



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/1/MAR/3  
11 March 2008

ENGLISH  
Original: ENGLISH/FRENCH

---

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
First session  
Geneva, 7-18 April 2008

SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(C) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\*

**Morocco**

The present report is a summary of 28 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

---

\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **Institutional and human rights structure**

1. Morocco's national human rights institution, the Consultative Council on Human Rights, advised that the human rights regime in Morocco is based on a broad institutional framework in which the Council, the Diwan Al Madhalim (Ombudsman) and the specialized national institutions play a leading role. The Consultative Council was established in 1990 and reorganized in 2001 on the basis of the Paris Principles on national human rights institutions. It may formulate advisory opinions on the promotion of human rights, prepare annual reports on the human rights situation and thematic reports on specific issues (such as illegal emigration, places of detention, election monitoring), make recommendations on Morocco's accession to international human rights instruments and on standardization of domestic legislation, and consider communications on human rights violations.<sup>2</sup>

2. The Consultative Council receives and investigates complaints alleging human rights violations, makes regular visits to prisons and inquires about the situation of prisoners, issues advisory opinions on improving the protection and promotion of human rights, formulates recommendations on bringing internal legislation into line with the relevant international standards and works to strengthen cooperation between the Government and civil society. The Consultative Council on Human Rights further pointed out that, in terms of nurturing democratic practices and consolidating the rule of law in Morocco, it supervised and helped in actively monitoring the 7 September 2007 elections (120 Council observers). In implementing the programmes it develops, the Council has adopted an approach based on cooperation with government authorities and the involvement of civil society.<sup>3</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **Implementation of international human rights obligations**

#### **1. Equality and non discrimination**

3. The Moroccan Human Rights Organization (OMDH) and the International Federation of Human Rights Leagues (FIDH) recommended insertion of the principle of equality in the Constitution and the Family Code, as recommended by the Committee on the Elimination of Discrimination against Women in 2003, awareness-raising and training for judges in the principles and objectives of the Family Code, as well as the fulfilment of the commitments made in the Framework of Action adopted in Istanbul in 2006 by the Euro-Mediterranean Ministerial Conference on Strengthening the Role of Women in Society.<sup>4</sup>

4. The Union of Women's Action (UAF) has advised that following the recommendations of the Committee on the Elimination of Discrimination against Women, Morocco has embarked on a number of reforms to bring its domestic legislation into line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, namely amendments to the Family Code, the Criminal Code, the Commercial Code, the Labour Code, the Chamber of Representatives Organization Act, the Civil Registration Act and the Moroccan Nationality Act.<sup>5</sup> However, despite these reforms, there are still shortcomings in the legal framework governing women's status, including discriminatory provisions in some legislation, and lacunae in major areas such as marital violence, not to mention Morocco's poor record with regard to the other international instruments on women's rights. UAF recommended that Morocco should take all necessary steps to remedy these shortcomings.<sup>6</sup>

5. OMDH and FIDH reported that, despite the progress made since the adoption of the new Family Code in 2003, equality between men and women was far from assured. The provisions on inheritance, polygamy, women's right to divorce and to legal guardianship remained unequal. Moreover, systematic provision had not been made for the gradual introduction of quotas, with a view to attaining parity in elected office and electoral, executive and administrative positions. There was no budget or proper mechanism to ensure continuous support and follow-up for schooling and training for girls in rural areas. There was a lack of positive discrimination (affirmative action) to reduce the disparities faced by women with regard to access to senior positions in the civil service.<sup>7</sup>

6. According to the Democratic Association of Moroccan Women (ADFM), the new provisions of the Family Code are not very effective. Regarding the marriage of minors, it turns out, according to statistics from the Ministry of Justice, that almost 89 per cent of marriage applications for minors, 97.5 per cent of which were for girls, were granted by the courts. Very restrictive legal provisions on polygamy have been introduced but, again according to Ministry of Justice figures, 43.5 per cent of applications for polygamous marriages were granted by the courts. Indeed, polygamous marriages as a percentage of total marriages actually increased slightly between 2005 (8.5 per cent) and 2006 (9.7 per cent). Attempts by women to access the new divorce procedures, in particular on grounds of marital discord (*shiqaq*) are interpreted by many courts as an application on grounds of harm suffered, which obliges women to produce evidence and witnesses to such harm.<sup>8</sup>

## 2. Right to life, liberty and security of the person

7. Although no death sentences have been carried out since 1993, OMDH and FIDH stressed that there were still 133 convicts on death row in Morocco.<sup>9</sup> OMDH and FIDH recommended that, in implementation of the recommendations made in 2004 by the Human Rights Committee, Morocco should reduce to a minimum the number of offences punishable by the death penalty, with a view to abolishing capital punishment, and commute the sentences of all persons sentenced to death.<sup>10</sup>

8. On 28 May 2003, *Law no. 03-03 on Combating Terrorism (Loi no. 03-03 relative à la lutte contre le terrorisme)* came into force, modifying both the Penal Code and Criminal Procedure Code by adding new provisions and amending others. Amnesty International (AI) is concerned that the new law has widened the scope of applicability of the death penalty. Since the law's promulgation, at least 18 people suspected of involvement in terrorism have been sentenced to death. Some of those sentenced to death were allegedly subject to grossly unfair trial procedures.<sup>11</sup> The Ministry of Justice took steps towards abolishing the death penalty, including by setting up a commission of jurists to review Moroccan laws with the aim of restricting the number of offences punishable by death in the Penal Code, and a bill was drafted for that purpose. AI recommended that Morocco should repeal all provisions allowing for the death penalty and immediately declare a moratorium on all executions.<sup>12</sup>

9. The National Commission for Truth, Equity and Reconciliation has identified a large number of missing persons and noted that 66 cases remained unresolved. According to OMDH and FIDH, the Human Rights Committee's recommendations calling on Morocco to "conduct the necessary investigations to identify, try and punish those responsible for such crimes (Covenant, arts. 6 and 7)" has still not been implemented, and the reconciliation process cannot be conclusive or lasting until all cases of disappearance are resolved.<sup>13</sup>

10. AI welcomed the fact that Law no. 43-04 promulgated in February 2006 defines torture in a manner broadly consistent with article 1 of the CAT. AI is also pleased to note that all acts of

torture are made offences under criminal law. One remaining concern, however, is that neither the “attempt to commit torture” nor “complicity or participation in torture” is explicitly defined as an offence, as they should be according to article 4 of the CAT.<sup>14</sup>

11. AI is concerned over the sharp rise in reported cases of torture or ill-treatment in the context of “counter-terrorism” measures in Morocco/Western Sahara since 2002.<sup>15</sup> Among the hundreds of Islamists or presumed Islamists arrested and detained on suspicion of belonging to “criminal gangs” or of involvement in planning or carrying out violent acts, scores of people are alleged to have been tortured or otherwise ill-treated. Scores have been sentenced to long prison sentences and over a dozen to the death penalty on the basis of evidence reportedly extracted by torture or ill-treatment. Torture or ill-treatment is generally reported to have taken place in the custody of the security forces, particularly the Directorate for the Surveillance of the Territory (*Direction de la surveillance du territoire*, DST) and the police, allegedly in order to extract confessions or information, or to force the detainee to sign or thumb-print statements, the content of which they reject, deny or do not know. While allegations of torture or ill-treatment of presumed Islamists during interrogation have decreased since 2005, AI remains concerned at continued impunity for such violations.<sup>16</sup>

12. Some prosecutions for torture have resulted in convictions for those responsible.<sup>17</sup> However, AI informed that in the majority of cases where complaints were made involving allegations of torture or other ill-treatment, investigations have either not been opened, have been dismissed without adequate investigation, or have not resulted in perpetrators being prosecuted.<sup>18</sup> Furthermore, hundreds of Islamists detainees continue to demand a judicial review of their trials, which were tainted by unexamined claims of torture or ill-treatment during questioning by the security forces. Hundreds of them have staged hunger strikes in 2007 to protest at prison conditions, lack of access to adequate medical care, and ill-treatment by prison guards and other security forces.<sup>19</sup>

13. The problem of child abuse has become evident in recent years. The Moroccan Human Rights Centre (CMDH), for example, has registered a series of cases of child sexual abuse, some of them related to sex tourism through networks of Moroccans and foreigners, exploiting children in the production of pornographic films.<sup>20</sup>

14. Furthermore, Global Initiative to End All Corporal Punishment of Children (GIEACP), indicated that corporal punishment in schools was prohibited by Ministerial direction in 2000, but there is no explicit prohibition in law. In the penal system, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in penal institutions. In alternative care settings, there is no prohibition of corporal punishment in foster care.<sup>21</sup>

15. Al Karama for Human Rights (KHR) said that politically motivated arrests have increased since 2002, especially since the attacks in Casablanca on 16 May 2003. Some sources speak of 2,000 arrests between 2002 and 2004. Persons indicted for membership of a terrorist group, preparation of terrorist acts and/or endangering the security of the State are in many cases held incommunicado. Suspects are often arrested by DST officers, who do not have judicial police status and are not legally empowered to make such arrests. The suspects are taken to police or DST premises and held in custody for periods typically exceeding the limits set by law. The victims’ families are generally not informed of their whereabouts or how they are being treated. In many cases the authorities deny they are in detention. To disguise such abusive detentions, the dates of arrest are altered in the reports. Prolonged incommunicado custody of this kind amounts to temporary “disappearance”.<sup>22</sup>

16. MDH advised that many prisons were in a disastrous state, with overcrowding, malnutrition, infectious diseases, lack of hospitalization and dangerous behaviours of various kinds such as drugs, sexual abuse, corruption and violence, let alone the low budget share allocated to these institutions and the lack of sporting or cultural activities or vocational training.<sup>23</sup> With regard to places of detention, OMDH and FIDH recommended the introduction of an independent national body to supervise prisons, with the power to make unannounced inspections and even, where necessary, to order medical inspections to establish whether there had been cases of torture, as recommended by the Human Rights Committee in 2004.<sup>24</sup>

### **3. Administration of justice and the rule of law**

17. The International Commission of Jurists (ICJ) called on the Human Rights Council to urge Morocco to implement without delay the IER recommendations with regard to the constitutional reforms, independence of judiciary and combating impunity, as well as to put an end to the impunity of state officials responsible for the gross human rights violations committed in Morocco during the last 40 years.<sup>25</sup>

18. According to AI, King Mohamed VI instructed the Human Rights Advisory Board (CCDH) to follow up the work of the IER, and in June 2006, Prime Minister Driss Jettou set up joint working committees comprising Government officials and former members of the IER to examine the Commission's recommendations, particularly on reparations and institutional and legal reforms. The Board began by informing victims and their families of the results of research into 742 cases of enforced disappearance that it said the Commission had resolved, and stated that it would continue the Commission's research into 66 unresolved cases. The Board further stated that a detailed list of the enforced disappearance cases examined by the Commission would be published in mid-2006; however, the list is not yet available. No progress has been made on providing victims with effective access to justice and holding accountable individual perpetrators. AI is concerned that impunity is still not being addressed appropriately in Morocco and Western Sahara, in particular since some alleged perpetrators continued to remain in position as members and, in some cases, high-ranking officials, of the security forces.<sup>26</sup>

19. Concerning the right to a fair trial, Human Rights Watch (HRW) affirmed that in cases with a political colour, courts routinely denied defendants fair trials, ignoring requests for medical examinations lodged by defendants who claim to have been tortured, refusing to summon exculpatory witnesses, and convicting defendants solely on the basis of apparently coerced confessions.<sup>27</sup> HRW recommended that Morocco should ensure fair trial standards, as guaranteed by international standards, for all cases. Judges should be encouraged to use their discretion to grant motions for impartial medical examinations of defendants, in keeping with Morocco's obligation under the CAT in order to take steps to prevent torture and mistreatment.<sup>28</sup>

20. OMDH and FIDH recommended the right to a fair trial in Morocco: the Moroccan justice system was increasingly called into question for its dependence on the executive and some trials that OMDH observed failed to meet the minimum conditions for a fair trial; Morocco "should take the necessary steps to guarantee the independence and impartiality of the judiciary", as recommended by the Human Rights Committee in 2004.<sup>29</sup>

21. The Consultative Council on Human Rights noted that, during the 23 months it had been in existence, IER had managed to review 43 years of serious human rights violations (1956-1999), taking various forms of action such as investigation, research, evaluation, arbitration and presentation of recommendations and proposals for reform.<sup>30</sup> However, AI underlined that IER did

not have a mandate to identify perpetrators of human rights violations or recommend prosecutions,<sup>31</sup> and HRW noted that non-cooperation by public officials prevented it from resolving other cases.<sup>32</sup>

#### **4. Right to privacy**

22. The International Lesbian and Gay Association (ILGA), in a joint submission with others, noted that Morocco maintains criminal sanctions against consensual same-sex activity. Article 489 of Morocco's Penal Code provides: "Any person who commits lewd or unnatural acts with an individual of the same sex shall be punished with a term of imprisonment of between six months and three years and a fine of 120 to 1,000 dirhams, unless the facts of the case constitute aggravating circumstance".<sup>33</sup>

#### **5. Freedoms of religion and belief, expression, association and peaceful assembly, and right to participate in public and political life**

23. Regarding freedom of expression, Reporters sans frontières (RSF) noted that the situation has changed significantly since Mohammed VI became king in 1999. A privately-owned press, in Arabic and French, flourishes alongside the official and pro-government media. RSF called on the new Government appointed in September 2007 to resume negotiations with journalists over a new press law that would eliminate prison sentences for insulting members of the royal family.<sup>34</sup> OMDH and FIDH, for their part, said that the 2002 review of the Press Code had retained a number of provisions restricting the freedom of expression, as well as prison sentences in situations regarded as violations of "sacred ground", such as the King's person, Islam and territorial integrity.<sup>35</sup> The Government announced a press law reform in February 2007, calling it an "important and historic" step towards greater freedom of expression and the media, but the reform contains no guarantee that journalists will be protected, as highlighted by RSF.<sup>36</sup> HRW, OMDH and FIDH recommended that the Moroccan authorities review the 2002 press code and other laws applied to journalists with a mind to abolishing or amending those provisions that restrict speech in a manner incompatible with internationally recognized standards of freedom of expression.<sup>37</sup>

24. As regards freedom of association, HRW noted that most types of public assemblies require authorization from the Interior Ministry, which can refuse permission if it deems them liable to "disturb the public order." This discretion is exercised more often when the demonstrators' agenda is critical of government policies. Although many of the frequent public protests in Rabat run their course undisturbed, baton-wielding police have broken up others with brutality.<sup>38</sup> HRW recommended that Morocco should give substance to the right of assembly, guaranteed by Article 21 of the ICCPR, by approving applications for public assemblies and demonstrations, except in exceptional and narrowly defined circumstances; the Council should also urge Morocco to train thoroughly law enforcement officers in nonviolent methods of crowd dispersion, and hold accountable those officers who use excessive force to disperse demonstrators.<sup>39</sup>

25. Concerning the right to participate in public life, the Islamic Human Rights Commission (IHRC) affirmed that the Al-Adl wa Al-Ihsan/Justice and Spirituality Movement (JSM) emerged as a powerful political movement by the end of the 1980s; although it had obtained legal recognition, the association has been, since its founding, a target of oppression and abusive arrests by the Moroccan authorities.<sup>40</sup>

## **6. Right to work and to just and favourable conditions of work**

26. OMDH and FIDH recommended strict enforcement of the provisions of the Labour Code by making social security available to all workers; prohibiting unfair dismissal; compensation for loss of employment for economic reasons; compliance with health and safety regulations; establishment of an active policy ensuring equality between employees in the industrial and service sectors and agricultural workers; expanding the scope of the Labour Code to apply to domestic workers who are subjected to inhumane forms of bondage.<sup>41</sup>

## **7. Right to social security and to an adequate standard of living**

27. OMDH and FIDH recommended that Morocco should ratify ILO Convention No. 102 concerning Minimum Standards of Social Security and Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security.

28. OMDH and FIDH also recommended that Morocco should ensure the integration of people with physical and mental disabilities, who make up 5 per cent of the total population; review the country's health map and provide disadvantaged regions, particularly rural areas, with a proper health infrastructure and adequate medical care; reduce maternal and infant mortality rates, which are reaching alarming levels; implement the Basic Medical Coverage Code (compulsory health insurance) adopted in 2002; and put the medical assistance plan for the financially disadvantaged (RAMED) in place.<sup>42</sup>

## **8. Right to education and to participate in the cultural life of the community**

29. OMDH and FIDH recommended that Morocco should guarantee free, quality basic education for all; give special importance to girls' education, in particular for rural girls; reduce the dropout rate by providing school canteens and school transport in areas where schools are a long way from pupils' homes and providing assistance to needy parents (school supplies, scholarships); improve secondary school enrolment rates by further developing scientific and technical courses; increase enrolment rates in higher education (currently 12 per cent) and improve internal and external performance, by developing courses relevant to the labour market.<sup>43</sup>

## **9. Minorities and indigenous peoples**

30. According to Tamazgha and the Amazigh Human Rights League (LADH), anti-Berber discrimination is deliberate, organized and official, and enshrined in a Constitution that gives no space to the Berber language or culture; this situation is accepted by Moroccan State institutions, which are used as tools in the drive to deny Berbers' traditional identity and integrate them as a subject people in an Arab-Islamic political structure.<sup>44</sup>

31. In the view of the Amazigh World Congress (CMA), the Moroccan Government had made use of French colonial legislation (Acts of 1914, 1919 and 1925) to deprive Amazigh farmers of their land, notably in Adarouch (Azrou region), Tamllaste, Eksimen Emssguine (Agadir region), Agmmad, Iguelmimen, Ighergher (Errachidia region), Goulmima, Bouyzakarn, Ait-Baamran, Oulmés (forest and springs), Ait-Mellal, Azrou and Taroudant. CMA further stated that the situation was extremely worrying for hundreds of Amazigh families who had been forced to leave their ancestral lands and swell the slums of Morocco's big cities.<sup>45</sup> As for it, Cultural Survivor (CS) informed that the Amazir have no effective means of enforcing their rights, and the Government frequently makes decisions about these lands to accommodate the economic or political interests of

the State without involving Amazir; the Amazigh League for Human Rights (LADH) has accused the Government of collaborating with “real-estate mafias” to exploit Amazigh lands and resources.<sup>46</sup>

32. CMA also emphasized that the Amazigh press and publications received no financial assistance from the State, though the Arabic-language press was generously funded from the public purse.<sup>47</sup> CMA recommended that the competent United Nations bodies should request Morocco to recognize the Amazigh people and respect all its rights, including its rights to land, its territory and its natural resources; establish an independent international commission of inquiry to thoroughly investigate events in Moroccan universities in the spring of 2007; release Amazigh political detainees without delay, rehabilitate all who have been arrested and detained and ensure compensation for harm suffered.<sup>48</sup>

33. Tamazgha also considered that the absence of Tamazight in the courts, where the only acceptable language is Arabic, called in question the notion of a fair trial because there are citizens who speak only the Amazigh language.<sup>49</sup> Tamazgha recommended that Morocco should implement legislation making the teaching of the Berber language compulsory at all levels; set up an Amazigh-language television channel and local and regional radio stations; introduce the Amazigh language in State administrations, the courts and hospitals; promote Amazigh cultural rights; and establish an adequate economic development programme for marginalized regions, the majority of which are Amazigh-speaking.<sup>50</sup>

34. LADH, OMDH and FIDH recommended official recognition by Morocco of the linguistic and cultural rights of the Amazigh, in part by making the Amazigh language an official language of the State and Moroccan society.<sup>51</sup>

### **10. Migrants, refugees and asylum seekers**

35. OMDH and FIDH said that refugees and asylum-seekers were subjected to severe discrimination: asylum-seekers, for example, had no access to health care, education or decent food;<sup>52</sup> CMDH added that the mass expatriation of numbers of Africans, and their humiliating and inhumane treatment by law-enforcement officials, were inconsistent with international charters of human rights.<sup>53</sup>

36. KHR advised that thousands of people suspected of being illegal immigrants, including minors, had been arrested and deported to Algeria and Mauritania. Among the hundreds of people returned to Algeria in December 2006, for example, were at least 10 recognized refugees and 60 asylum-seekers registered with the Office of the United Nations High Commissioner for Refugees (UNHCR) in Rabat. Those who had been deposited at the Algerian border or in the middle of the desert in the western Sahara had had no water or food. One of them had been found dead from dehydration. Several deported immigrants had claimed to have been sexually abused by members of the Algerian and Moroccan security forces.<sup>54</sup>

37. AI had serious concerns particularly about the Moroccan authorities' treatment of people attempting to cross the Spanish/Moroccan border clandestinely at Ceuta and Melilla. In the past two years, the organization had investigated human rights violations committed against migrants and asylum-seekers. These investigations have revealed abuses including unlawful expulsions, lack of due process, breach of the principle of non-refoulement and excessive use of force by Moroccan security forces against asylum-seekers and migrants.<sup>55</sup>



38. AI called on Morocco to immediately halt the refoulement of refugees and asylum-seekers, and the arbitrary and collective or mass expulsion of migrants to neighbouring countries; AI also recommended that prompt, thorough, independent investigations must be carried out into any allegation of death or injury of migrants and asylum-seekers caused by the use of force or firearms by law enforcement officials and that the results are made public; AI further urged Morocco to reaffirm and fully respect the principle of non-refoulement and to ensure that all asylum-seekers have access to fair and satisfactory procedures for determining whether they are in need of international protection, including but not limited to the right to appeal, with suspensive effect, to an independent specialized body, legal assistance and interpretation, in accordance with international law.<sup>56</sup>

### **11. Human rights and counter-terrorism**

39. AI is calling for the 2003 *Law on Combating Terrorism* to be reformed to comply with Morocco's international human rights obligations, including the principle of legality, given its expansive definition of terrorism and terrorism-related offences: in fact, AI is concerned that the 2003 Law amends article 66 of the Criminal Procedure Code by allowing in "terrorism" cases the extension of the "*garde à vue*" for up to 12 days; AI is also concerned by the lack of a sufficiently precise definition of terrorism, in violation according to it of the principle of legality; for AI, the broad definition of terrorism could be subject to widely differing and arbitrary interpretations, creating the potential for abuse.<sup>57</sup> AI is also calling on the Moroccan authorities to ensure that the fair trial rights set out under international standards of all those accused under the anti-terrorism law or on other charges are guaranteed in practice.<sup>58</sup> As for it, the ICJ called on the Human Rights Council to urge Morocco to investigate allegations of torture and ill treatment of detainees and prisoners condemned on the basis of the 2003 Law, and to bring to justice perpetrators of these violations.<sup>59</sup>

40. KHR added that after the attacks of 11 September 2001 in the United States of America, Morocco had actively cooperated with the United States the fight against terrorism. Specifically, CIA flights had transported suspects to the United States of America, where they had then been held incommunicado and tortured in the presence of Moroccan and American agents. According to KHR, there is proof that at least 28 CIA flights have landed in Morocco since September 2001.<sup>60</sup>

### **12. Situation in or in relation to specific regions or territories**

41. According to the Society for Threatened Peoples (STP), the pursuit of continued repression against the civilian population in the Moroccan occupied Western Sahara does not contribute to a favourable climate for direct negotiations between the Government of Morocco and the Polisario Front, which has been highly encouraged by the international community and the United Nations. In regard to the plethora of human rights violations, it should be recommended to extend the United Nations Mission for the Referendum in Western Sahara (MINURSO) mandate in order to monitor the human rights situation and protect the civilian population.<sup>61</sup>

42. AI is concerned at the high number of allegations of torture or ill-treatment of people arrested in Western Sahara in the context of demonstrations against Moroccan rule since 2005. Torture appears to be inflicted during the period of "*garde à vue*", before the detainee is brought to the judicial authorities, and intended to intimidate those arrested, punish them for their stance on self-determination or force them to sign "confessions."<sup>62</sup> In several cases, children and teenagers are not only charged for crimes, but tortured as well, as noted by STP. Torture is known to be very common in all police stations and military caserns.<sup>63</sup> Another widespread measure of concern is clan custody: over and over again, family or clan members are detained in order to arrest persons

wanted by the police, or they are used as leverage against the family. For instance, many fathers have been repeatedly arrested to prevent their children from participating in demonstrations against Moroccan rule.<sup>64</sup>

43. AI also called on the Moroccan authorities to take concrete measures to ensure respect for the rights of all Sahrawis to freedom of expression, association and assembly and to allow Sahrawi human rights defenders to collect and disseminate information and views on human rights issues without fear of prosecution, harassment or intimidation.<sup>65</sup>

44. According to the International Bureau for the Respect of Human Rights in Western Sahara (BIRDHSO), since 31 October 1975, the date of the invasion of the territory of Western Sahara, thousands of Sahrawi civilians have been victims of a deliberate policy of enforced disappearance and their freedom to travel abroad had been subject to a variety of restrictions. In more than 500 cases, the individual's fate had still not been ascertained. The survivors of secret detention centres, freed some time before the ceasefire of 1991, had still not received compensation for the 10 or 15 years of their lives spent in enforced disappearance. BIRDHSO said that Morocco continued to deny the existence of the Saharawi disappeared, even though various human rights organizations, including AI, had drawn up lists.<sup>66</sup>

45. The Movement against Racism and for Friendship among Peoples (MRAP) said that since the occupation of Western Sahara, Morocco had built a 2,700-kilometre wall to divide the Sahrawi people, and laid some 2 million anti-personnel mines along it; the United Nations Mission for the Referendum in Western Sahara (MINURSO) has confirmed the existence of 35 different kinds of anti-personnel mines and 21 different kinds of anti-tank mines, from 12 different countries, on Sahrawi territory. MRAP said that 200,000 people had stayed in the occupied territories, while 170,000 others had been surviving since then in refugee camps in the Algerian desert. The building of the wall had disrupted the socio-economic structure of the Saharawi people, who had had to cope with forced settlement and urbanization, while Morocco encouraged Moroccan citizens, on the one hand, to settle in the occupied territories and young Sahrawis, on the other, to leave - a Sahrawi could only get a job in the civil service, for example, outside the occupied territories.<sup>67</sup>

46. MRAP recommended that special attention should be paid to the full realization of the Sahrawi people's right to self-determination; that the United Nations High Commissioner for Human Rights, in cooperation with the Special Representative of the Secretary-General for Western Sahara and the Chief of MINURSO, should ensure full implementation of the right to self-determination; that the Office of the United Nations High Commissioner for Human Rights should have an office in the non-autonomous territories of Western Sahara (El Aaiun); and that the United Nations Human Rights Council should remain permanently seized of the question of Western Sahara as long as the Saharawi people does not exercise its right to self-determination.<sup>68</sup>

47. Front Line Defenders of Human Rights Defenders - International Foundation for the Protection of Human Rights Defenders (FL) is deeply concerned about the persecution of independent human rights defenders in Morocco and particularly in Moroccan administered Western Sahara: for example, human rights defenders are regularly victims of assault and harassment by the Moroccan administration which, in many cases, refused to deliver travel documents in order to ensure that people are unable to participate in human rights conferences.<sup>69</sup> FL called upon the United Nations to urge the authorities in Morocco: to ensure that all human rights defenders in Morocco and Western Sahara are free to carry out their human rights activities; and to invite in Morocco the Special Representative of the Secretary-General on the situation of human rights defenders.<sup>70</sup>

### III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

48. [n/a]

### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

49. [n/a]

### V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

50. [n/a]

#### Notes

<sup>1</sup> The following stakeholders have made a submission (all original submissions are available in full text on: [www.ohchr.org](http://www.ohchr.org)):

#### Civil Society:

- ABGLT: Associação Brasileira de Gays, Lésbicas, Bisssexuais, Travestis e Transexuais/Brazilian Gay, Lesbian, Bisexual and Trans Association, UPR Submission, November 2007 (English and some attachments in Portuguese)
- AI: Amnesty International, UPR Submission, November 2007 (English) \*
- ANCED: National Association of Centers for Defense of Child Rights, UPR Submission, November 2007 (English)
- Article 19 Brazil, UPR Submission, November 2007 (English) \*
- Center for Reproductive Rights, UPR Submission, November 2007 (English)
- CIR-RF/US-FPP-IPLPP/UA: Conselho Indígena de Roraima, the Rainforest Foundation-US, the Forest Peoples Programme, and the Indigenous Peoples Law and Policy Program of the University of Arizona, UPR Submission, November 2007 (English)
- CLADEM: Latin American and Caribbean Committee for the Defense of Women's Rights, UPR Submission, November 2007 (Spanish) \*
- COHRE: Centre on Housing Rights and Evictions, UPR Submission, November 2007 (English) \*
- Conectas Human Rights, UPR Submission, November 2007 (English) \*
- FIACAT-ACAT/Brazil: International Federation of Action by Christians for the Abolition of Torture and Action by Christians for the Abolition of Torture/Brazil, UPR Joint Submission, November 2007 (French) \*
- Front Line , UPR Submission, November 2007 \*
- Global Initiative: Global Initiative to End All Corporal Punishment of Children, UPR Submission, November 2007 (English)
- HRW: Human Rights Watch, UPR Submission, November 2007 (English) \*
- IEDC: Instituto de Estudos Direito e Cidadania, UPR Submission, November 2007 (French)
- Instituto Antígona, UPR Submission, November 2007 (Spanish)
- IPAS Brazil, UPR Submission, November 2007 (English)
- Rede Femenista: Rede Femenista de Saúde, UPR Submission, November 2007 (English)
- RSF: Reporters Without Borders, UPR Submission, November 2007 (English/French/Spanish) \*
- SDDH: Sociedade Paraense de Direitos Humanos/Pará Society for the Defense of Human Rights, UPR Submission, November 2007 (English)
- Society for Threatened Peoples', UPR Submission, November 2007 (English) \*
- REBRIP: Red Brasileña por la Integración de los Pueblos, UPR Submission, November 2007 (Spanish)

#### Others

NEDF: Fundamental Rights Study Nucleus, UPR Submission, November 2007 (English)

NB: \* NGOs with ECOSOC status.

<sup>2</sup> CCDH, p. 2.

<sup>3</sup> CCDH, p. 3.

<sup>4</sup> L'OMDH et la FIDH, p. 4.

<sup>5</sup> UAF, p. 1. See also CCDH, p. 1; CDG, p. 3-4.

<sup>6</sup> UAF, p. 4; for more details, see p. 4-6. See also ADFM, p. 2-3 and CMDH, p. 4.

<sup>7</sup> L'OMDH et la FIDH, p. 4. See also ADFM, p. 3-4.

<sup>8</sup> ADFM, p. 5.

<sup>9</sup> L'OMDH et la FIDH, p. 1-2. See also CMDH, p. 1.

<sup>10</sup> L'OMDH et la FIDH, p. 2.

<sup>11</sup> AI, p. 1.

<sup>12</sup> AI, p. 1.

<sup>13</sup> L'OMDH et la FIDH, p. 2.

<sup>14</sup> AI, p. 1. See also l'OMDH et la FIDH, p. 2.

<sup>15</sup> AI, p. 5. See also CMDH, p. 4; l'OMDH et la FIDH, p. 2; ICJ, p. 1. For information on individual cases, see BIRDHSO, p. 2-4.

<sup>16</sup> AI, p. 5. See also KHR, p. 2-4, for information on individual cases.

<sup>17</sup> For more details, see l'OMDH et la FIDH, p. 2.

<sup>18</sup> AI, p. 5; see also l'OMDH et la FIDH, p. 2. For information on individual cases, see FL, p. 4-5.

<sup>19</sup> AI, p. 5.

<sup>20</sup> CMDH, p. 4.

<sup>21</sup> GIECP, p. 2.

<sup>22</sup> KHR, p. 2, including information on individual cases.

<sup>23</sup> CMDH, p. 3.

<sup>24</sup> See l'OMDH et la FIDH, p. 2.

<sup>25</sup> ICJ, p. 2.

<sup>26</sup> AI, p. 3. See also ICJ, p. 1; AAAA, p. 3; FADPDH, p. 3.

<sup>27</sup> HRW, p. 2.

<sup>28</sup> HRW, p. 2.

<sup>29</sup> L'OMDH et la FIDH, p. 3.

<sup>30</sup> CCDH, p. 4.

- <sup>31</sup> AI, p. 2-3.
- <sup>32</sup> HRW, p. 4; see also ICJ, p. 1.
- <sup>33</sup> ILGA, p. 1.
- <sup>34</sup> RSF, p. 1-2.
- <sup>35</sup> L'OMDH et la FIDH, p.3; see also HRW, p. 3; ICJ, p. 1-2.
- <sup>36</sup> RSF, p. 1-2.
- <sup>37</sup> HRW, p. 3; l'OMDH et la FIDH, p. 3; see also ICJ, p. 1-2.
- <sup>38</sup> HRW, p. 2. For information on individual cases see KHR, p. 4-5; BIRDHSO, p. 2; l'OMDH et la FIDH, p. 3-4.
- <sup>39</sup> HRW, p. 3.
- <sup>40</sup> IHCR, p. 1; see also for information on individual cases, p. 1-2.
- <sup>41</sup> L'OMDH et la FIDH, p. 5.
- <sup>42</sup> L'OMDH et la FIDH, p. 5.
- <sup>43</sup> L'OMDH et la FIDH, p. 5.
- <sup>44</sup> Tamazgha, p. 2; LADH, p. 3-5.
- <sup>45</sup> CMA, p. 5; see also RAC, p. 4-5.
- <sup>46</sup> CS, p. 3-4; LADH, p. 5-6.
- <sup>47</sup> CMA, p. 3. See also CS, p. 2.
- <sup>48</sup> CMA, p. 7.
- <sup>49</sup> Tamazgha, p. 5; LADH, p. 2.
- <sup>50</sup> Tamazgha, p. 5-6.
- <sup>51</sup> See LADH, p. 6, OMDH et FIDH, p. 5.
- <sup>52</sup> L'OMDH et la FIDH, p. 2.
- <sup>53</sup> CMDH, p. 2.
- <sup>54</sup> KHR, p. 5.
- <sup>55</sup> AI, p. 4.
- <sup>56</sup> See AI, p. 4-5.
- <sup>57</sup> AI, p. 2.
- <sup>58</sup> AI, p. 2. See also KHR, p. 1.
- <sup>59</sup> ICJ, p. 2.

<sup>60</sup> KHR, p. 4.

<sup>61</sup> STP, p. 3.

<sup>62</sup> AI, p. 5. See also AAAA, p. 4. For information on individual cases see KHR, p. 2-4; FL, p. 3-4.

<sup>63</sup> STP, p. 2.

<sup>64</sup> STP, p. 2.

<sup>65</sup> AI, p. 4.

<sup>66</sup> BIRDHSO, p. 1; see also MRAP, p. 4.

<sup>67</sup> MRAP, p. 2.

<sup>68</sup> MRAP, p. 5.

<sup>69</sup> FL, p. 1; see also for information on individual cases p. 1-2.

<sup>70</sup> FL, p. 6.

-----