



Doc. 13230 – Compendium of written amendments

(Final version)

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

Contents	Page
A. Draft Resolution	2

A. Draft Resolution

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.

Amendment 11 **Tabled by the Committee on Legal Affairs** **and Human Rights**

In the draft resolution, at the end of paragraph 6, insert the following sentence: "However, the Assembly deplores the fact that so far only a few constitutional laws have been adopted to implement certain provisions of the constitution."

Amendment 3 **Tabled by Ms Tineke STRIK, Ms Alev KORUN,** **Ms Tina ACKETOFT, Mr Mikael CEDERBRATT,** **Ms Gisela WURM, Ms Annette GROTH, Mr** **Andrej HUNKO, Ms Katrin WERNER**

In the draft resolution, after paragraph 7, insert the following paragraph:

"The Assembly notes that Morocco has become a country of destination for migrants, which requires an adequate asylum procedure in line with the European Convention on Human Rights as well as an integration policy meeting human

rights standards, including non-discrimination, the right to family reunion and social rights."

Sub-amendment 1 to amendment 3

Tabled by Mr Luca VOLONTÈ, Mr Pietro MARCENARO, Mr Ivan POPESCU, Mr Pedro AGRAMUNT, Lord John E. TOMLINSON

In Amendment 3, delete the words "in line with the European Convention on Human Rights".

Amendment 12

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, after paragraph 7, insert the following paragraph:

"However, the Assembly is concerned about the human rights situation in Morocco, in particular in relation to the use of torture, inhuman or degrading treatment, poor conditions of detention, violations of the freedoms of religion and expression, the independence of the media, and the freedoms of association and of peaceful assembly. Thus, it stresses the importance for Morocco to take all necessary measures to address the specific issues referred to in paragraph 8 of Resolution 1818 (2011) in order to strengthen democracy and respect for human rights."

Sub-amendment 1 to amendment 12

Tabled by Mr Luca VOLONTÈ, Mr Pietro MARCENARO, Mr Ivan POPESCU, Mr Pedro AGRAMUNT, Lord John E. TOMLINSON

In amendment 12, before the words "use of torture", insert the following word: "reported".

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

Amendment 1

Tabled by Mr Pietro MARCENARO, Mr Björn von SYDOW, Mr Tadeusz IWIŃSKI, Mr Ivan POPESCU, Lord John E. TOMLINSON, Ms Liliane MAURY PASQUIER

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

The Assembly recalls paragraph 11 of Resolution 1818 and stresses the urgent need for all parties involved, as well as the international community, to step up efforts aiming at reaching a just, lasting and mutually acceptable solution, within the framework of the United Nations, to the Western Sahara problem.

- 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;

Amendment 8
Tabled by the Committee on Equality and Non-Discrimination

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

"Reiterating that the recommendations set out in paragraph 8 of its Resolution 1818 (2011) are essential to strengthen democracy, the rule of law and respect for human rights and fundamental freedoms in Morocco, the Assembly calls on the Moroccan authorities to make greater efforts in order to achieve decisive progress in these areas, and invites them to rely on the Council of Europe expertise to facilitate this process, be it at the level of technical expertise, exchange of good practice, and/or parliamentary support".

Amendment 9
(Falls if amendment 2 is adopted)
Tabled by the Committee on Equality and Non-Discrimination

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

"The Assembly expresses serious concern that the Penal Code criminalises consensual sexual relations between persons of the same sex, with penalties of between six months and three years in prison. It notes that there are recent reports of persons being imprisoned under this legislation, and calls on the Moroccan Parliament to initiate its repeal at the earliest opportunity."

Amendment 13
Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 8.2, second sentence, after the words "an in-depth analysis of the organisation of these elections" insert the following words: ", taking into account the need to address the reported irregularities,".

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;

Amendment 2

(If adopted, amendment 9 falls)

Tabled by Mr Mogens JENSEN, Mr Nikolaj VILLUMSEN, Mr Michael Aastrup JENSEN, Ms Lone LOKLINDT, Mr Martin HENRIKSEN, Mr Jonas GUNNARSSON, Ms Carina OHLSSON, Mr Lennart AXELSSON, Ms Carina HÄGG, Mr Björn von SYDOW

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

"expresses grave concern that the Penal Code criminalises consensual sexual relations between persons of the same sex, with penalties of between six months and three years in prison, notes that there are recent reports of persons being imprisoned under this legislation, and calls on the Moroccan Parliament to initiate its repeal at the earliest opportunity;"

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 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.

Amendment 4

Tabled by Ms Tineke STRIK, Ms Alev KORUN, Ms Tina ACKETOFT, Mr Mikael CEDERBRATT,

Ms Gisela WURM, Ms Annette GROTH, Mr Andrej HUNKO, Ms Katrin WERNER

In the draft resolution, after paragraph 8.7, insert the following paragraph:

"calls on the parliament to ensure the rights of association and freedom of expression for NGOs who advocate the improvement of human rights standards in Morocco."

Sub-amendment 1 to amendment 4

Tabled by Mr Luca VOLONTÈ, Mr Pietro MARCENARO, Mr Ivan POPESCU, Mr Pedro AGRAMUNT, Lord John E. TOMLINSON

In amendment 4, replace the words "NGOs who advocate the improvement of human rights standards in Morocco" with the following words: "civil society organisations".

Amendment 5

Tabled by Ms Tineke STRIK, Ms Alev KORUN, Ms Tina ACKETOFT, Mr Mikael CEDERBRATT, Ms Gisela WURM, Ms Annette GROTH, Mr Andrej HUNKO, Ms Katrin WERNER

In the draft resolution, after paragraph 8.7, insert the following paragraph:

"calls on the parliament to safeguard the human rights of refugees and other migrants by adopting legislation on asylum and on social rights for migrants and monitoring its implementation."

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.

Amendment 14
Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 13, replace the words "its primary aim" with the following words: "progress in taking forward reforms".

Amendment 10
Tabled by the Committee on Equality and Non-Discrimination

In the draft resolution, paragraph 14, after the words "in line with the political commitments entered into under the partnership", insert the following words: "and the recommendations laid down in Assembly Resolution 1818 (2011)."

Amendment 6
Tabled by Ms Tineke STRIK, Ms Alev KORUN, Ms Gisela WURM, Ms Annette GROTH, Mr Andrej HUNKO, Ms Katrin WERNER, Ms Pelin GÜNDEŞ BAKIR

In paragraph 14, replace the words "in line with the political commitments entered into under the partnership" with the following words: "and verify that practical measures are taken further to the parliamentary decisions, following the commitments undertaken in Resolution 1818 of 21 June 2011 (article 8)".

Amendment 7
Tabled by Ms Tineke STRIK, Ms Gisela WURM, Ms Annette GROTH, Mr Andrej HUNKO, Ms Katrin WERNER

In the draft resolution, paragraph 15, after the word "resolution", add the following words: "on the basis, primarily, of the practical measures taken with regard to Article 8 of Resolution 1818".