



Declassified*¹
AS/PoI (2012) 36
4 December 2012
Apdoc36_12

Committee on Political Affairs and Democracy

Evaluation of the partnership for democracy with the Parliament of Morocco

Rapporteur: M. Luca Volontè, Italy, Group of the European People's Party

Information note relating to the visit of the Rapporteur to Morocco (17-18 April 2012)

¹ Declassified by the Committee at its meeting on 14 December 2012.
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<http://assembly.coe.int/extranet>

1. Introduction

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 co-operation with the parliaments of the Council of Europe's neighbouring States.

2. On 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 a number of 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.

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. 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.

2. Political and institutional context

5. On 1 July 2011, i.e. one week after the granting of Partner for Democracy status to the Parliament of Morocco, the country's new constitution was adopted by referendum.

6. The new constitution is an important step on the path to democratic reform. It enshrines certain vital 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. However, the reform process is not over. The constitution provides for the adoption of 19 constitutional laws (*lois organiques*) needed to implement certain provisions of the constitution.²

8. To date, three constitutional laws have been passed: on political parties, on the House of Representatives, and on appointments to senior posts.

9. Early elections to the House of Representatives took place on 25 November 2011. An ad hoc committee of the Assembly observed those elections and concluded that *"the parliamentary elections [...] took place in a calm atmosphere, with voters able to choose freely among the different political parties"*.³

10. It also emphasised that *"following the adoption of the new Constitution of 1 July 2011, the Moroccan authorities have improved the electoral framework, facilitating the organisation of free and fair elections, provided that it is properly implemented"*.⁴

11. At the same time, the ad hoc committee was informed of *"a number of irregularities alleged to have taken place during the election campaign, including serious cases of electoral corruption, vote-buying, improper use of administrative resources, and also intimidation and exertion of pressure, particularly in respect of those who had called for a boycott of the elections"*.⁵

12. Consequently, the ad hoc committee asked the competent authorities of Morocco *"to do their utmost to elucidate these allegations and establish responsibility and notify the public and the Parliamentary Assembly of their findings as swiftly as possible"*.⁶

13. It invited the authorities of Morocco *"to carry out in-depth analysis of the organisation of the parliamentary elections of 25 November 2011"* and expressed the view that this work *"should be carried out in close co-operation with the Venice Commission with a view to improving electoral legislation as well as*

² Cf Appendix II, the list of constitutional laws.

³ Cf Doc. 12832, paragraph 40.

⁴ Idem, paragraph 41.

⁵ Idem, paragraph 43.

⁶ Idem, paragraph 44.

*certain practical aspects of organising voting and, more generally, the electoral process as a whole before the next elections”.*⁷

14. As a result of the elections, the Justice and Development Party (PJD) obtained the largest number of seats (107 out of 395).

15. On 29 November 2011, in accordance with the new constitution, King Mohammed VI appointed Mr Abdel-Ilah Benkiran, leader of the PJD, as Head of Government.

16. The PJD and three other parties, namely the *Istiqlal* Party, the Progress and Socialism Party (PPS) and the Popular Movement (MP) formed a coalition which has 217 seats in the House of Representatives.

17. On 3 January 2012, the King appointed the government ministers.

18. On 17 January 2012, the Head of the Government presented to parliament the government's programme, which was approved on 19 January by the House of Representatives after separate debates in each of the two houses.

3. The fact-finding visit to Morocco

19. On 17-18 April 2012, I made an initial fact-finding visit to Morocco in the context of the report on the “Evaluation of the Partnership for Democracy with the Parliament of Morocco”. During the visit, I had discussions with the Speakers of both Houses of Parliament and with the leaders of parliament's main committees and its political groups, as well as with the Ministers of Justice and the Interior.⁸

20. Throughout the visit, I emphasised the importance, for Morocco, of complying with the political commitments entered into with the Partner for Democracy status, as stipulated in paragraph 3 of Assembly Resolution 1818 (2011), and of making progress on the path to reform in those areas which the Assembly had deemed essential in order to strengthen democracy, the rule of law and respect for human rights and fundamental freedoms in Morocco, set out in paragraph 8 of the same resolution.

21. I also pointed out that, as indicated in paragraphs 13 and 14 of Resolution 1818, the progress of these reforms was the prime aim of the partnership and would constitute the benchmark for assessing its efficiency, and that the Assembly would make this assessment in 2013, *inter alia*, by comparing the state of progress of the reforms with the provisions contained in paragraphs 3 and 8 of the resolution.

22. Where the reforms already under way are concerned, I expressed my appreciation regarding certain positive points, such as the adoption of the new constitution, the strengthening of representative democracy, the appointment of the Head of Government from the party which had obtained the best results in the elections, the increased role of parliament, the improvement of the election system and the inclusion in the constitution of the principle of the independence of the judiciary.

23. I particularly stressed the attention attached by the Assembly to the abolition of the death penalty, to freedom of expression, media freedom and freedom of association, and to issues relating to gender equality.

24. In this context, I referred to certain developments which give rise to concern. At least one death sentence had been passed; even if the *de facto* moratorium on executions was still in place, no steps had been taken to make this official.

25. Information was received concerning a number of cases in which media freedom had been violated; some press editions had been banned or seized.

26. Concerning the situation of women, the recent suicide of a young Moroccan woman, who had been a victim of marital rape, sent a very disturbing signal and required particular attention from the authorities.

27. Human rights organisations reported abuses in terms of the use of child labour, ill-treatment of participants in protest movements, violations of freedom of assembly and certain other problems.

⁷ *Idem*, paragraph 47.

⁸ Cf Appendix I, Programme of the visit.

28. Furthermore, I drew our partners' attention to the need to speed up reforms in key areas, such as the justice system and the implementation of the recommendations of the Equity and Reconciliation Commission.

29. For their part, the Moroccans to whom I spoke informed me of their firm intention to consolidate the democratic changes under way in their country, particularly by drafting the constitutional laws provided for in the constitution. They considered that Assembly Resolution 1818 offered some very useful pointers in this context. More generally speaking, the partnership with the Assembly followed the strategic line of a rapprochement with Europe on the basis of shared values.

30. As examples of the progress already made, they cited, in particular, the fact that the current government reflects the will of the people as expressed in the parliamentary elections, as well as the government's responsibility to parliament.

31. The increased role of parliament in the institutional system necessitates a strengthening of the level of parliamentary work, and requires it to open up to society and be more sensitive to Moroccans' concerns. New forms of communication with civil society are therefore sought, so that it can contribute to the work of parliament.

32. There is also a strong desire to make progress in terms of parity between men and women. Following the elections, women's representation in the House of Representatives has increased from 34 members (10.5%) to 67 (17.0%).⁹

33. At the same time, representatives of the majority pointed out that their governmental coalition had been in power for only three months, and that it had not, therefore, had time to turn its attention to every issue. In practice, the Constitution stipulates that the constitutional laws should come into force before the end of the current legislature. The coalition therefore has sufficient time, until autumn 2016, to complete this task.

34. The abolition of the death penalty is a subject under discussion in civil society, but also in political circles, and particularly in parliament. However, there is, as yet, no consensus in favour of abolition.

35. Following my visit, I made a statement in which I called for the pursuit of reforms in the fields mentioned in Resolution 1818 and urged the Moroccans to make the most of the opportunities offered by their rapprochement with the Council of Europe so as to promote democracy, the rule of law and respect for human rights in their country, for the good of the people of Morocco.¹⁰

4. Forthcoming meeting in Rabat (21-22 March 2013)

36. In September 2012, the Parliament of Morocco invited the Committee on Political Affairs and Democracy to hold a plenary meeting in Rabat. The Committee accepted this invitation, subject to authorisation by the Bureau.

37. This meeting offers an excellent opportunity to hold a detailed exchange of views on the evaluation of the partnership for democracy with the Parliament of Morocco. It would enable an interim review to be made of the implementation, on the one hand, of the parliament's political commitments and of the reforms mentioned in Assembly Resolution 1818, and, on the other hand, of the co-operation programmes between the Council of Europe and Morocco in the context of our Organisation's neighbourhood policy.

38. In my opinion, such an exchange of views would have the advantage of paving the way for the drafting of the evaluation report due to be prepared for the Assembly in June 2013.

39. It would also afford the Parliament of Morocco an opportunity to affirm its role as a reform-minded institution, to consolidate its position in respect of the supervision of government action, and thus to give impetus to the reform process.

40. Finally, this dialogue would also enable the Committee and the Parliament of Morocco to exercise parliamentary monitoring of the implementation of the programmes provided for in the Priorities for Morocco 2012-2014 in the context of co-operation with the Council of Europe's neighbouring regions.

⁹ It should nevertheless be noted that, whereas the old government had seven women, the new government has just one, Mrs Bassima Hakkaoui, Minister for Solidarity, Family Affairs and Social Development.

¹⁰ Cf Appendix III, Statement by the rapporteur dated 24 April 2012.

41. I therefore propose to the Committee and our Moroccan partners that, at the meeting scheduled for Rabat, a detailed exchange of views be held with the Parliament of Morocco on the evaluation of the partnership for democracy, with the participation of representatives of the relevant committees of parliament and of the executive, as well as Council of Europe officials responsible for co-operation with Morocco.

5. Preliminary conclusions

42. The reform process in Morocco has made a promising start with the adoption of the new constitution, the holding of early parliamentary elections and the formation of a government based on the results of those elections.

43. At the same time, the Council of Europe and the Government of Morocco have drawn up an important co-operation programme, intended to make a tangible contribution to the reform process and to give our partnership practical meaning.

44. It is time for all the stakeholders involved to step up their efforts in order to speed up the implementation of this process. The Assembly will evaluate the progress made on this path on the basis of the report which I intend to present in 2013.

Annexe I

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Committee on Political Affairs and Democracy

PROGRAMME OF THE VISIT

of

Mr Luca VOLONTÈ

Rapporteur of the Committee on Political Affairs and Democracy

on the

**“Evaluation of the partnership for democracy with the
Parliament of Morocco”**

Rabat, Morocco

17-18 April 2012

Tuesday 17 April 2012

- 9 am – 10 am Meeting with **Mr Karim GHELLAB**, President of the Chamber of Representatives
- 10 am – 11am Meeting with **Dr Mohamed CHEIKH BIADILLAH**,
President of the Chamber of Councillors
- 11 am – 1 pm Meetings with Chairpersons of the Committees of the Chamber of Representatives:
Mr Ali KABIRI, Chairman, Foreign Affairs Committee;
Mr Mohamed HANINE, Chairman, Committee on Justice and Legislation;
Ms Gajmoula MENT ABBI, Chairperson, Committee on Education, Culture and Media;
Ms Hasna ABOU ZAID, Vice-Chairperson, Committee on Social Affairs
- 1 pm Working lunch offered by the Parliament with participation of members of the Moroccan Partner for Democracy Delegation
- 3 pm – 4 pm Meetings with Chairpersons of the Committees of the Chamber of Councillors:
Mr Ali Salem CHAGAF, Chairman, Foreign Affairs Committee;
Mr Abdelmalek AFERIAT, Quaestor of the Chamber, Vice-Chairman, Committee on Justice, Human Rights and Legislation
- 4 pm – 6 pm Meetings with Chairpersons of Political groups of the Chamber of Representatives:
Mr Abdelaziz ELOMARI, Chairman of PJD group
Mr Abdelatif OUAHBI, Chairman of PAM group
Mr Chaoui BELASSAL, Chairman of UC group
Mr Mehdi MEZOUARI, Vice-Chairman of Socialist group
- Meetings with Chairpersons of Political groups of the Chamber of Councillors:
Mr Mohamed ANSARI, Chairman of Istiqlal group
Dr Zoubeida BOUAYAD, Chairperson of Socialist group

Wednesday 18 April 2012

- 10 am – 11 am Meeting with **Mr Mohaned LAENSER**,
Minister of the Interior
- 11 am – 12 pm Meeting with **Mr Mustapha RAMID**,
Minister of Justice and Liberties
- 12.15 pm – 1.15 pm Meeting with **Mr Driss ELYAZAMI**,
President of the National Human Rights Council
- 3 pm Meeting with **Ambassador Eneko LANDABURU**,
Head of the EU Delegation to Morocco
- 4 pm – 5 pm Meeting with **Mr Ahmed GHAZALI**,
Chairperson of the High Authority for Audiovisual Communications
- 5 pm – 5.40 pm Meeting with **Mr Serge BERDUGO**, President of the Jewish Community in Morocco
- 6 pm Briefing with Ambassadors or Representatives of Council of Europe member states accredited in Morocco organised by
Mr Timothy MORRIS, Ambassador of the United Kingdom to Morocco

Annexe II

Constitutional laws provided for by the new constitution of Morocco on:

- . ensuring the official status of the Amazigh language (Article 5);
- . the setting up of the National Council for Moroccan languages and culture (Article 5);
- . the rules relating to the setting up and activities of political parties (Article 7);
- . citizens' right to submit legislative motions (Article 14);
- . the right to submit petitions to public authorities (Article 15);
- . the conditions and arrangements for the exercise of the right to strike (Article 29);
- . the rules of procedure of the Regency Council (Article 44);
- . the list of strategic establishments and enterprises whose leaders are appointed by the government (Article 49);
- . the House of Representatives (Article 62);
- . the House of Councillors (Article 63);
- . parliamentary committees of enquiry (Article 67);
- . the budget (Article 75);
- . the rules relating to the organisation and conduct of the work of the government and the status of its members (Article 87);
- . the status of judges (Article 112);
- . the Supreme Judicial Council (Article 116);
- . the rules relating to the organisation and functioning of the Constitutional Court (Article 131);
- . the jurisdiction of the Constitutional Court (Article 133);
- . the management of local and regional authorities (Article 146);
- . the Economic, Social and Environmental Council (Article 153).

Annexe III

23/04/2012

Political Affairs

It is essential that the reforms maintain their momentum in Morocco, Luca Volontè declares

Luca Volontè (Italy, EPP/CD), rapporteur of PACE's Committee on Political Affairs and Democracy on the Evaluation of the Partnership for Democracy in respect of the Parliament of Morocco, made a fact-finding visit to Morocco from 16 to 19 April 2012.

During the visit he had meetings with the speakers of the two chambers of parliament, heads of political groups and of parliamentary committees and members of the Moroccan delegation to the Assembly. He also held talks with the Ministers of the Interior and of Justice, the President of the National Human Rights Council and the President of the High Authority for Audiovisual Communication.

At the end of his visit the Rapporteur made the following statement:

"The Parliament of Morocco was the first to seek and to be granted Partner for Democracy status. It therefore played a pioneering role in this field and paved the way for others.

The Parliament must continue to assume this difficult but honourable role, ensuring that the political commitments and the reforms covered by Resolution 1818 (2011) are implemented in an exemplary way.

The political reforms initiated by the King in March 2011 are well in hand. The new Constitution is now in force and its implementation has borne its first fruits: the composition of the government formed in the wake of the elections held in November 2011, which the Parliamentary Assembly observed, reflects the will of the voters. Parliament's political role in the institutional system has been reinforced.

It is true that much remains to be done, notably as regards gender equality and parity, reform of the legal and judicial system, the fight against corruption and many other fields. We also hope that the moratorium on executions, in force since 1993, will be transformed into abolition of the death penalty.

It is essential that the reforms maintain their momentum and concern all the spheres mentioned in our resolution. The Assembly and the Council of Europe as a whole are ready to assist the Moroccan authorities, notably concerning the Neighbourhood Co-operation Priorities for Morocco for the period 2012-2014, which should be signed on the occasion of the Assembly's April session.

I therefore encourage our Moroccan friends to make the most of the opportunities offered by their rapprochement with the Council of Europe so as to promote democracy, the rule of law and respect for human rights in their country, for the good of the people of Morocco."