



Comments and Responses of the Moroccan Authorities Regarding the Concluding Observations of the Committee on the Elimination of Racial Discrimination Following the Examination of the Combined nineteenth to twenty-first periodic reports on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

I. General Remarks

The Moroccan authorities have taken note of the concluding observations of the Committee on the Elimination of Racial Discrimination following the examination of the combined nineteenth to twenty-first periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention), on November 22 and 23, 2023.

On this occasion, and at the outset, the Moroccan authorities renew their full openness and constructive cooperation with all treaty bodies, including the Committee on the Elimination of Racial Discrimination (the Committee), in a framework based on mutual dialogue, impartiality, objectivity, and good faith. These are fundamental principles for supporting and encouraging states to enhance the respect, protection, and promotion of human rights, especially since the Kingdom of Morocco is among the first States parties to the Convention.

The Moroccan authorities express their concern about the approach adopted by the Committee in drafting these observations and recommendations, which did not duly consider and care for the qualitative answers, clarifications, and supplementary written data provided by the Moroccan delegation, either during the two sessions of interactive dialogue or after. Furthermore, the Committee's general assessment did not reflect the reality of Morocco's achievements in the field of human rights promotion and protection, which have been appreciated by various components of the UN system, including mechanisms concerned with the subject of the Convention. This gives the

impression that the Committee's concluding observations were formulated and written before conducting the interactive dialogue.

Therefore, the Moroccan authorities call on the Committee to redouble its efforts, within its mandate, especially in investigating the facts regarding the allegations presented to it, and the importance of relying on objective and reliable information from trustworthy sources. This requires verifying their accuracy and ensuring their credibility before relying on them in preparing any observations or recommendations.

While the Moroccan authorities affirm the importance and validity of all the data, information, clarifications, and detailed explanations presented during and after the interactive dialogue, they express their deep regret for the political aspect of some of the observations and recommendations, especially those concerning the Moroccan Sahara, which exceed the scope of the Committee's mandate and the requirements of the Convention itself. It is noted that the fabricated conflict over this part of the southern provinces of the Kingdom of Morocco falls within the jurisdiction of the Security Council under Chapter VI of the United Nations Charter concerning the pacific settlement of disputes.

As such, the Moroccan authorities wish to remind the necessity for the Committee to adhere to its Rules of procedure and working methods, and the need to comply with the guidelines on the independence and impartiality of members of human rights treaty bodies (Addis Ababa Guidelines), particularly paragraphs 8 and 9.

Accordingly, the Moroccan authorities, considering that the Kingdom of Morocco is a party to the Convention, have every right to question the usefulness of organizing interactive dialogue sessions of this kind in the context of an assessment that lacks impartiality and is biased towards certain facts and issues, and without relying on internationally recognized human rights standards. This questioning remains legitimate as a State party, about the usefulness of referring to or the unjustified repetition of recommendations previously issued by other treaty bodies under different contexts and conditions.

The Moroccan authorities also regret that the Committee did not attempt to understand the uniqueness of Moroccan society with its rich tributaries forming its unified national identity, which led it to conclusions and inferences that are incorrect, and assessments that do not apply to the reality of Moroccan society.

II. Specific Observations

The Moroccan authorities express their absolute rejection of the observations and recommendations contained in paragraphs 19 and 20 and provide the following clarifications:

- **Regarding the claim of the absence of a political solution to the issue of the Moroccan Sahara:**

The Moroccan initiative for substantial autonomy for the inhabitants of the southern provinces of the Kingdom is an integral part of its approach to building a modern and democratic state with respect for human rights at its core and as a means to achieve its entity and to complete its territorial unity. The Kingdom works to strengthen the bonds of its inhabitants in its southern provinces to ensure their status and role, without discrimination or exclusion, in its bodies and institutions, enabling them to democratically manage their affairs through exclusive legislative, executive, and judicial authorities, and allocating the necessary financial resources for the development of the region in all fields.

The international community considered this initiative credible and serious after it was presented to the United Nations on April 11, 2007, which was confirmed by the successive resolutions of the Security Council since that date.

- **Regarding the claim of targeting activists, human rights defenders, student movements, and organizations advocating for the right to self-determination, as well as the claim of obstacles in exercising freedoms of expression, association, and assembly:**

The Moroccan authorities regret that the Committee did not take into account all the qualitative data and explanations provided by the Moroccan delegation regarding the human rights situation in the southern provinces of the Kingdom, including the freedoms of expression, association, and assembly.

The Moroccan authorities assert that the Committee's conclusions in this regard are based on mere general evaluations not grounded in evidence or arguments, and are unrelated to the reality on the ground, considering that the exercise of freedoms of opinion, expression, association, assembly, and peaceful demonstration is guaranteed by the constitution, legally protected, and that these freedoms are exercised equally by

all citizens throughout the national territory. Furthermore, all measures and actions taken by the public authorities in this context remain subject to legal regulations, international standards, and judicial supervision.

On the other hand, the Moroccan authorities provide their comments on the issues mentioned in the following paragraphs:

Regarding the concerns and recommendations related to the demographic composition (paragraphs 5 and 6), the Moroccan authorities note the Committee's disregard for the data and explanations about the nature of Moroccan society's composition provided by the Moroccan delegation during the interactive dialogue. This leads to the need to reaffirm that the Moroccan constitution enshrines the unified identity of the Moroccan population, characterized by its cultural diversity, making any distribution of the population based on ethnic or racial affiliation irrelevant for the Kingdom and impossible to obtain numerical data on, considering the long and deep history of demographic intermixing in the Kingdom. The diversity is due to Moroccans' multiplicity of origins and their diverse cultural centers, hence the national system for collecting demographic data on the Moroccan population is based on cultural and linguistic determinants, with no room for discussing ethnic or racial components.

Regarding the matters mentioned in paragraphs 21, 22, 23, and 24 about combating racial discrimination, special measures, and the Amazigh component, the Moroccan authorities are surprised by the Committee's disregard for the information and clarifications provided by the Kingdom of Morocco on the occasion of its interaction with the Committee, both through the national report and during the interactive dialogue.

In this context, the authorities reaffirm that the preparation and implementation of policies, programs, and public projects are not based on any considerations related to territorial, geographic, social belonging, or other forms of discrimination. Instead, they are founded on principles and objectives related to ensuring national unity and equality among all components of society, with the aim of enabling them to exercise their fundamental rights without discrimination. This enhances cohesion among the various components of the population and encourages them to express their cultural identity, supporting the components of regional justice, which remain the pillars of economic and social development policies and plans.

Regarding the claim of forced relocation of the Amazigh and their dispossession of properties (paragraphs 23c and 24c), the Moroccan authorities express their surprise at the Committee's disregard for the detailed explanations provided by the delegation in the second session of the interactive dialogue, which were confirmed in writing in the supplementary data dated November 28, 2023, compelling them once again to ask the Committee to refer to this data for an objective evaluation of this claim.

As for paragraphs 31 and 32, especially what the Committee called “racial profiling” and the claim of excessive use of force against migrants and asylum seekers, the Committee did not take into account the clarifications provided by the Moroccan delegation during the interactive dialogue on this subject. The Moroccan authorities are thus compelled to reaffirm that the term “racial profiling” does not apply to the Moroccan reality, nor does it exist at all in practice, nor is it part of the national public policies in the field of migration management.

It should also be reminded that the interventions of public authorities to maintain security and public order are framed by legal provisions and subject to judicial supervision and the basic principles on the use of force related to legality, necessity, and proportionality.

The Moroccan authorities regret that the Committee did not consider the efforts of the Kingdom of Morocco in the field of migration and asylum, which have been consistently praised by all components of the United Nations human rights system, including the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance during her visit to Morocco in 2018.

Regarding the implementation of the Convention in judicial work (paragraphs 7, 8, and 42), the Moroccan authorities reiterate their surprise at the Committee's conclusions regarding the alleged poor application of the Convention in national judicial work, with a call to provide concrete examples of the judicial application of the Convention. This comes at a time when the Committee was provided with detailed information during the interactive dialogue with concrete examples of the Moroccan courts' application of the provisions of the Convention, through a review of a large number of judicial rulings relevant to the subject. These rulings are considered a result of the efforts to train magistrates in this field. The Committee was

also informed of the various programs adopted in this regard, and was provided during the dialogue with a publication on the magistrates' capacity strengthening programs, in addition to several guiding manuals for magistrates, all of which the Committee did not take into consideration.

Regarding combating racial discrimination and hate speech (paragraphs 18, 39, and 40), the Moroccan authorities noted that the entirety of the observations and recommendations in these paragraphs regarding the absence of sufficient statistical data classified around discrimination and hate speech issues and the lack of complaints, do not reflect the reality and actual work of the national departments and institutions as presented and detailed during the interactive dialogue. The Moroccan delegation provided the Committee with all the statistical data on the number of prosecutions, issued judicial rulings, and penalties imposed, without neglecting the issue of compensation and redress decided for the victims, which are collected through an electronic application available to the Presidency of the Public Prosecution.

Regarding facilitating access to justice (paragraphs 30, 32, and 40), the Moroccan authorities once again express their regret at the Committee's lack of positive interaction with the information and data provided by the Kingdom's delegation during the interactive dialogue on the various measures taken regarding facilitating access to justice services for migrants, refugees, asylum seekers, or Amazigh speaking Moroccan citizens. This includes translation services, their benefit from free legal aid services, and other services, which had positive real effects in terms of effective remedy for the service recipients, which the Committee ignored.