



## Resolution 1818 (2011)<sup>1</sup>

# Request for Partner for Democracy status with the Parliamentary Assembly submitted by the Parliament of Morocco

Parliamentary Assembly

1. In adopting [Resolution 1680 \(2009\)](#) on the establishment of a “Partner for Democracy” status with the Parliamentary Assembly, the Assembly resolved to establish a new status for institutional co-operation with parliaments of non-member states in neighbouring regions wishing to benefit from the Assembly’s experience in democracy building and to participate in the political debate on common challenges which transcend European boundaries. A new Rule 60 of the Assembly’s Rules of Procedure, setting out the conditions and methods for granting such a status, including formal political commitments that the parliament concerned must undertake, came into force in January 2010.
2. Less than two months later, on 22 February 2010, the Speakers of the two Chambers of the Parliament of Morocco addressed an official request for Partner for Democracy status to the President of the Assembly. The Parliament of Morocco thus became the first parliament to make such a request.
3. The Assembly takes note that, in their letter, the Speakers of the two Chambers of the Parliament of Morocco, in line with the requirements set out in Rule 60.2 of 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”, and committed themselves to:
  - 3.1. “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”;
  - 3.2. “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”;
  - 3.3. “encouraging the balanced participation of women and men in public life and politics”;
  - 3.4. “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, bearing in mind that Morocco is – in addition to its participation in the Venice Commission – already a member of the North-South Centre, [a member state of the European and Mediterranean Major Hazards Agreement (EUR-OPA)] and also a Contracting Party to the Convention on the Conservation of European Wildlife and Natural Habitats”;

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1. Assembly debate on 21 June 2011 (21st Sitting) (see [Doc. 12625](#), report of the Political Affairs Committee, rapporteur: Mr Volonté; [Doc. 12646](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Díaz Tejera; and [Doc. 12647](#), opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Ms Memecan). Text adopted by the Assembly on 21 June 2011 (21st Sitting).



- 3.5. “inform[ing] [the] Assembly regularly on progress made in implementing Council of Europe principles in [their] country”.
4. The Assembly therefore considers that the request by the Parliament of Morocco meets the formal criteria set out in its Rules of Procedure.
5. Furthermore, the Assembly acknowledges that the Parliament, political forces, state and public officials and civil society of Morocco broadly share the objectives of the partnership for democracy, which aims to strengthen democracy, the rule of law and the respect for human rights and fundamental freedoms in the country.
6. At a time when the peoples of a number of Arab and Mediterranean countries have clearly expressed the wish to acquire fundamental political and social rights, the Assembly deems it important that Morocco, with its well-established political institutions and traditions of political pluralism, continues on the path of democratic transformation.
7. The Assembly welcomes Morocco’s commitment to deep constitutional, institutional, political and legal reforms, and encourages the state authorities of Morocco to make full use of the Council of Europe expertise and draw inspiration from Council of Europe standards in carrying out such reforms. It further welcomes a new draft constitution as an important step towards consolidating the principles of democracy, respect for human rights and the rule of law. It notes with satisfaction, in this context, that co-operation between Morocco and the Council of Europe has increased significantly in recent times, following Morocco’s accession to the European Centre for Global Interdependence and Solidarity (North-South Centre) in July 2009. It considers that the Partner for Democracy status provides an appropriate framework for a stronger involvement of the Parliament of Morocco in the process of reforms.
8. Against this background, the Assembly considers that the following specific issues are of key importance for strengthening democracy, the rule of law and respect for human rights and fundamental freedoms in Morocco:
  - 8.1. holding free and fair elections in accordance with relevant international standards;
  - 8.2. enhancing public interest in, and awareness of, the democratic process, as well as ensuring a higher level of participation in elections;
  - 8.3. strengthening public monitoring of elections by independent observers, including strengthening the capacities of domestic observer networks;
  - 8.4. conducting constitutional reform, in particular by consolidating the separation of powers and strengthening the role of the parliament;
  - 8.5. involving and consulting civil society organisations in legislative and other decision-making processes;
  - 8.6. ensuring equal opportunities for women and men in political and public life;
  - 8.7. strengthening local and regional democracy;
  - 8.8. abolishing the death penalty set out in the Penal Code, going beyond the *de facto* moratorium on executions which has been established since 1993;
  - 8.9. fighting corruption;
  - 8.10. implementing justice reform with a view to ensuring the independence and impartiality of the judiciary;
  - 8.11. adhering to and effectively implementing relevant international instruments in the field of human rights, including full co-operation with United Nations’ special mechanisms and implementation of the United Nations Universal Periodic Review recommendations;
  - 8.12. providing better training of judges, prison staff and law-enforcement agents as regards respect for international human rights standards;
  - 8.13. preventing torture and inhuman or degrading treatment of persons deprived of their liberty; fighting impunity for crimes of torture and ill-treatment;
  - 8.14. improving conditions of detention, in line with the United Nations prison-related norms and standards;

- 8.15. fully implementing the recommendations of the Equity and Reconciliation Commission (*Instance équité et réconciliation*);
- 8.16. fighting racism, xenophobia and all forms of discrimination;
- 8.17. ensuring full respect for freedom of conscience, of religion and belief, including the right to change one's religion;
- 8.18. guaranteeing and promoting freedom of expression and media independence and plurality; removing censorship; introducing a new Code of the Press that effectively guarantees press freedom;
- 8.19. guaranteeing and promoting freedom of association and of peaceful assembly; ensuring strict implementation of the law on associations;
- 8.20. fighting all forms of discrimination (in law and in practice) based on gender; ensuring effective equality between women and men, including as regards interreligious marriages and inheritance law and, where necessary, initiating a process of legislative revision; fighting all forms of gender-based violence; actively promoting equal opportunities for women and men;
- 8.21. ensuring that the Family Code is fully implemented while initiating a public and political debate with a view to reviewing the provisions which are at variance with international human rights standards, including on the issue of polygamy.

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

10. The Assembly encourages the Council of Europe and Morocco to incorporate these priorities in their current discussions on a bilateral programme of co-operation. The fact that Morocco is a member of several Council of Europe partial agreements, such as the Venice Commission, the North-South Centre and the Co-operation Group to Combat Drug Abuse and Illicit Trafficking of Drugs (Pompidou Group), is in this respect clearly an added advantage.

11. Furthermore, the Assembly expects that Morocco will continue to seek the settlement of international disputes by peaceful means in accordance with the Charter of the United Nations. In this context, it particularly calls on the Parliament of Morocco to enhance its contribution to solving the Western Sahara problem in accordance with the relevant resolutions of the United Nations Security Council.

12. Noting that the Parliament of Morocco has reiterated its determination to work to ensure full implementation of the political commitments contained in Rule 60.2 of the Rules of Procedure and entered into by the joint letter of the Speakers of its two Chambers on 22 February 2010, the Assembly resolves to:

- 12.1. grant Partner for Democracy status to the Parliament of Morocco as from the moment of the adoption of the present resolution;
- 12.2. invite the Parliament of Morocco to appoint a "Partner for Democracy" delegation consisting of six representatives and six substitutes to be composed in accordance with Rule 60.4 of the Assembly's Rules of Procedure.

13. The Assembly believes 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.

14. It accordingly resolves to review, no later than two years from the adoption of this resolution, the state of progress achieved in implementing the political commitments taken by the Parliament of Morocco, as well as the reforms in areas mentioned in paragraph 8 above.

15. The Assembly stresses the importance of free and fair elections as a cornerstone of a genuine democracy. It therefore expects to be invited to observe parliamentary elections in Morocco as from the early elections expected in 2011.

16. The Assembly is confident that granting Partner for Democracy status to the Parliament of Morocco will contribute to intensifying co-operation between this country and the Council of Europe and promoting Morocco's accession to Council of Europe conventions. It therefore encourages the Secretary General of the Council of Europe, in co-ordination, as appropriate, 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.