



International Covenant on Civil and Political Rights

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Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on Morocco

<i>Concluding observations (118th session):</i>	CCPR/C/MAR/CO/6 , 2 November 2016
<i>Follow-up paragraphs:</i>	18, 24 and 42
<i>Follow-up reply:</i>	CCPR/C/MAR/CO/6/Add.1 , 27 December 2018
<i>Committee's evaluation:</i>	Additional information required on paragraphs 18[C], 24[C][A] and 42[C]
<i>Information from non-governmental organizations:</i>	None

Paragraph 18: Counter-terrorism

The State party should revise the provisions in its Criminal Code on terrorism and define terrorism-related offences on the basis of their objective but should also define the nature of such acts precisely and ensure that this legislation does not unjustifiably restrict the exercise of Covenant rights. The State party should also reduce the initial maximum allowable duration of police custody to 48 hours for terrorism-related as well as other offences and provide access to a lawyer from the time that a person is taken into custody.

Summary of the State party's reply

The State party reiterates information provided in its replies to the list of issues (CCPR/C/MAR/Q/6/Add.1, para. 37) regarding the lack of a definition of terrorism in its legislation. The State party developed a bill to reform the Criminal Code and the Code of Criminal Procedure. A new chapter of the Criminal Code criminalizes several acts linked with training camps, propaganda and incitation to terrorism. The State party reiterates information provided in its sixth periodic report (CCPR/C/MAR/6, para. 148) on the duration of police custody. It also reiterates information provided in its replies to the list of issues (CCPR/C/MAR/Q/6/Add.1, para. 51) regarding the introduction of a computerized national and regional police custody register in the draft revised Code of Criminal Procedure and regarding access to a lawyer.

* Adopted by the Committee at its 127th session (14 October–8 November 2019).



Committee's evaluation

[C]: The Committee notes the information provided on the criminalization of specific acts, but regrets that no information was provided on the revision of existing counter-terrorism provisions and on the measures taken to prevent disproportionate restrictions of the rights enshrined in the Covenant. The Committee reiterates its recommendations.

The Committee regrets that the State party reiterated the information provided in its sixth periodic report regarding the duration of police custody. The Committee reiterates its recommendations.

The Committee regrets that the State party reiterated information provided in its replies to the list of issues regarding access to a lawyer. The Committee reiterates its recommendations.

Paragraph 24: Prohibition of torture and ill-treatment

The State party should: (a) adopt robust measures to eradicate torture and cruel, inhuman or degrading treatment, to investigate such acts and to prosecute and punish the perpetrators; (b) ensure that medical examinations are performed without delay whenever torture or ill-treatment is alleged to have occurred; (c) ensure that the prohibition on the extraction of confessions under duress is observed in practice and that evidence obtained under torture is not admitted in court; (d) offer effective remedies to victims and guarantee them reparation; and (e) expedite the process of adopting a law establishing a national preventive mechanism.

Summary of the State party's reply

(a) The State party reiterates information provided in its sixth periodic report (CCPR/C/MAR/6, para. 120) regarding training on human rights for all staff of the Directorate-General of National Security, and in its replies to the list of issues (CCPR/C/MAR/Q/6/Add.1, para. 50) regarding awareness-raising for those same staff by means of circulars. The Royal Gendarmerie took several measures to promote human rights. All interventions and actions of the Royal Gendarmerie are recorded by portable cameras. All custody rooms in the premises of the Royal Gendarmerie are equipped with cameras, as are interrogation rooms. The State party provided information on the definition of torture included in the draft revised Criminal Code, and reiterates information provided in its sixth report (CCPR/C/MAR/6, paras. 115 and 124) regarding the absence of mitigating circumstances;

(b) The prosecutor is under an obligation to order medical expertise when investigating a violent act. The investigating judge is under the same obligation for any person showing signs of torture. The State party reiterates information provided in its replies to the list of issues (CCPR/C/MAR/Q/6/Add.1, para. 51) regarding the draft revised Code of Criminal Procedure. The Council of the Government adopted a bill on the regulation of forensic medicine on 20 September 2018;

(c) The State party reiterates information provided in its replies to the list of issues (CCPR/C/MAR/Q/6/Add.1, para. 47 (a)) regarding the probative force of the minutes of a hearing. Confessions written down in the minutes of a hearing have the same legal value as simple declarations. The State party reiterates information provided in its sixth periodic report (CCPR/C/MAR/6, paras. 121–123) regarding the practice of officers conducting criminal investigations and regarding the upgrade of police forensic services. The State party also reiterates information provided in its replies to the list of issues (CCPR/C/MAR/Q/6/Add.1, para. 51) regarding audiovisual recordings required in accordance with the draft revised Code of Criminal Procedure;

(d) No information provided;

(e) The bill on the reorganization of the National Human Rights Council, adopted on 1 March 2018, designates the National Human Rights Council as the national preventive mechanism required under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The new President of the National Human Rights Council was appointed on the 6 December 2018.

Following the adoption of the bill, the Council organized awareness-raising sessions for the persons responsible for enforcing the law on the mandate of the national mechanism for the prevention of torture.

Committee's evaluation

[C] (a), (b), (c) and (d): The Committee regrets that the State party reiterated information provided in its sixth periodic report and in its replies to the list of issues regarding the training and awareness-raising carried out by the Directorate-General of National Security. The Committee notes the information on the measures taken by the Royal Gendarmerie but requires information on when those measures were taken. The Committee regrets that no information was provided on the measures taken to ensure the investigation and prosecution of acts of torture. The Committee requires information on a timeline for the adoption of the draft revised Criminal Code, which includes a definition of torture. The Committee reiterates its recommendations.

The Committee regrets that the State party reiterated information provided in its replies to the list of issues regarding the draft revised Code of Criminal Procedure and again, requires information on a timeline for its adoption. The Committee notes the adoption of the bill on the regulation of forensic medicine, but regrets the lack of information on the content of the bill. The Committee reiterates its recommendations.

The Committee regrets that the State party reiterated information provided in its sixth periodic report and in its replies to the list of issues regarding the prohibition of the extraction of confessions under duress and the inadmissibility of such evidence in court. The Committee reiterates its recommendations.

The Committee regrets that no information was provided on remedies and reparation for acts of torture or ill-treatment. The Committee reiterates its recommendations.

[A] (e): The Committee welcomes the adoption of the law on the national mechanism for the prevention of torture.

Paragraph 42: Freedom of association and the activities of human rights defenders

The State party should, as a matter of urgency, take all necessary steps to put an end to violations of the right to freedom of association and any practices that place restrictions on that right which go beyond the strictly defined limitations set forth in article 22 (2) of the Covenant. It should ensure that it does not exert any undue influence over human rights defenders and that they are free to work without fear of reprisals or unjustified restrictions on their activities.

Summary of the State party's reply

The State party reiterates information provided in its sixth periodic report (CCPR/C/MAR/6, para. 239) regarding the dissolution of associations. It also reiterates information provided in its sixth periodic report (CCPR/C/MAR/6, para. 241) and in its replies to the list of issues (CCPR/C/MAR/Q/6/Add.1, para. 91) on the declaratory regime for associations. The Government is elaborating a code on associations. Morocco has over 148,000 associations. The Constitution of Morocco guarantees the freedoms of thought, opinion and expression (art. 25) and the freedoms of assembly, association, political affiliation and trade union membership (art. 29). The State party reiterates information provided in its sixth periodic report (CCPR/C/MAR/6, paras. 227–229) and in its replies to the list of issues (CCPR/C/MAR/Q/6/Add.1, para. 94) regarding the new legislation on the press. The State party reiterates information provided in its sixth periodic report regarding the notification system for public assembly and regarding freedom of trade union membership (CCPR/C/MAR/6, paras. 233–236 and 245–246). The National Human Rights Council co-organized a conference on human rights defenders, in October 2018.

Committee's evaluation

[C]: The Committee regrets that the State party reiterated information provided in its sixth periodic report regarding the dissolution of associations and the declaratory regime for

associations. The Committee notes the information on the elaboration of the code on associations, and requires information on the content and the timeline for its adoption. It reiterates its recommendations.

The Committee notes the information provided by the State party, but regrets the lack of information provided on measures taken since the adoption of the concluding observations to ensure that the State party does not exert any undue influence over human rights defenders and that they are free to work without fear of reprisals or unjustified restrictions on their activities. The Committee reiterates its recommendations.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.
