional lists to women in parliamentary elections, the creation of lists for women and supplementary seats in communes where uninominal suffrage is applied), the impact of law on women's political empowerment by improving their status in society appears limited and slow. This is evidenced by the weakness of women's nominations outside the regional lists designated exclusively for women. The CNDH also expresses its deep concern on the unprecedented event concerning the images of women which were blocked on election posters: "faceless candidates".[5]

5. Election campaign, financing and media coverage

45. The electoral campaign, which ran from 26 August to the day prior to the ballot, took place in an atypical atmosphere affected by the Covid-19 pandemic and its fallout. During the two weeks it lasted, the country was subjected to a nocturnal curfew beginning at 9pm, at a time when daily infections and deaths reached unprecedented numbers, exceeding 10 000 and 150, respectively.

46. The CNDH found that the government's decision to extend the state of health emergency until 10 September 2021 was justified and met the requirement of necessity. In terms of content, the restrictions were "legally founded" and fell "under the realm of the powers legally assigned to the Government to manage the state of health emergency".[6]

47. Regarding the legal aspects of the election campaign, the most problematic aspects are the prohibition on campaigning in a place of worship and compliance with the duty of neutrality of public servants and agents of administrations. On 15 August 2021, the minister of Religious Endowments and Islamic Affairs issued a

4. https://fr.hespress.com/156359-le-maroc-compte-5-millions-de-mre-de-par-le-monde.html.
5. One day, three elections: Communal, Regional and Legislative Elections of 8 September 2021, Summary of the Press Statement by Ms Amina Bouayach, President of the National Human Rights Council, 9 September 2021.
6. Idem.

communiqué calling on all imams and preachers in the country to remain neutral, and warning that religious rectors who did not would be removed from their administrative duties. This request was also addressed to the delegates and representatives of the ministry.

48. Offences and penalties committed during the election campaign fall under the jurisdiction of the criminal courts and do not give rise to the annulment of the elections, without prejudice to the possibility of contesting the result in the electoral dispute before the Constitutional Court, which may declare the ballot vitiated by fraudulent manoeuvres.

49. According to the legislation it is forbidden to carry out and publish opinion polls directly or indirectly related to the elections during the period from the fifteenth day before the date set for the start of the campaign until the end of the voting operations.

50. The electoral contest was low-key and lacked both intensity and clear-cut polarisation on policy choices. Pandemic-related issues, mutual accusations of excessive campaign financing and the future implementation of the new development programme were at the heart of the discussions; whereas many interlocutors regretted that wider societal issues and the acute socio-economic problems, as well as the problems in the health and education sectors, were largely left out of the debates, which contributed even more to the limited importance attached to these elections by the public.

51. In the context of the third wave of Covid-19, political parties were obliged to adjust their strategies, to resort to digital techniques (videoconferences, hybrid meetings, debates on social media platforms...), to limit conventional meetings to a minimum and to scrupulously observe the restrictions in force during the pandemic. Large-scale political rallies were not allowed, and gatherings of more than 25 people were prohibited.

52. Additional measures were adopted at regional level. For instance, in some regions it was forbidden to distribute leaflets. These instructions were not fully respected, several large gatherings were organised, and leaflets littered the streets of in the cities visited, before and sometimes even on the election day.

53. Consequently, with very few exceptions, the electoral campaign shifted online. This was by no means an innovation, because in earlier elections virtual campaigns had already played a fundamental role among urban populations, which include the greatest consumers of new technology. Moreover, the most important social debates that have taken place in Morocco in the last decade, have migrated to social media platforms.

54. As soon as the election campaign got under way, social media were rapidly inundated by party political adverts and candidates' photos. According to media experts, most political parties' virtual campaigns used outdated tools and formats exhibiting little creativity almost indistinguishable from campaigns in the street. The RNI's campaign was the most creative, and it was run by professionals. Reportedly, RNI spent around 200 000 USD in adverts on social media, mainly Facebook, some 10 times more than its competitors. The Istiqlal spent around 20 000 USD. Other parties like PAM and PJD spent relatively little on social media advertising. PJD has consistently been using social media channels for several years and has a solid basis on social media, so it did not need to spend very much on further advertising. Meanwhile, the online realm enabled the few political voices calling for a boycott, the leftist An-nahj Ad-dimuqrati party and the Justice and Spirituality Islamist association, to run their own campaign unmolested by the authorities.

55. Some interlocutors of the Assembly expressed concern over the lack of accessibility of the online campaign to certain categories of the population. According to the Digital 2021,[7] 69% of the Moroccan population has access to internet and 49% is a social network's user. However, according to the Arab barometer [8] only 55% of inhabitants of rural areas have access to the Internet, compared to 76% of urban areas and only 16% of people aged 60 years and older use the Internet. The political parties were therefore obliged to take a more in-person approach to the rural population and more marginalised districts. It was in these areas that the majority of complaints about the widespread use of money to secure votes were recorded, lodged particularly by the PJD, the Party of Progress and Socialism (PPS) and the Unified Socialist Party (PSU).

56. During meetings with NGOs and media representatives, the ad hoc committee's interlocutors reported several concerns, in particular:

– low number of women in the local constituency lists and those present in very secondary positions or difficult electoral districts;

7. Digital 2021: Morocco, https://datareportal.com/reports/digital-2021-morocco.
8. www.arabbarometer.org/countries/morocco/.

– lack of transparency in the preparation/choice of the party lists;

– allegations of a lack of transparency in campaign financing;

– allegations of vote buying by payment of school fees or school equipment;

– cases of corruption among civil servants, not properly addressed by the political parties.

57. On 9 September 2021, the CNDH reported their observations on the electoral campaign, noting several other negative aspects or infringements, such as

– cases of physical and verbal violence new forms of discrimination against women by blocking their images from the electoral lists;

– low participation of persons with disabilities in electoral campaigns and the degree to which their right to run for elections was respected;

– the limited participation of Moroccans living abroad;

– lack of compliance with precautionary sanitary measures by parties and candidates;

– lack of respect of personal data;

– allegations regarding impartiality of the authorities and religious attendants and the exploitation of places of worship;

– difficulties that the observers faced while carrying out their duties.[9]

58. The ad hoc committee considers that it is up to the relevant Moroccan judicial bodies to take appropriate legal measures in order to address the concerns identified.

59. The financing of election campaigns in Morocco is governed by legal texts, notably the rules on the financing of the campaign can be found in Article 93 of the Organic Law on the House of Representatives. The expenditure ceiling is set by decree adopted on the proposal of the government authorities responsible for the interior, justice and finance.

60. The State set aside 360 million dirhams to finance the three election campaigns (160 million dirhams – approximately 15 million Euros – just for the electoral campaign of the House of Representatives). State funding is not the only source of funding. Parties can draw financial resources from membership fees, private donations, legacies and gifts that they are authorised to receive, provided that they do not exceed 600 000 dirhams (approximately 57 000 Euros) per year per donor.

61. Each candidate representative must draw up the account of his or her electoral campaign in accordance with a model fixed by regulation. The said account includes a detailed statement of the sources of financing of his electoral campaign and a statement of his electoral expenses. The interested party must attach to this statement the documents justifying the said expenses. The campaign account must be filed with the Court of Audit within thirty days.

62. The Court of Audit examines the campaign accounts of the candidates. The First President of the Court of Audit shall give formal notice to any candidate list representative or candidate concerned, as the case may be, to produce the required documents within thirty days of the date of the formal notice. The result of this examination is recorded in a report. The report shall mention the names of the candidates who have not filed accounts; nor indicated the sources of financing; nor justified their election expenses; nor attached the required supporting documents to the statement of their election expenses; or who have exceeded the ceiling set for election expenses.

63. Failure by any candidate's list representative or candidate, to submit an election campaign account within the time limits and in the manner provided for by law results in ineligibility for general and partial parliamentary elections and for general and partial elections to local authority councils and professional chambers for two successive terms.

64. It is not the mandate of the ad hoc committee to look in-depth into the campaign financing issues. However, several interlocutors mentioned the mutual accusations by party leaders of massive use of money to buy candidates and votes. The ad hoc committee feels that the oversight mechanisms of campaign

9. Summary of the Press Statement by Ms Amina Bouayach, *op. cit*.

financing should be improved, in particular, the body in charge of the control of electoral accounting (the Court of Auditors) should have effective investigation tools to be able to verify all the allegations regarding illegal electoral expenses.

65. The public audio-visual media guarantees to all political parties participating in the elections fair and regular airtime, as well as identical programming conditions in the framework of the programmes devoted to the electoral campaign. The principle of fairness in the distribution and order of airtime devoted to the parties is based on the representation of these parties in the two chambers of parliament. The specific conditions are established by a decree issued on the proposal of the government authorities responsible for the interior, justice and communication.

66. Access to public media for the political parties is regulated on the basis of 50% of the time equally distributed among the parties which already have a parliamentary group (meaning at least 20 seats), 30% to the parties which have already seats at the parliament and the remaining 20% to be distributed among the parties not represented in the parliament.

67. Provisions against illegal content in programmes during the electoral period, as well as in programmes prepared for the electoral campaign, is provided for in Article 118 of Law 57-11. This includes, the prohibition of the use of national emblems, the national anthem, places of worship, official seats and commercial brands.

68. The High Authority for Audiovisual Communication (HACA) ensures compliance with the provisions of the law in accordance with the powers vested in it by the legislation in force. The ad hoc committee had an interesting meeting with representatives of its High Council. HACA is an autonomous State institution which oversees the respect of pluralism, balanced access to media during the election period, including women's participation in electoral debates (minimum 30% of the airtime) and respect for cultural and linguistic diversity. HACA informed the ad hoc committee that efforts were constantly made to debunk fake news spread on traditional audiovisual media. HACA underlined that there was currently no legislation in Morocco on the control of the content on social media and it has therefore limited responsibility, if any, to exercise this control.

6. Election day

69. On the Election Day, the Assembly delegation was divided into 7 different teams observing in Rabat, Casablanca, Fez and Marrakesh. All in all, the teams visited 100 polling stations, mostly in urban areas.

70. The ad hoc committee members' assessment of the conduct of voting, including vote-counting, was very positive. The voting in the polling stations observed was overall very well organised, the members of polling stations were in most cases very co-operative with our observers, and the voting process was transparent.

71. The only major problem faced during the election day, was that some teams experienced a reluctance in accepting the presence of observers during the counting process. One team was clearly expelled, and the presence of another team was only tolerated after a long discussion and some negotiations on the phone. The issue of the presence of international observers and how to deal with them is perhaps not sufficiently dealt with in the trainings provided.

72. Certain shortcomings and/or incompliances were observed by the ad hoc committee members in the polling stations visited:

– a number of polling stations were not accessible for people with physical disabilities; in particular in the large polling stations located in schools where classrooms on higher floors, mainly without lifts, are used as polling stations;

– in some cases they noted over-crowding in polling stations, mostly because of the large number of party-partisan observers in the small premises and towards the end of the day there were queues which sometimes made it difficult to respect social distance;

– there were few women among polling station officials. Only a very small number of the polling station teams were led by a woman. Women were mainly playing the role of vice-presidents or were altogether absent.

73. As has been the case in previous elections, NGOs and observer organisations informed the ad hoc committee of some allegations of cases of massive vote buying, controlled voting, and voter intimidation. One team of the Assembly indeed witnessed a concrete case of an attempt at vote buying in Rabat.

74. The Assembly observer teams noted the very low rate of participation in urban areas, especially in Casablanca where by the end of the day in some places only about 10% of the registered voters had voted.

75. According to the final results issued by the Ministry of Interior, the voter turnout was 50.18%, which is seven points up compared to the previous parliamentary elections in 2016 (43%). However, it should be considered that municipal and regional elections were held at the same date and the latter usually attract more people to the polls. In addition, this figure reflects only half of the people registered on the voters' list and not the overall number of people eligible to vote.

76. Regrettably there is a chronic delay in publishing the results broken down by party. At the time of writing this document, the total votes received by the parties at national level, the number of abstentions per constituency and the spoilt ballots at the various levels remain unknown. The ad hoc committee considers that such a situation does nothing to reinforce citizens' trust in a democratic electoral process.

77. Similarly to previous elections, these elections were monitored by 70 observers belonging to 17 international organisations and a total of 7 120 national observers: 4 500 accredited by the CNDH and 2 620 by a network of 23 associations.

78. All of the observers highlighted the example set by Morocco in terms of the peaceful handover of power, respecting the verdict of the ballot box. On the day following the elections, the PJD announced the resignation of the incumbent head of government and its secretary general.

79. The following parties won seats in the House of Representatives:

PARTY	Seats 2021	Seats 2016	Difference
RNI	102	37	+ 65
PAM	87	102	- 15
ISTIQLAL	81	46	+ 35
USFP	34	20	+ 14
MP	28	27	+ 1
PPS	22	12	+ 10
UC	18	19	- 1
PJD	13	125	- 112
MDS	5	2	+ 3
FFD	3	0	+ 3
FGD	1	2	- 1
PSU	1		+ 1

80. The number of elected women is 96 or 24,3% of the total seats (up from 81 or 21%, in the previous composition) of which only 6 were elected in local constituencies. Among these 6 women MPs, 4 belong to PAM and another two represent the PPS and Istiqlal.

81. As anticipated by many analysts, the RNI emerged as the clear winner in the threefold elections, winning 102 seats in the parliament, a spectacular increase from the 37 obtained in 2016. PAM were in second place with 87 seats (102 in 2016), Itsiqlal finished third with 81 seats (46 in 2016) and UFSP (Party of the Union of the Socialist Popular Forces) is the fourth party with 34 seats (20 in 2016).

82. The ruling party PJD lost roughly 90% of its seats, plummeting from 125 seats in 2016 down to 13 in 2021. Several factors are considered to have contributed to this defeat: the change in the electoral legislation and the introduction of a higher quotient had an impact. In addition, PJD had been forced to pursue unpopular policies, especially in regard to temporary employment contracts, the suppression of the Compensation Fund, the rise in the retirement age and the wage cuts that led to a fall in the purchasing power of wide swathes of the population. Furthermore, its record in charge of the town halls of the country's largest cities (Casablanca, Fez, Tangier, Kenitra and Agadir) was controversial and patchy. Finally, its support to the Abraham accords, promoted by the Trump Administration, and the consequent new impetus to the relations with Israel, in exchange for American support for the territorial integrity of Morocco, might have alienated part of the PJD electoral base, supporting the Palestinian cause. All these factors might have prompted some of the PJD supporters to abstain from voting in 2021.

83. On 10 September, King Mohamed VI appointed, according to the Constitution, Mr Akhannouch, the billionaire leader of the RNI and former Minister of Agriculture, to form a new government. The latter immediately entered into talks with other parties and, after a month of negotiations, formed a new government with the liberal PAM and the conservative Istiqlal parties. The three parties command a comfortable majority of 270 seats (198 are needed to pass legislation). On 7 October, the day before the opening of the new parliament, the King named the new government, which now comprises seven women ministers. The new government will lay the foundations for the recently adopted "new development plan" for Morocco, designed to last until 2035. This model, commissioned by the royal palace aimed at reducing inequality, cutting poverty and fostering growth, is likely to form the basis of the economic programme of the new government.

7. Conclusions and recommendations

84. The Assembly ad hoc committee for the observation of elections to the Moroccan House of Representatives concluded that these parliamentary elections were well run, in spite of the many challenges mentioned above.

85. The ad hoc committee highlights the professionalism of the responsible State authorities which organised the poll with integrity and in full transparency. It commends the professionalism and courtesy of the polling station officials met by the delegation during its visit. It nevertheless reiterates its long-standing belief that the creation of an independent central electoral commission should be considered as a useful tool to solve some of the existing problems concerning participation and the organisation of elections, including the inclusion of young people aged 18-24 in the voters register.

86. The ad hoc committee welcomes the efforts made by various stakeholders to boost voter activity and welcomes to this end the increased voter turnout of over 50%. It acknowledges that the choice of making voters decide on the political architecture of the country at different levels in one go, served the desired goal. However, it notes that this figure only refers to registered voters and not citizens having the right to vote. It therefore encourages the State authorities to work towards introducing an automatic easy-to-update voter register that would include all citizens eligible to vote and to develop large-scale awareness raising and voter education campaigns. Besides enhancing the trust of the population in elected institutions and increasing the voter turnout, especially among young people, the ad hoc committee recommends introducing, in line with Council of Europe standards, permanent civil participation mechanism to increase active engagement of citizens into political decision making at all levels.

87. The ad hoc committee notes with satisfaction the efforts by the Moroccan authorities to include more women in politics. To this end, it welcomes the introduction of the new regional list, which paved the way to greater representation of women in the parliament. It regrets, however, that regardless of the increased number of women in the parliament, the impact of law on women's political empowerment has yet to translate into wider political realities and calls on State authorities at all level of governance and political parties to work on improving women's status in society. In order to bridge the gap between the favourable legal framework and the mindset of the society, the ad hoc committee recommends enhancing civil participation, in particular of women, and between the election periods, in co-operation with Council of Europe programmes.

88. The ad hoc committee notes that the amendments to the electoral legislation were adopted late, only a few months before the launch of the official campaign, which is not in line with the Council of Europe's recommendations on electoral practice. It encourages the new authorities to continue improving election-related legislation from the beginning of its mandate. There is definitely a need for a new redistricting of local constituencies that would reflect better the changes in the demographic distribution of the country. The newly elected parliament should also define a proper legal framework to improve the transparency of campaign financing.

89. The ad hoc Committee considers that the legal framework should be improved to allow better representation in the parliament of Moroccans living abroad and increase their participation in elections. The right to vote remains denied to several categories of the Moroccan population, including the police, the military, people in hospitals or in pre-trial detention. Further legal improvements are needed to ensure the right to vote of all citizens.

90. The ad hoc committee invites the Moroccan authorities to carry out an in-depth analysis of the organisation of these elections. The ad hoc committee is convinced that this work should be carried out in close co-operation with the Council of Europe Venice Commission, of which Morocco is a member, with a view to improving the country's electoral legislation as well as certain practical aspects of the organisation of voting and, more generally, the entire electoral process before the next elections are held.

91. The ad hoc committee invites the newly elected parliament to reinforce co-operation with the Assembly within the framework of Resolution 1818 (2011) on partner for democracy status.

Appendix 1 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

Chairperson: Mr Alberto RIBOLLA, Italy, EC/DA

Socialists, Democrats and Greens Group (SOC)

– Ms Jette CHRISTENSEN, Norway
– Mr Christophe LACROIX, Belgium
– Mr Antonio GUTIÉRREZ LIMONES, Spain

Group of the European People's Party (EPP/CD)

– Mr Viorel-Riceard BADEA, Romania
– Mr Raivo TAMM, Estonia
– Mr Jacek PROTASIEWICZ, Poland

Alliance of Liberals and Democrats for Europe (ALDE)

– Mr Damien COTTIER, Switzerland
– Ms Nicole DURANTON, France

European Conservatives Group and Democratic Alliance (EC/DA)

– Mr Alberto RIBOLLA, Italy
– Ms Olena KHOMENKO, Ukraine

Group of the Unified European Left (UEL)

– Mr Anton GOMEZ-REINO, Spain

Venice Commission

– Mr Óscar SANCHEZ MUÑOZ, Expert, Spain

Secretariat

– Ms Ivi-Triin ODRATS, Administrative Officer, Election observation and Interparliamentary co-operation Division
– Mr Alessandro MANCINI, Programme Manager, Parliamentary Projects Support Division

Appendix 2 – Programme Morocco – 6-9 September 2021

Monday 6 September 2021

8.30 – 9.30	Meeting of the ad hoc committee: – Opening of the meeting and presentation of the mission: Mr Alberto Ribolla, Chairperson of the Delegation – Background and political situation: Mr Michael Ingledow, Head of the Council of Europe office in Rabat, and Ms Grazia-Alessandra Siino, Project Manager, Cooperation project between the Assembly and Morocco – Electoral legislation: Mr Oscar Sanchez Muñoz, Venice Commission – Practical and logistical arrangements: Secretariat
9.30 – 11.00	Meeting with representatives of the diplomatic community
11.00 – 12.00	Meeting with media representatives
12.00 – 13.30	Meeting with NGO and civil society representatives (Session 1)
15.30 -16.30	Meeting with Ms Amina Bouayach, President of the National Council of Human Rights (CNDH), followed by an information session on the electoral process
16.45 – 17.45	Meeting with Ms Latifa Akharbach, President of the High Authority of Audio-visual Communication
18.15 – 19.00	Remote meeting with Mr Allal Amraoui, Chairperson of the Moroccan partner for democracy delegation to the Assembly

Tuesday 7 September 2021

9.30 – 11.00	Meeting with Mr Hassan Agman, Director of the Election Department, Ministry of the Interior
11.30 – 12.30	Meeting with NGO and civil society representatives (Session 2)
12.30 – 13.30	Observation of the vote, practical and logistical issues / Meetings with the drivers and interpreters for the teams from the ad hoc committee
14.30	Pre-deployment of teams to Casablanca, Fes and Marrakesh

Wednesday 8 September 2021

All day	Observation of the opening of polling stations, the voting, the closing of polling stations, the counting and recording of results

Thursday 9 September 2021

8.30	Debriefing meeting of the ad hoc committee
12.00	Press conference of the ad hoc committee

Appendix 3 – Statement

Moroccans called to a triple ballot amidst the Covid pandemic, have risen to important challenges

Rabat 09.09.2021 – The legislative elections held in Morocco on 8 September alongside the local and regional elections were successfully run, defying many challenges posed by the Covid-19 pandemic.

These elections coincided with marking a decade of fruitful co-operation between the Moroccan Parliament and the Parliamentary Assembly of the Council of Europe (PACE), the Moroccan Parliament having been the first non-European legislative body to obtain the status of "Partner for Democracy" with PACE in 2011.

The PACE delegation welcomes the professionalism of the responsible State authorities and the courtesy of the members of the polling stations, who helped organise the poll with integrity and transparently. Holding these complex elections as planned, amid the third wave of the pandemic, is a testament to Morocco's commitment to maintaining openness and to pursuing higher standards of democracy and the rule of law. The efforts by the State to push for a broader, more inclusive and more representative participation, merit recognition.

The delegation welcomes the increased voter turnout of over 50%, seven points up compared to the previous parliamentary elections. However, it notes that this figure only refers to registered voters and not to the overall number of Moroccan citizens having the right to vote. Despite the brevity of the official campaign, the main political players managed to motivate the electorate, which was one of the major issues at stake in this poll. Further efforts should nevertheless be made to restore trust in the political system.

Although the campaign was carried out mostly online through social media, which raised some concern over the accessibility of the campaign to all categories of the population, the delegation observed higher mobilisation of voters in rural areas. Some allegations were made of excessive campaign expenses on social media; the authorities are therefore encouraged to define a proper legal framework to improve the transparency of campaign financing. The creation of an independent Central Electoral Commission could be considered to further facilitate election administration.

The PACE observers hail the introduction of the new regional list, which paves the way to higher representation of women in the parliament. On the other hand, it notes that the amendments to the electoral legislation were adopted late, only a few months before the launch of the official campaign, which is not fully in line with the Council of Europe's recommendations on electoral practices. Among remaining concerns are: the introduction of a new electoral quotient, which may trigger a prejudicial effect on the competitivity of the different political parties, and the need for a new redisctricting of local constituencies to better reflect changes in demographic distribution in the country.

The delegation notes, as it did in 2016, that the procedure for voting by proxy, aimed at Moroccan citizens living abroad, does not facilitate the exercise of their constitutional right to vote and it should be reconsidered. As one of the main contributors to Morocco's foreign currency reserves and an important economic actor, the diaspora could further positively impact voter turnout – and possibly trigger a broader participation of voters in Morocco.

The PACE observers regret that in some places access to polling stations is difficult for persons with disabilities. It also regrets that the exercise of the right to vote remains denied to several categories of the Moroccan population, including the police, the military, people in hospitals or in pre-trial detention. It urges the Moroccan authorities to make further improvements to ensure the right to vote of all its citizens.

The delegation encourages the newly elected parliament to further intensify collaboration with PACE and the Venice Commission to improve the legal framework and electoral practices in the country, and to contribute to their implementation.