



Kingdom of Morocco

**The position of the Kingdom of Morocco on the recommendations
issued during the consideration of the national report for the fourth
cycle of the Universal Periodic Review**

February 2023

I. Introduction

1. The Kingdom of Morocco would like to take the opportunity of the Human Rights Council's adoption of the report of the Working group on the Universal Periodic Review on the Kingdom of Morocco's national report for the fourth cycle of the Universal Periodic Review, to reaffirm its commitment to the ongoing efforts to protect, promote and consolidate human rights at the national and international level, as well as its commitment to the ongoing active and constructive participation in the Human Rights Council. The Kingdom of Morocco also reiterates its support for the universal periodic review mechanism and its noble goals, and its keenness to support the cooperative aspect of this mechanism.

2. The Kingdom of Morocco received 306 recommendations during the interactive dialogue of this cycle of the universal periodic review. The Kingdom of Morocco considered these recommendations according to the recognised standard approach in interacting with the United Nations Human Rights mechanisms, while giving the whole of the recommendations its due importance, given their relevance to the public policies and programmes aimed at protecting and promoting human rights.

3. The Kingdom of Morocco affirms that out of the 306 recommendations, it accepts 232 recommendations, as fully implemented or currently being implemented.

4. The Kingdom of Morocco has taken note of 69 recommendations, 37 of which it has partially accepted, and 32 of which it has rejected.

5. The Kingdom of Morocco does not accept 5 recommendations since they do not fall within the mandate of the Human Rights Council.

II. Cooperation with the United Nations human rights system

6. The Kingdom of Morocco consistently regards its engagement with the United Nations human rights system, as an essential means of promoting and protecting human rights. The Kingdom of Morocco's national report clearly mentioned the level of its treaty-related practice, in all its forms and content.

7. The Kingdom of Morocco evokes, incidentally, its philosophy regarding its treaty-related practice, which is based on gradation, dialogue, and the preparation of the necessary substantive conditions for implementation and operationalization, to guarantee the alignment and consolidation of its legislative and institutional framework, as well as the adoption of procedural measures facilitating the fulfilment of its international obligations, the implementation of which is carried out by the constitutional, parliamentary, governmental and judicial authorities, and all other concerned institutions, each within the scope of its mandate and field of intervention.

III. The position of the Kingdom of Morocco on the recommendations

8. The Kingdom of Morocco welcomes the growing international interest in its human rights process and the many projects and reforms undertaken during the reporting period.

9. The Kingdom of Morocco underscores that its position of full or partial acceptance, rejection or non-acceptance of recommendations has been taken in accordance with the

Constitution and in full respect of state obligations under the ratified international treaties. (This is highlighted in the following paragraphs)

10. The Kingdom of Morocco accepts 232 recommendations, as fully implemented or currently being implemented, given their relevance to the content of public policies, strategies, and programmes, in terms of continuing the interaction with the United Nations human rights system, implementing the relevant constitutional provisions, enhancing the alignment of the national legal framework with international treaties, continuing to ensure the enjoyment of rights and freedoms, and follow-up of the implementation of the measures of the national action plan on democracy and human rights, as well as their relevance to the structured programmes since 2017, such as social protection and the reform of the education and training system, and the adjustment of certain projects due to addressing the Corona pandemic, as well as the adoption of the new development model. All of which was undertaken in line with the Sustainable Development Goals.

11. The accepted recommendations pertain to the progress in strengthening the legal framework concerning the National Human Rights Council, given its constitutional status and its protective roles, to the ongoing legal protection against all forms of discrimination, the strengthening of fundamental guarantees relative to combating torture, the ongoing improvement of the situation of prisoners, and freedom of the press and the free practice of journalism in terms of its self-regulation and professional ethics. These recommendations also pertain to the ongoing improvement of the legal framework guaranteeing freedom of opinion, expression, assembly, and association, as well as to the consolidation of decentralization through the advanced regionalization.

12. The accepted recommendations also deal with policies and programmes aiming to promote the rights of specific groups, such as rights of the child, persons with disabilities and migrants, to combat and prevent human trafficking, and to continue the implementation of policies and programmes guaranteeing gender equality, combating violence against women, and ensuring their economic empowerment, as well as human rights education and training, especially for law enforcement officers.

13. The Kingdom of Morocco continues to ensure the enjoyment of all rights and freedoms, subject of its international obligations, in light of the constitution and its principles, notably with regard to ensuring equality and combating discrimination, as ensured by its preamble, which is an integral part of the whole, and guaranteed by law. In addition, national courts continue to protect the principle of equality and address discrimination, through their rulings and decisions.

14. Concerning the recommendations on the respect of human rights in its southern provinces, the Kingdom of Morocco continues its permanent interaction with the United Nations mechanisms, based on its dedication to the approach of continuous openness to the Human Rights Council Special Procedures, and its constant readiness to include the Kingdom of Morocco's southern provinces in their visits.

The accepted recommendations are as follows:

1	2	3	15	16	17	22	23	24	25	28	29	30	31	32
33	34	35	36	37	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60	61	62	63
64	65	66	68	69	70	77	79	80	81	82	83	84	85	86
87	88	90	91	92	93	94	95	96	97	98	99	100	101	102
103	104	105	106	108	109	110	111	112	113	114	115	116	117	118
119	120	121	122	123	124	125	126	127	128	129	130	131	132	133
134	135	136	137	138	139	140	141	142	143	144	145	146	147	148
149	150	151	152	153	154	155	156	157	158	159	160	161	162	163
164	165	166	167	168	169	170	171	175	176	177	178	179	180	181
182	183	185	186	187	192	194	197	199	200	204	205	206	207	208
209	210	211	212	213	214	215	216	217	218	219	222	223	224	225
226	227	228	229	231	232	234	235	236	237	238	239	240	241	242
243	246	247	248	249	250	251	252	253	254	255	256	257	258	259
260	261	262	263	264	265	266	267	268	269	270	271	276	278	284
285	286	287	288	293	301	306								

15. The kingdom of Morocco takes note of 37 recommendations as partially accepted and partially rejected, in view of their relation to the following issues and subjects:

- **Accession to the Rome Statute of the International Criminal Court and alignment of national legislation with its provisions:** the Kingdom of Morocco reiterates its position of principle regarding its signature of the Rome Statute, which was enshrined in the Constitution through the criminalization of genocide, crimes against humanity, war crimes, and all gross violations of human rights. It also recognizes the continued interest given by certain civil society actors to the subject of ratification. In addition, the Kingdom of Morocco takes note of the part related to immediate accession and taking immediate measures in this regard, and considers it rejected. It also takes note, overall, that the Statute is still a subject of discussion at the international level and does not have extensive international support.

- **Total abolition of the death penalty while maintaining the moratorium:** In light of the constitutional provision on the right to life, the Kingdom of Morocco expresses its position of partial acceptance of these recommendations, which is embodied by the continuing effective moratorium on the death penalty since 1993, and is reinforced by the regular royal pardon that changes many death sentences to lower penalties, as well as the increasing legislative orientation toward reducing the number of crimes punishable by the death penalty. The kingdom of Morocco also notes positively the dynamic civil society that is actively stimulating an important aspect of the ongoing public debate on the abolition of this penalty, and as a result rejects the call for the immediate abolition contained in the relevant recommendations.

16. The Kingdom of Morocco received a set of recommendations on composite topics and of varying levels, and has provided above clarifications on some of them, as is the case with recommendations on discrimination. These composite recommendations include parts, some of which are accepted, and others rejected.

17. The accepted parts fall within the framework of continuing the prospective legislative reform of the Family Code, under the supreme will of the state, given the legal and factual issues raised before the courts. This includes the legal issues related to the conditions of children, in order to protect their best interests after family dissolution. The issue of marriage of minors continues to receive wide attention in view of its abolition. In light of the legislative reform, the search for legal solutions dedicated to the constitutional principle of equality and empowering women with their rights is ongoing.

18. Among the accepted parts of the recommendations, are topics related to the prohibition of acts of discrimination and violence perpetrated against people based on their sexual orientation and identity. In fact, national law guarantees the rights of every individual, whenever it pertains to the enjoyment of economic, social, cultural, and the access to various public utilities and services, regardless of status and peculiarities.

19. The Kingdom of Morocco reaffirms the contradiction, in part or in full, of the rejected parts of these composite recommendations, with the unifying constants of the Moroccan nation, and the foundations of the Kingdom of Morocco's treaty-related practice in the field of human rights.

20. The Kingdom of Morocco considers rejected the part regarding the cooperation with the Special Envoy of the Secretary General of the United Nations for the southern provinces of the Kingdom of Morocco, which was included in a recommendation, since this issue does not fall within the mandate of the Human Rights Council.

21. The Kingdom of Morocco expresses its partial acceptance of the recommendation on establishing an accountability mechanism to closely monitor and address the rights and freedoms of citizens in the southern provinces of the Kingdom of Morocco, given the presence of regional commissions of the National Human Rights Council in the southern provinces, whose status and protective roles are recognized by the United Nations, at the level of monitoring and intervention, and whose work is related to the three national mechanisms within the constitutional institution of the National Human Rights Council, namely the National Mechanism for the Prevention of Torture, the National Redress Mechanism for Children, and the National Mechanism for the Protection of the Rights of Persons with Disabilities. The mediator also undertakes its mandate at the territorial level, as a constitutional institution concerned with protecting the users from any abuse or transgression from the administration. As a result, and according to the above, the Kingdom of Morocco rejects the rest of what was covered by the said recommendation.

The partially accepted recommendations are as follows:

11	14	18	20	67	75	78	89	107	184	188	189	191
193	195	196	198	201	202	203	220	221	230	233	244	245
272	274	289	292	295	296	298	299	300	303	304		

22. The Kingdom of Morocco also took note of 32 standalone recommendations, which it has rejected. They concern the following issues:

- **The Immediate accession to the Rome Statute of the International Criminal Court**, as explained above.

- **Repeal or reform some legal provisions**, such as decriminalizing extramarital sexual relations and calling for the immediate repeal of certain articles of the Family Code, according to what was explained in the above sections.

- **The immediate and total abolition of the death penalty and accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights**: as explained above.

- **Adhere to the provisions of the Fourth Geneva Convention (1949) in the southern provinces of the Kingdom of Morocco**: as they are not experiencing an armed conflict.

The rejected recommendations are as follows:

4	5	6	7	8	9	10	12	13	19	21	26	27	38	71	72
73	74	76	172	173	174	190	273	275	277	279	280	281	282	283	297

23. The Kingdom of Morocco does not accept five (5) recommendations related to territorial integrity in the context of the regional conflict brought before the Security Council, which does not fall within the mandate of the Human Rights Council.

The recommendations that were not accepted are as follows:

290	291	294	302	305
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