



## Contribution of Jossour, Forum of Moroccan Women

Holder of the consultative status at the United Nations Economic and Social Council

**Regarding the examination of the initial report of the  
kingdom of Morocco on the implementation of the  
international convention for the protection of all persons  
from enforced disappearance**

**July 2024**

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## Who we are ?

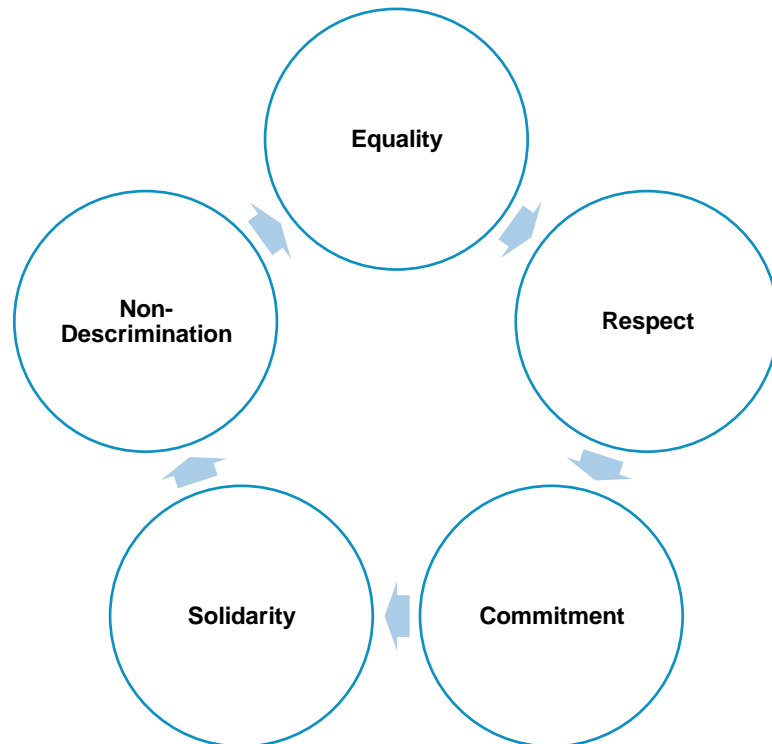
was founded on July 1, 1995, by a group of women from various backgrounds who bring diverse and rich experiences across multiple fields. Since 2014, Jossour Forum of Moroccan Women Association has held consultative status with the United Nations Economic and Social Council.

Additionally, Jossour Forum of Moroccan Women was selected as one of three non-governmental organizations to serve on the National Committee for Gender Equality and Women's Empowerment.

The association operate within the context of supporting and sustaining the women's movement, which is guided by a collective of progressive and democratic associations and organizations. It is also a platform for advocating for true democracy in both public and private spheres. Bridges is an independent, dynamic, and inclusive framework, open to all women committed to securing their rights and who believe in the women's cause.

Jossour Forum of Moroccan Women is a meeting place for Moroccan women who aspire to progress and modernity, grounded in international human rights treaties and imbued with the positive cultural and civilizational values of our society, which are based on principles of justice, tolerance, solidarity, dialogue, and openness.

## Our Values:



## Our Partners :

This report was produced in partnership with Y-PEER Morocco and the Institute for Training and Research in Peer Education.

Y-PEER Morocco is an initiative resulting from the "Youth for Youth" program, supported by the United Nations Population Fund (UNFPA) since 2005. Officially registered as a national association in Morocco in 2018, Y-PEER Morocco is dedicated to ensuring the continuity and sustainability of its actions for young people. The organization focuses on empowering youth to make informed decisions and act as agents of social change by promoting youth participation, civic engagement, and awareness about sexual and reproductive health through capacity building.



Y-PEER Morocco aims to strengthen and expand access to quality education among young people, including adolescents and women, in areas such as youth capacity building, citizenship, human rights, and sustainable development goals. Core programs include peer education, where young leaders are trained to educate their peers on topics like contraception, STIs, HIV/AIDS, gender equality, and healthy relationships; advocacy and policy engagement to promote youth rights and well-being; and capacity building programs to enhance leadership, communication, and advocacy skills.

The organization also conducts creative awareness campaigns to challenge social norms and combat stigma related to sexual and reproductive health, and actively engages with local communities through partnerships with schools, universities, and community centers. Y-PEER Morocco serves a diverse youth population, with a particular focus on women and girls, and operates with a philosophy of human rights, gender equality, zero tolerance for exploitation and abuse, and meaningful youth participation. For more information, please visit our website: [www.ypeermorocco.ma](http://www.ypeermorocco.ma)

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## Introduction

Enforced Disappearance is one of the prominent issues that has garnered the attention of the international community, which seeks to combat this crime, recognized as one of the most serious violations of basic human rights, including the right to life, liberty, and personal security.

According to Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, enforced disappearance is defined as: "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law."

Enforced disappearance poses a serious threat to societies, as it creates an atmosphere of fear and distrust on an international scale. For this reason, the United Nations considers the fight against enforced disappearance a fundamental part of human rights protection.

The importance of our association's contribution with this parallel report, aimed at discussing the State party's report, lies in examining the international standards for the protection of all persons from enforced disappearance, and assessing Morocco's commitment to implementing these standards. This includes reviewing the progress made in ratifying international human rights conventions in general, and particularly the International Convention for the Protection of All Persons from Enforced Disappearance. Furthermore, the report highlights the role of national institutions, with a special focus on the Equity and Reconciliation Commission regarding past cases, provides a comprehensive analysis of the situation of women victims of past enforced disappearances, and offers recommendations and forward-looking steps.

This parallel report is the result of collaborative work led by the Bridges Association for Moroccan Women, which holds consultative status with the United Nations, along with a group of researchers and academic specialists.

### 1- The legislative and institutional framework on enforced disappearance

The international community has paid special attention to the issue of combating enforced disappearance by enacting binding legal rules for States Parties to the United Nations to prevent enforced disappearance and punish its perpetrators. This attention culminated in the drafting of international conventions dedicated to this subject, most notably the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted by the United

Nations General Assembly in December 2006 by its resolution RES /A/61/177 and entered into force in December 2010.

The International Convention for the Protection of All Persons from Enforced Disappearance is the first legally binding universal human rights instrument to address the issue of enforced disappearance. It was preceded by the Declaration on the Protection of All Persons from Enforced Disappearance (1992 Declaration), proclaimed by the General Assembly in its resolution 133/47 of December 18, 1992. However, due to numerous gaps in the implementation of the Declaration, the Commission on Human Rights decided in 2003 to draft a new treaty, which took three years to negotiate and was finally adopted in 2006 and entered into force in 2010.

The Kingdom of Morocco was one of the first countries to sign the International Convention for the Protection of All Persons from Enforced Disappearance on February 6, 2007, completed the ratification process on May 14, 2013, and was published in the Official Gazette No. 6229 on February 10, 2014.

The 2011 Constitution also enshrined protection against enforced disappearance in its Article 23, which states that "arbitrary or secret detention and enforced disappearance are among the most serious crimes, and their perpetrators are subject to the maximum penalties."

In the same context, the Kingdom of Morocco has engaged in this dynamic that strengthens the protection of individuals from enforced disappearance by adopting a set of rules contained in the Universal Declaration of Human Rights (adopted on December 10, 1948), as well as ratifying several international conventions and treaties related to the subject of human rights, whether general, specific or thematic conventions, We review here:

### **1.1. General Conventions:**

- International Covenant on Economic, Social and Cultural Rights, signed by Morocco on January 19, 1977, ratified by Dahir No. 4-78-1 on March 27, 1979, and published in the Official Gazette No. 3525 on May 21, 1980.

- International Covenant on Civil and Political Rights, signed by Morocco on January 19, 1977, ratified by Dahir No. 4-78-1 of March 27, 1979, and published in the Official Gazette No. 3525 of May 21, 1980.

## **1.2. Special Conventions:**

- Convention on the Elimination of All Forms of Discrimination against Women, ratified by Dahir No. 2-93-4 of June 14, 1993 and published in the Official Gazette No. 4866 of January 18, 2001.
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women in 2022.
- Convention on the Rights of the Child, ratified by Dahir No. 4-93-4 of June 14, 1993 and published in the Official Gazette No. 4440 of December 19, 1996.
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, signed by Morocco on September 8, 2000, ratified on May 22, 2002 and published in the Official Gazette No. 5191 of March 1, 2004.
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, signed by Morocco on September 8, 2000, ratified on October 02, 2001 and published in the Official Gazette No. 5191 of March 1, 2004.
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, signed by Morocco on August 15, 1991, ratified by Dahir No. 4-936 of June 14, 1993, and published in the Official Gazette No. 6015 of January 23, 2012.
- The International Convention on the Rights of Persons with Disabilities, signed by Morocco on March 30, 2007, ratified on April 08, 2009, and published in the Official Gazette No. 5977 on September 12, 2011.
- Optional Protocol to the Convention on the Rights of Persons with Disabilities, to which Morocco acceded on April 08, 2009 and published in the Official Gazette No. 5977 of September 12, 2011.



### **1.3. Thematic Conventions:**

- International Convention on the Elimination of All Forms of Racial Discrimination signed on September 18, 1967, and ratified by Dahir No. 19-68 dated October 1969 and published in the Official Gazette No. 2988 dated February 04, 1970.
- The International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed on January 08, 1986, ratified on June 21, 1993, and published in the Official Gazette No. 4440 on December 29, 1996.
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2014.

In line with the international legal framework dedicated to addressing enforced disappearance and broader human rights issues, the Kingdom of Morocco has established specialized official institutions. The Ministry of Justice, is the overseer of legal policies and legislation, administers the judiciary, which includes courts, public prosecutions, and other judicial entities throughout Morocco.

Additionally, the Ministerial Delegation for Human Rights, established by Decree No. 150.11.2, is tasked with formulating and implementing government policies related to the defense, protection, and promotion of human rights and international humanitarian law. It coordinates with various ministerial sectors and relevant bodies to ensure the effective implementation of Morocco's commitments under international human rights and humanitarian law conventions. This includes preparing and presenting national reports to human rights treaty bodies, coordinating Morocco's participation in regional and international forums, and monitoring recommendations from treaty bodies. The delegation also manages relations with the Human Rights Council mechanisms and the UN High Commissioner for Human Rights and addresses reports from national and international bodies concerning human rights in Morocco, preparing responses as needed.

Among Morocco's national institutions, the National Human Rights Council (CNDH) plays a pivotal role in safeguarding and promoting human rights, including women's rights and efforts to combat enforced disappearances. Expanded under Law 15.76, the CNDH now encompasses three national human rights protection mechanisms, enhancing its capabilities in human rights protection. These competencies include:

Monitoring, surveillance and tracking of the human rights situation at the national and regional levels.

Conducting the necessary investigations and inquiries into human rights violations, finalizing reports containing the conclusions of its work, and forwarding these reports to the competent authorities along with recommendations.

The Council examines all cases of human rights violations, either spontaneously or based on a complaint from or on behalf of those concerned. Complaints are examined, processed, and tracked, and those concerned are informed of their outcome.

Visiting places of detention and prisons, monitoring the conditions and treatment of prisoners, as well as child protection and reintegration centers, social welfare institutions, mental and psychiatric hospitals, and places of detention for illegal aliens.

Urgently intervene in any situation of tension that may lead to the violation of an individual or collective human right by making all the mediation and reconciliation efforts deemed appropriate in coordination with the relevant public authorities.

In an institutional effort to promote human rights in Morocco, in 2004 King Mohammed VI established the Equity and Reconciliation Commission. This was a serious step towards overcoming the painful past that Morocco experienced between 1956 and 1999. This period witnessed gross human rights violations, a stain on Morocco's history, with many citizens in different demographics subjected to torture, arbitrary arrests, and enforced disappearances. The commission was born out of an urgent desire to revisit these events and allow victims and their families to share their stories and present grievances in circumstances governed by justice and fairness supported by the King.

This initiative, as the national response to the right to truth, reparation, and the right to memory within the framework of transitional justice, represents a significant step in the process of democratic transition and consolidation. It is a noble endeavor aimed at strengthening the rule of law by implementing institutional, legislative, and political reforms to ensure that human rights violations are never repeated.

By collecting testimonies and evidence and conducting thorough investigations, the commission was able to document cases of violations and provide a clear picture of the events that took place

during that difficult period. The Equity and Reconciliation Commission also provided material and moral compensation to victims, provided psychosocial support, and helped reintegrate them into society, reflecting its efforts to fundamentally address the effects of the violations.

In addition, the Equity and Reconciliation Commission promoted national reconciliation by organizing public hearings where victims and perpetrators shared their stories in public. This contributed to publicly documenting the facts and rebuilding the social fabric. These hearings served as an opportunity for understanding and tolerance and contributed to building bridges of trust between citizens and the state, reaffirming Morocco's commitment to human rights and fundamental freedoms.

The experience of the Equity and Reconciliation Commission in Morocco is a model for how to address the past and move towards a future of justice and peace. The Commission made many recommendations to the government to promote legal and institutional reforms and to ensure that violations are not repeated in the future. This was especially important since the Kingdom of Morocco definitively ended enforced disappearance years ago, both legally and in practice. In a survey of the data, we record that Moroccan courts and any other official authority have not registered any complaint or case related to enforced disappearance as defined in the International Convention for the Protection of All Persons.

## 2- The status of women's rights in the context of enforced disappearances.

Addressing women's rights in the context of enforced disappearances presents a multifaceted challenge in Morocco. Many women have been victims of this grievous violation, profoundly impacting their lives and families and leaving enduring scars on Moroccan society. Despite these hardships, women have also been pivotal in confronting gross human rights abuses, exposing them, mobilizing support for affected families, and advocating for justice. Their efforts included organizing protests, engaging with authorities, and playing a crucial role in the broader human rights movement, particularly in defending the rights of women.

The Equity and Reconciliation Commission (IER), established to address historical injustices, placed special emphasis on cases of women subjected to enforced disappearance. It meticulously collected testimonies from survivors and families. This informed a comprehensive understanding of enforced disappearance practices and their specific impacts on women. Recognizing the unique challenges faced by women, the commission advocated for gender-sensitive reparations, underscoring the importance of social and economic rehabilitation for female victims or family members of the disappeared. Its recommendations aimed to guide state policies in preventing future violations and addressing past injustices.

The work of the Equity and Reconciliation Commission played a crucial role in shedding light on past abuses and advocating for reparations, marking a significant step toward advancing human rights and safeguarding women's rights in Morocco.

In addition, the Commission relied on the efforts of Moroccan civil society in its approach, working closely with associations specializing in defending victims of past violence and human rights issues, such as the Moroccan League for Human Rights and the Moroccan Forum for Human Rights. This approach later evolved with the emergence of new organizations dedicated to seeking truth and justice, focusing on various aspects of cases involving the disappeared.

Several associations also adopted the defense of human rights as a key part of their advocacy, actively participating in raising awareness about the violations committed during that period. A prime example of this is the efforts made by the Bar Associations in Morocco. The annual conferences held by these associations have been major events for denouncing human rights

violations and promoting a culture of respect for these rights, in alignment with the international legal framework that Morocco has ratified.

In recognition of the pioneering roles played by civil society in Morocco, and in continuation of the human rights-based approach in the interventions of associations concerned with human rights issues; especially those related to women's rights; Jossour Forum of Moroccan Women has played a significant role in monitoring and documenting violations of women's rights in Morocco, including cases related to enforced disappearance. The association has been committed to:

- Providing legal and psychological support to affected women, while raising community awareness about these issues;
- Advocating for their rights and pushing for the enactment of laws and legislation that align with relevant international conventions;
- Following up on these cases, achieving some successes, such as re-establishing contact with women who were missing at the time or with their family members, providing them with psychological and social support, and empowering them economically.

## 3- Recommendations

To prevent the recurrence or registration of cases of enforced disappearance and to ensure the protection of individuals and their rights, several measures need to be taken. We propose the following recommendations for the State party:

### 3.1. The legal aspect:

- ✚ Integrate the international human rights conventions and treaties with national laws ensuring consistency between the two.
- ✚ Accelerate the adoption of the Criminal Code Procedure in alignment with the Convention.
- ✚ Implement the necessary measures to activate other relevant legal provisions within the criminal justice system, such as the law related to forensic medicine, the law on prison institutions, and the law on alternative penalties.

### 3.2. The institutional aspect:

- ✚ Expand the scope of the responsibilities assigned to law enforcement institutions in the field of human rights to enhance coordination with other national institutions working in the human rights sector, such as the National Mechanism for the Prevention of Torture.
- ✚ Strengthen support for non-governmental organizations in their field interventions to monitor and combat human rights violations in general.
- ✚ Continue to open up the National Human Rights Council, as the institution responsible for monitoring the implementation of the recommendations of the Equity and Reconciliation Commission, to civil society organizations involved in memory preservation and support for female victims of the past and their families.

### 3.3. The moral aspect:

- ✚ Providing psychological support and accompaniment, especially for victims of human rights violations and their families. It is necessary to provide integrated support services

for victims and their families, including psychological counseling, to ensure that they obtain their full rights.

### **3.4. The material aspect:**

- ✚ Guaranteeing the right to material compensation for damages suffered by victims, by establishing fair and prompt compensation mechanisms for victims and their families for violations that may affect them, especially in relation to enforced disappearance.
- ✚ Economic empowerment of women victims of violations that may affect them by creating income-generating projects to improve their standard of living and ensure a decent material life.

### **3.5. Awareness-raising:**

- ✚ Organizing awareness and sensitization campaigns to highlight the dangers of enforced disappearance and the need to combat this phenomenon. These campaigns aim to raise awareness among citizens about the dangers of enforced disappearance and the importance of cooperating to eradicate it.
- ✚ Strengthening the role of the media in spreading awareness about the culture of human rights and the importance of combating enforced disappearance. The media plays a vital role in spreading awareness and motivating society to interact with human rights issues.
- ✚ Open the door to more television and film productions that seek to address and evoke the stories of victims of enforced disappearance and support them to create bridges with this period in Morocco's history within the framework of collective reconciliation with the victims of enforced disappearance.

## Conclusion

Jossour asserts that enforced disappearance is a critical human rights challenge in today's world, representing a blatant infringement upon the rights to life, liberty, and personal security. Its profound psychological and social impacts affect victims and their families as well as society. Addressing this issue necessitates united and concerted efforts involving governmental and non-governmental actors alike, bolstered by unwavering support from the international community. As a national women's association, Jossour actively defends women's rights against all forms of discrimination, exploitation, and practices that undermine Moroccan women's dignity and rights.

Morocco exemplifies a positive role model in its adherence to international human rights conventions aimed at combating enforced disappearance. The country has ratified numerous treaties and integrated them into its national legal framework, demonstrating a commitment to upholding principles of human rights. Moroccan institutions have taken significant strides to redress past injustices and provide assistance to victims and their families, reflecting ongoing efforts to promote justice and accountability.

However, challenges in implementation and application persist, necessitating ongoing efforts and development to achieve the desired goals. Strengthening cooperation among government agencies, civil society, and international organisations is crucial, as such collaboration forms an essential pillar in preventing enforced disappearances.

In addition, community awareness also plays a vital role in preventing enforced disappearances. Organizing awareness and education campaigns can inform citizens about the dangers of enforced disappearances, emphasize the importance of everyone's role in combating this phenomenon, and highlight the critical nature of protecting human rights. These campaigns should target all segments of society, including youth and women, to enhance public understanding and foster a strong culture of human rights.

Psychological and legal support for victims and their families is integral to these efforts. Providing services such as psychological counselling and legal assistance is essential to ensure that victims have full access to their rights and receive compensation for the harm they have suffered. This support aids in rebuilding the lives of victims and their families while enhancing their sense of security and trust in Morocco's justice system.



Furthermore, the media also plays a pivotal role in raising awareness and motivating society to engage with human rights issues. Strengthening and supporting the media in this context can significantly expand public debate on enforced disappearances and other human rights issues, encouraging more individuals to participate in efforts to combat violations.

In conclusion, preventing enforced disappearances requires a strong commitment and sustained effort from all concerned parties. This includes enhanced cooperation, continuous coordination, improved research and investigation mechanisms, expanded community awareness, and accessible support for all victims. By focusing on these areas, tangible progress can be made in combating this phenomenon and protecting human rights. Achieving justice for victims and their families and establishing the rule of law guarantees a safer and more just future for all. This is a noble goal that we must all strive to achieve by all available means.



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