

**Contribution of the National Human Rights Council of Morocco**

**regarding the review process of the UN human rights treaty body system**

1. The National Human Rights Council of Morocco (CNDH), a constitutional independent and Paris-Principles-compliant institution[[1]](#footnote-1), welcomes the consultation with national human rights institutions (NHRIs) regarding the review process of the UN human rights treaty body system. It extends special appreciation to H.E. Omar Hilale, Permanent Representative of Morocco to the United Nations and H.E. Mr. Jürg Lauber, Permanent Representative of Switzerland to the United Nations, co-facilitators of this process, for adopting a participatory approach in these consultations. The CNDH also welcomes the adoption of the General Assembly resolution 68/268 of 9 April 2014, entitled, “Strengthening and enhancing the effective functioning of the human rights treaty body system”[[2]](#footnote-2).
2. The CNDH seizes this opportunity to commend the essential role played by human rights treaty bodies in the context of the COVID-19 pandemic. The recommendations, included in their guidance notes, advice, statements and press releases, have been used by the CNDH, among other things, as tools to monitor human rights during this period of crisis.
3. The CNDH would like to reiterate that A-Status NHRIs are a bridge between national and international human rights systems. Indeed, they can help treaty bodies to understand the human rights situation on the ground and contribute to the implementation and monitoring of international human rights standards at the national and local levels. Both parties play complementary roles in promoting and protecting human rights at country level. Therefore, the strengthening of NHRIs and treaty bodies is required, so that they can fully discharge their respective mandates.
4. The credibility and impartiality of treaty bodies is of great importance for the public and all stakeholders. Therefore, treaty bodies should allow only “A” status NHRIs to take part in their proceedings, given the key role they play as mechanisms that can contribute to implementing and monitoring treaty bodies’ recommendations.
5. This submission seeks to address the various issues outlined in the letter of the co-facilitators sent by the Office of the United Nations High Commissioner for Human Rights to all NHRIs in June 2020. The goal for the CNDH is to ensure a harmonized, coherent and aligned approach to the functioning of the treaty body system. The following views and recommendations are based on CNDH experience with treaty bodies drawn from joint events and/or participation in treaty bodies’ sessions when Morocco’s national reports are reviewed. The CNDH participated in all Morocco sessions of treaty bodies since the adoption of the constitution in 2011.
6. As good practice, the CNDH incorporated in its 2019 Annual Report[[3]](#footnote-3) the relevant recommendations of the treaty bodies addressed to Morocco. These include, but not limited to, recommendations of the Committee against Torture, Human Rights Committee and Committee on Economic, Social and Cultural Rights. Independent NHRIs and treaty bodies should appropriate the recommendations of each other, which are in line with international human rights standards.
7. Overall, the treaty body system proves to be somehow efficient and effective. The resulting recommendations are made based on usually participatory processes and provide guidance to States to improve their human rights record in law and in practice. However, some of these recommendations are sometimes unmeasurable, inaccurate and inconsistent, which sometimes pose implementation challenges for States. Therefore, the CNDH suggests that recommendations be more focused, targeted and addressing the obligations enshrined exclusively in the treaty. Cross-referencing to the work of other treaty bodies should be encouraged to avoid redundancies.
8. General comments provide useful interpretative tools for all State stakeholders concerned with the implementation of treaty provisions. The CNDH uses them in its annual and thematic reports, advisory opinions and memorandums, when proposing recommendations related to policy and legal reforms. Consultations about the development of a given general comment should be enhanced, including by organizing online or physical joint events with NHRIs. The national field experience of NHRIs can inform such comments. For further appropriation of general comments, simplified tools explaining their content should be also made available in all UN languages. The development of new general comments is needed, especially with the regard to new emerging issues, such as internet rights, fake news, climate change, etc.
9. The CNDH has submitted parallel reports to all treaty bodies who have so far reviewed Morocco since the adoption of the constitution of 2011. It is noticed that no harmonized reporting approach has been adopted by all treaty bodies. Therefore, the reporting process should be streamlined, by the adoption of common rules and canvas addressing the format and content of parallel reports of NHRIs. This may include, in terms of content, the pressing issues in a country, on which the treaty body would like to see the perspective of NHRIs, based on their mandate as universally recognized. In terms of format, a limited number of pages of parallel reports of NHRIs is necessary. Capacity building programs should be organized for all stakeholders who contribute to reports, the goal being to improve the substantive quality of national reports and parallel/shadow reports.
10. Communication and coordination between the treaty body secretariat and NHRIs should be also improved, especially regarding the deadlines fixed for the submission of reports, whether for list of issues or concluding observations. Parallel reports should be made available at least in two UN working languages for better dissemination among treaty body members. Résumés of NHRIs’ parallel reports should be provided by the treaty body secretariat or by the NHRI itself, as appropriate.
11. While being aware of the time constraints of the treaty body sessions, NHRIs should be provided with meaningful space and support to optimize their participation. For example, in the sidelines of the treaty body interactive dialogue with states, NHRIs should be given the opportunity to hold a meetings with the country rapporteur. To ensure the practicality of such meetings, they should be guided by a pre-established agenda. As a good practice, the CNDH had a bilateral meeting with the Morocco rapporteur of the Committee on the Rights of Persons with Disabilities. This meeting made it possible to provide the Committee with accurate and relevant information on the achievements and challenges facing disability rights in Morocco from the perspective of the CNDH.
12. Since the adoption of the United Nations General Assembly resolution 68/268, Morocco was examined by several treaty bodies, including the Committee on Economic, Social and Cultural Rights (2015), Human Rights Committee (2016) and Committee on the Rights of Persons with Disabilities (2017). In the three reviews, the simplified reporting procedure was not adopted, which created a reporting burden for the state and a reporting backlog, if we take into account the government’s reporting to other human rights mechanisms, such as Universal Periodic Review (2017) and reports to special procedures. The CNDH recommended in its annual report of 2019 that the simplified reporting procedure be adopted by the government in the drafting of national reports, as it is of paramount importance in ensuring predictability, by pre-identifying the issues of concern raised by treaty bodies and addressing the reporting backlog. Treaty bodies should conduct further awareness activities for State parties on the importance of the simplified reporting procedure.
13. Regarding the common core document, the CNDH proposes that it should be regularly updated, if need be or on annual basis for example. NHRIs should be consulted, as appropriate, especially when their enabling laws are amended, when they formulate policy or legal reforms or when they are entrusted with following the implementation of a given process or program. The CNDH provided in April 2020 its remarks on the most recent core document prepared by the government. Its remarks included, among other things, updates on its actions taken regarding the transitional process in Morocco. The core document should focus on the strategic key priorities of human rights and how the State addresses them.
14. Several NHRIs are mandated with a quasi-jurisdictional mandate by handling and deciding upon complaints about human rights violations they receive from individuals or groups. Given this mandate, NHRIs should be consulted by treaty bodies regarding the cases they receive from various sources. The information provided by “A” status NHRIs may help treaty bodies to have a full picture on the allegations included in individual communications. The CNDH is invested with following up on the implementation of the recommendations of the Equity and Reconciliation Commission, Morocco’s truth committee established to look into past gross human rights violations from 1956 to 1999. It can be consulted, for example, on cases of past enforced disappearances.
15. During the dialogue between the government and treaty bodies, it was noticed that sometimes the sessions are not used in an efficient and effective manner. More particularly, there was a redundancy of questions posed to the government. Therefore, it is recommended that treaty body members be allocated with the themes of the treaty and each member addresses issues falling under its portfolio.
16. The parliaments, like NHRIs, should be given speaking rights at the sessions of treaty bodies to inform the debate and dialogue. Members of the parliament should be part of the official delegation. The engagement of the parliament is very important, relevant and meaningful, especially in the follow-up to the review. A good number of recommendations is linked to legal reforms and the parliament is the source of legislation in many countries.
17. Treaty bodies should enhance the visibility of recommendations and conclusions at the follow-up phase, including by organizing advocacy and capacity-building activities on implementation for various national stakeholders. The follow-up activities should provide a roadmap on the implementation of concluding observations and recommendations. A mid-term assessment of the implementation with the support of treaty bodies is recommended. To this effect, States should be required by all treaty bodies to submit mid-term reports on implementation.
18. In terms of accessibility, NHRIs, who are unable to participate in session in Geneva or New York, may be given a chance to participate virtually through online platforms. This tool is likely to further increase accessibility to sessions and ensure broader participation. Also, NHRIs should be given the opportunity to engage as participants or panelists in the meeting of treaty bodies’ Chairpersons, including through IT tools. This would allow them to reflect their views and perspectives on an enhanced cooperation and interaction with treaty bodies. Given the importance of debate during the sessions, translation and interpreting should be ensured at least in the languages spoken in the reviewed country.
19. Increased funding is needed for the efficient functioning of treaty bodies, especially in light of increased ratification and reporting. Parts of the funds provided by States as voluntary contributions to the UN should be allocated to the functioning of treaty bodies and appear as such in the budget of the Office of the United Nations High Commissioner for Human Rights. These funds should be used, inter alia, to recruit additional staff for treaty bodies.
20. National candidates to the positions of members of treaty bodies should be selected on the basis of their competence, integrity, impartiality and independence. They should also reflect diversity and balance of gender, language, geographic regions, etc. in such a way as to represent pluralism, universality and reality of human rights on the ground.
1. The CNDH has been accredited with “A” status by the Global Alliance of NHRIs since 1999. A new enabling law of the CNDH was adopted in February 2018, entrusting it, mainly, with the mandate of three mechanisms: National Preventive Mechanism Against Torture, Child Redress Mechanism and Disability Rights Monitoring Mechanism. [↑](#footnote-ref-1)
2. <https://www.ohchr.org/Documents/HRBodies/TB/HRTD/A-RES-68-268_E.pdf> [↑](#footnote-ref-2)
3. <https://www.cndh.org.ma/sites/default/files/rapport_annuel.pdf> [↑](#footnote-ref-3)