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(Final version)

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

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A. Draft Resolution

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. The Assembly recalls that:
 - 1.1. 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 62.2 of the Rules of Procedure of the Assembly;
 - 1.2. when granting the status, it 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;
 - 1.3. it also stressed that progress in taking forward reforms was the prime aim of the partnership for democracy and should constitute the benchmark for assessing its efficiency. Accordingly, it decided to review the progress achieved in implementing the political commitments and reforms considered to be essential;
 - 1.4. in its Resolution 1942 (2013) on the evaluation of the partnership for democracy in respect of the Parliament of Morocco, adopted on 25 June 2013, it took stock of political developments in Morocco and further resolved to continue reviewing the implementation of political reforms in Morocco, and to make a new assessment within two years;
 - 1.5. additionally, in its Resolution 2004 (2014) on the parliamentary contribution to resolving the Western Sahara conflict, it expressed its conviction that “the progress made by Morocco in the field of human rights in Western Sahara and the implementation of this resolution should henceforth be taken into account in the next evaluation report on the partnership for democracy in respect of the Parliament of Morocco, which is due in 2015”.
2. After four years of implementation of the partnership with the Parliament of Morocco, the Assembly makes an overall positive assessment of its results. It welcomes the fact that the partnership continues to enjoy broad support both at government and parliament levels, as well as among political circles and civil society. It has been instrumental in launching and developing crucial reforms in a number of key areas, and in triggering multi-faceted co-operation between the Council of Europe and Moroccan institutions.
3. At the same time, the partnership is, and must remain, an important tool aimed at streamlining and encompassing the programme of reforms and increasing the role and responsibility of the parliament in this process.

4. In this context, the Assembly notes that, while Morocco achieved progress in strengthening democratic governance, the pace of legislative and institutional reforms needs to be stepped up 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. regrets that no tangible progress has been achieved with regard to the death penalty. While a de facto moratorium on executions has been in place since 1993, courts in Morocco continue to hand down death penalty sentences. The Assembly reiterates its call on the Moroccan Parliament to abolish the death penalty in law, and, pending abolition, to declare a de jure moratorium on executions;
 - 5.2. notes that the Moroccan partner for democracy delegation has organised, and participated in, a series of activities aimed at making the Assembly's experience, and the expertise of the European Commission for Democracy through Law (Venice Commission), available to members of the Moroccan parliament in order to help them in their legislative work. At the same time, the Assembly calls on the parliament to make use more broadly and regularly of this opportunity and to involve more of its members in joint activities;
 - 5.3. calls on the competent Moroccan authorities to undertake steps, in close co-operation with the Venice Commission, with a view to improving electoral legislation and, more generally, the electoral process as a whole, before the next parliamentary elections due in 2016. Furthermore, the Assembly expects to be invited to observe these and any future parliamentary elections;
 - 5.4. notes that, in the framework of the implementation of the Moroccan Government Equality Plan 2012-2016, the Council of Europe offered expertise and assistance in the preparation of the draft law establishing the Authority for Gender Equality and the Fight against all Forms of Discrimination (APALD) provided for under the 2011 Constitution. It calls on the Moroccan authorities to give more priority to action to ensure that women are duly represented at all levels of power and society;

**Amendment 5
Tabled by the Committee on Equality and
Non-Discrimination**

In the draft resolution, paragraph 5.4, after the words "to action", insert the words: "to fight against all forms of discrimination against women and"

**Amendment 6
Tabled by the Committee on Equality and
Non-Discrimination**

In the draft resolution, after paragraph 5.4, insert the following paragraph:

"reiterates the call on the Moroccan authorities to initiate a public debate on abolishing polygamy and reforming legislation on inheritance rights with a view to ensuring equal rights for women and men;"

- 5.5. welcomes the fact that Morocco has acceded to, or signed, nine Council of Europe conventions, and participates in seven partial agreements, thus contributing to the creation of a common legal area between Europe and Morocco. The Assembly reiterates its call on 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);
- 5.6. welcomes once again the active contribution of the Moroccan parliamentary delegation to 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;
- 5.7. encourages the parliament to play fully its role as a cornerstone of democracy by intensifying legislative work on the reform agenda, including in the areas referred to in Resolution 1818 (2011). It welcomes efforts made by the parliament to associate more actively expert communities and non-governmental organisations with the law-making process, and calls on it to extend this practice so as to make the voice of civil society better heard. It further calls on the parliament to ensure full and effective respect for the right of association and freedom of expression of civil society organisations;
- 5.8. encourages the Moroccan authorities to respect freedom of religion in accordance with paragraph 18 of the Universal Declaration of Human Rights which provides that "[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance";
- 5.9. calls on the Moroccan authorities to take the necessary steps to remove the criminalisation of homosexuality from the Criminal Code;

Amendment 7

Tabled by the Committee on Equality and Non-Discrimination

In the draft resolution, after paragraph 5.5, insert the following paragraph:

"welcomes the abolition of Article 475 of the Criminal Code and calls on the Moroccan authorities to adopt and implement comprehensive legislation to prevent violence against women, protect victims and prosecute perpetrators;"

Amendment 9

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 5.7, replace the second sentence with the following words: "It welcomes the efforts made by the parliament to associate more actively the National Council on Human Rights, expert communities and non-governmental organisations with the law-making process, and calls on it to extend this practice so as to make their voices better heard."

Amendment 1

(If adopted, amendments 8, 10 falls)

Tabled by Mr Piotr WACH, Mr Serhii SOBOLIEV, Mr Volodymyr ARIEV, Mr Boryslav BEREZA, Ms Liliana PALIHOVICI, Mr Valeriu GHILETCHI, Ms Helena HATKA, Mr Bogdan KLICH

In the draft resolution, delete paragraph 5.9.

Amendment 8

(Falls if amendment 1 is adopted)

Tabled by the Committee on Equality and Non-Discrimination

In the draft resolution, paragraph 5.9, delete the words: "take the necessary steps to".

Amendment 10

(Falls if amendment 1 is adopted)

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 5.9, after the words "the criminalisation of", insert the words: "adultery and".

Amendment 11

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, after paragraph 5.9, insert the following paragraph:

"remains concerned about the lack of progress on the issues of concern mentioned in paragraph 9 of Resolution 1942 (2013), such as the use of torture, inhuman or degrading treatment, poor conditions of detention, violations of the freedom of expression, the independence of the media, and the freedoms of association and of peaceful assembly;"

Amendment 12

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 5.10, replace the words "including those reported by civil society organisations and the media" with the following words: "as well as other issues reported by the United Nations, civil society and the media."

Amendment 3

(If adopted, amendment 4 falls)

Tabled by Ms Josette DURRIEU, Mr André BUGNON, Ms Dana VÁHALOVÁ, Lord Donald ANDERSON, Mr Alain DESTEXHE, Mr Pierre-Yves LE BORGNI'

In the draft resolution, replace paragraphs 6 and 7 with the following paragraph: "The Assembly reiterates paragraph 11 of Resolution 1818 (2011) and stresses the urgent need, for all the parties concerned, and also for the international community, to pursue efforts to find a just, lasting and mutually acceptable solution to the Western

5.10. recalls the general political commitment of the parliament to the core values of the rule of law and respect for human rights and fundamental freedoms as it stems from the partnership, and urges it to step up efforts to address issues of concern in these areas, including those reported by civil society organisations and the media.

6. The Assembly reaffirms its strong support to the ongoing efforts by the United Nations Secretary-General to assist the parties involved to achieve a just, lasting and mutually acceptable political solution in Western Sahara. It echoes United Nations Security Council Resolution 2218 (2015), which stresses the importance of improving the human rights situation in Western Sahara and the Tindouf camps and 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.

7. In this context, the Assembly welcomes, as does Resolution 2218 (2015), the recent steps and initiatives taken by Morocco to strengthen the National Council on Human Rights commissions operating in Dakhla and Laayoune, and Morocco's ongoing interaction with Special Procedures of the United Nations Human Rights Council.
8. At the same time, it shares serious concerns raised by some international officials and human rights organisations related to alleged human rights violations in Western Sahara. It refers to paragraph 5 of Resolution 2004 (2014) and urges the Moroccan Parliament to guarantee that the concerns expressed therein are duly dealt with by the Moroccan authorities in accordance with their international obligations and in the spirit of respect of the basic values upheld by the Council of Europe.

Sahara problem within the United Nations framework."

Amendment 4

(Falls if amendment 3 is adopted)

Tabled by Ms Julia KRONLID, Mr Johan NISSINEN, Mr Eric VORUZ, Mr George LOUCAIDES, Ms Athanasia ANAGNOSTOPOULOU, Ms Lotta JOHNSON FORNARVE

In the draft resolution, paragraph 6, after the words "mutually acceptable political solution in Western Sahara", insert the following new sentence: "This includes speeding up the present exceedingly slow pace of negotiations, leading to the early holding of a referendum on Western Saharan independence."

Amendment 2

Tabled by Ms Josette DURRIEU, Mr André BUGNON, Ms Dana VÁHALOVÁ, Lord Donald ANDERSON, Mr Alain DESTEXHE, Mr Pierre-Yves LE BORGNE

In the draft resolution, paragraph 8, first sentence, replace the word "shares" with the following words: "takes note of".

Amendment 13

Tabled by the Committee on Legal Affairs and Human Rights

In the draft resolution, paragraph 8, at the end of the first sentence, insert the following words: "such as torture, inhuman or degrading treatment, violations of the right to a fair trial and violations of the freedoms of expression, of assembly and of association".

Amendment 14

Tabled by Ms Josette DURRIEU, Mr André BUGNON, Ms Dana VÁHALOVÁ, Lord Donald ANDERSON, Mr Alain DESTEXHE, Mr Pierre-Yves LE BORGNE

In the draft resolution, paragraph 8, second sentence, replace the words "the concerns expressed therein" with the following words: "concerns not yet addressed".

9. The Assembly notes with satisfaction the results achieved for Morocco from the implementation of the European Union/Council of Europe Joint Programme “Strengthening democratic reform in the southern Neighbourhood” (South Programme I) in the period 2012-2014 and welcomes the extension of this programme “Towards strengthened democratic governance in the Southern Mediterranean” (South Programme II) for the years 2015-2017.
10. It further welcomes the agreement between the Council of Europe and the Moroccan authorities on a new action plan entitled “Neighbourhood Partnership with Morocco 2015-2017”, which is meant to consolidate the results of the co-operation carried out since 2012 through the “Neighbourhood Co-operation Priorities for Morocco 2012-2014” and provide further assistance in implementing the ongoing process of democratic reforms. The Assembly resolves to review the implementation of the action plan and is ready to fully contribute to its parliamentary dimension.
11. 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.