



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-first session

MOROCCO

**List of issues to be taken up in connection with the consideration of
the fifth periodic report of Morocco (CCPR/C/MAR/2004/5)**

Right to self-determination (art. 1)

1. In view of the State party's observations in paragraphs 37 to 39 of its fifth report, please indicate developments and progress made in relation to the organization of the referendum on the question of self-determination in Western Sahara. What steps have been taken to implement the recommendation made by the Committee following its consideration of the fourth periodic report of the State party in 1999 (concluding observations, CCPR/C/79/Add.113, para. 9)?

**Constitutional and legal framework within which
the Covenant is implemented (art. 2)**

2. Since the State party is in control of the Western Sahara, how are the rights afforded by the Covenant enjoyed by the population in that region? What institutions exist to provide remedies for them in the case of any violation of these rights?

3. Please provide examples of appeals based on the provisions of the Covenant, in particular where laws were inconsistent with these provisions. Do Moroccan courts have the power to override or annul such laws (report, paras. 47 and 161)?

**Equality between the sexes, protection of the family, protection of
children and non-discrimination (arts. 3, 23, 24 and 26)**

4. What is the status of the courts that specialize in family law, for which provision is made in the Family Code of 16 January 2004? The State party is requested to supply statistics on the number of cases awaiting a ruling in these courts.

5. Bearing in mind paragraphs 264-266, 270-275 and 307-309 of the report, what steps are planned by the State party to rectify the gender-based inequalities still prevailing as regards literacy, school enrolment and the school drop-out rate? Please provide statistics on the number of women employed in the public sector, particularly in education. What steps does the State party plan to take to increase the percentage of women in political life and in official positions, especially decision-making positions (report, paras. 26-32)?

6. What legal and protective measures are available to women to deal with domestic violence and abuse of women? What follow-up was given to the recommendation on this matter made by the Committee after considering the State party's fourth periodic report in 1999?

7. How does the situation of foreigners and immigrants compare with that of Moroccans, and what is their legal status in the light of article 26 of the Covenant?

Derogations (art. 4)

8. In the light of paragraphs 90 and 91 of the report and article 35 of the Constitution, please explain how the State party intends to guarantee respect for the requirement of non-derogation from the rights set out in articles 6, 7, 8 (paras. 1 and 2), 11, 15, 16 and 18 in the event that a state of emergency is declared. What follow-up was given to the recommendation on this matter made by the Committee after considering the State party's fourth periodic report?

Right to life and prohibition of torture, security of the person and protection against arbitrary arrest, treatment of prisoners and other detainees, imprisonment for failure to comply with a contractual obligation, and right to a fair trial (arts. 6, 7, 9, 10, 11 and 14)

9. Has the number of crimes punishable by the death penalty been reduced since the consideration of the fourth periodic report? Please provide quantified data on the number of prisoners facing the death penalty. In view of the fact that no execution has taken place since 1993, does the State party contemplate ratifying the second Optional Protocol to the Covenant? What is the status of implementation of the recommendation on this matter made by the Committee after considering the State party's fourth periodic report (concluding observations, para. 15)?

10. Detainees have reportedly died while in custody. Please indicate what steps have been taken to investigate such deaths, punish those responsible and pay compensation.

11. Please comment on the growing number of reports concerning ill-treatment and torture in places of temporary detention, notably at the hands of the Direction Générale de la Surveillance du Territoire (DGST), and particularly in Témara prison. Have any investigations been carried out into this matter, and with what results?

12. Please furnish statistics on the number of complaints of acts of torture and ill-treatment by State officials, and on investigations, prosecutions and punishments arising from them. Is a register of persons arrested or detained kept at the national level? What steps have been taken to follow up the recommendation made by the Committee in paragraph 16 of its concluding observations after considering the State party's fourth periodic report in 1999?

13. Please indicate the guarantees enjoyed by persons suspected of terrorist offences, who may be held without judicial supervision for up to 10 days (report, para. 132). What is the status of implementation of the recommendation made by the Committee after considering the State party's fourth periodic report in 1999 (concluding observations, para. 17)? At what stage do such persons benefit from the services of a lawyer?

14. Please provide further details concerning the concept of terrorism as defined in the Anti-Terrorism Act of 23 May 1999. What are the criteria used to classify an act as a terrorist act, and which courts are competent in this respect?

15. It is alleged that, as part of efforts to combat terrorism, several dozen persons have been found guilty on the sole basis of confessions obtained under torture while they were held in custody, and that, in that context, dozens of persons have been tried together in summary trials: what is the situation in this respect?

16. It is alleged that overcrowding has reached an alarming level in prisons and that hygiene, food and medical care in them are inadequate (report, paras. 136-151). Please indicate what steps have been taken, particularly in relation to under-age prisoners.

17. Aside from the compensation provided for under the extrajudicial procedure handled by the Equity and Reconciliation Commission, what steps have been taken to resolve unsolved cases of disappearance, clarify the circumstances involved in these disappearances and identify where the victims may have been buried? Does the State party plan to take steps to identify those responsible and use judicial means to impose on them punishments which are commensurate with their acts? What steps have been taken to follow up the recommendation made by the Committee after considering the State party's fourth periodic report?

18. Please explain how the new measures adopted as part of the reform of the procedure relating to imprisonment for debt correspond with the provisions of article 11 of the Covenant (report, paras. 152-161). Can an individual be arrested for a civil debt?

**Freedom of movement and the right to leave one's country
and to return to one's country (art. 12)**

19. Please comment on reports reaching the Committee that the passports of friends and relatives of missing persons from Western Sahara were confiscated in 2003 in order to prevent them from travelling abroad. What steps has the State party taken to implement the recommendation made by the Committee in paragraph 20 of its concluding observations after considering the State party's fourth periodic report in 1999?

No expulsion of aliens without judicial guarantees (art. 13)

20. Please indicate the remedies available, in conformity with article 13 of the Covenant, to persons who face the risk of being forced to leave Morocco on the grounds that they present a threat to the security of the State or to public order, or on grounds of terrorism (report, paras. 178-188).

Freedom of expression, assembly and association (arts. 19, 21 and 22)

21. Please provide information on the number of journalists sentenced to fines and prison terms, under the Press Code and the Anti-Terrorism Act, for publishing articles or expressing views which are deemed to be insulting to the royal family, which relate to the status of Western Sahara or which concern groups considered to be terrorist groups. What is the status of implementation of the recommendation made by the Committee in paragraph 23 of its concluding observations after considering the State party's fourth periodic report?

22. It is reported that notification and prior authorization of peaceful assemblies are required under the State party's legislation and that such authorizations are granted only for assemblies which do not call government policy into question. What steps have been taken to follow up the recommendation made by the Committee after considering the State party's fourth periodic report (concluding observations, para. 24)?

23. There have been reports of harassment and intimidation of a number of Saharan members of civil society who are viewed as supporters of independence for Western Sahara. Please give details of the dissolution of the Saharan section of the Forum for Truth and Justice in June 2003, and of the court decisions against members of the organization.

24. Students have reportedly been expelled from various universities for supporting or joining organizations deemed to be fundamentalist. Please comment.

Rights of the child (art. 24)

25. Please indicate what steps have been taken to combat the economic exploitation of children and the abuse allegedly inflicted on girls from rural areas who are employed in harsh conditions in the towns and cities as domestic employees. How is the decision to raise the minimum working age to 15 (report, para. 127) being implemented in practice?

26. Please explain how the legislation on acquisition of Moroccan nationality by a child born in Morocco to a Moroccan mother and a foreign father is deemed to be compatible with the provisions of article 24, paragraph 3, of the Covenant (report, para. 302).

Dissemination of the Covenant and the Optional Protocol

27. Please indicate what steps have been taken to disseminate information on the submission of the fifth periodic report and its consideration by the Committee, as well as on the concluding observations adopted by the Committee after considering Morocco's fourth periodic report.