

## Suggested Advance Questions to the Kingdom of Morocco

### **Right to Freedom of Expression: General**

- Could the government of Morocco elaborate on the measures it is taking to ensure full respect for the freedom of expression in accordance with international human rights law? In particular, could they elaborate on the measures taken to legalise the following expressions:
  - Expressions undermining, insulting and/or disrespecting the King and/or the royal family;
  - Expressions undermining/criticizing Islamic religion;
  - Expressions related to the political situation of Western Sahara, including those advocating for self-determination;
  - Expressions disrespecting national symbols such as the Moroccan flag and anthem?
- What measures have been taken to safeguard the right to freedom of expression for children, specifically in schools, and specifically for children living in Western Sahara?
- Does the Kingdom of Morocco have any policy guideline to inform the public about how they can have a free, open and respectful dialogue about the Western Sahara issue?
- In its 3<sup>rd</sup> UPR cycle, the Kingdom of Morocco supported a recommendation by France to fully ensure the freedoms of expression and association and take all necessary measures to ensure that human rights defenders can carry out their missions. What measures have been taken to promote and support the role of human rights defenders, journalists and researchers, including in Western Sahara?
- In its 3<sup>rd</sup> UPR cycle, the Kingdom of Morocco supported a recommendation by Iceland to develop and implement independent and credible measures to ensure full respect for human rights in Western Sahara, including the right to freedom of expression and assembly. What concrete measures have been taken to make sure that the people living in Western Sahara are free to come together and express themselves freely, both in person and online?
- In its 3<sup>rd</sup> UPR cycle, the Kingdom of Morocco supported a recommendation by Sweden to ensure the Constitution's provisions on freedom of the press, freedom of opinion and expression and freedom of assembly and association are respected, including for people who want to express their views on the situation of and in Western Sahara. What concrete measures has the Kingdom taken to ensure that everyone who wants to express their views on the situation of Western Sahara, can do so without interference?
- In its 3<sup>rd</sup> UPR cycle, the Kingdom of Morocco supported a recommendation by Qatar to continue the work to enhance freedom of expression through the implementation of the law establishing the National Press Council. Has a National Press Council been established, and if so, how is it working to enhance freedom of expression?

### **Right to Freedom of Expression: Enforcement**

- What measures is Morocco taking to train the police and other enforcement agencies on how to engage with transgressions of legal limitations of the right to freedom of expression?

- What legal and practical measures is Morocco taking to train law enforcement agencies to react in accordance with international human rights law to children who are publicly sharing their opinions?
- What measures have been taken by the government of Morocco in order to enhance the accessibility of its surveillance laws?
- What actions has the Kingdom of Morocco taken to reinforce the right to freedom of expression and avoid the issuing of prison sentences to journalists or human rights defenders?
- What measures is the Kingdom of Morocco planning to take, to ensure that surveillance is not used as an enforcement measure to keep people who have different political or religious views from the authorities, from expressing their opinions?

### **Right to freedom of expression: Legal reform**

- In its 3<sup>rd</sup> UPR cycle, the Kingdom of Morocco supported a recommendation by Ireland to create and maintain, in law and in practice, a safe and enabling environment for civil society and human rights defenders, including in and in relation to Western Sahara, through a revision of the Criminal Code and remove limitations on freedom of expression, review the system for registration of associations and notification of assemblies and consistent application of rules to all peaceful assemblies irrespective of their topic. It also supported similar recommendations by the Netherlands and Zambia, to review the Criminal Code provisions regarding freedom of expression, speech and opinion, in conformity with art. 19 of the International Covenant on Civil and Political Rights. Has the Criminal Code been revised to remove limitations on freedom of expression and to align it with art. 19 of the ICCPR?
- In its 3<sup>rd</sup> UPR cycle, the Kingdom of Morocco accepted the recommendation by Estonia to ensure that the Moroccan Criminal Code is fully in accordance with the International Covenant on Civil and Political Rights. Nonetheless, several provisions in the Criminal Code remain contrary to international human rights law. These concern prohibitions of expressions potentially harming national security and the territorial integrity of Morocco (Criminal Code, Art. 267-5) and expressions disrespecting national symbols (Criminal Code, Arts. 263, 267-1, 267-2, 267-4). Which concrete amendments is the Government of Morocco proposing to ensure that the relevant provisions of the Criminal Code are brought in line with Morocco's obligations under the International Covenant on Civil and Political Rights, in particular with regard to the freedoms of speech and opinion?
- In its 3<sup>rd</sup> UPR cycle, the Kingdom of Morocco supported the recommendation by Estonia to ensure that the Criminal Code is fully in accordance with the International Covenant on Civil and Political Rights. What measures have been taken to ensure the compliance of the Moroccan Criminal Code with the ICCPR?
- During the 3<sup>rd</sup> UPR cycle, Germany expressed its concern about the introduction of art. 267-5 Moroccan Criminal Code, which establishes terms of imprisonment for acts perceived as being offensive to Islam or the monarchy or as posing a threat to the country's territorial integrity. The concerned provision remains in place until today. How

does the Moroccan government ensure that this provision does not impede journalists, human rights defenders, and other individuals to freely exercise their right to freedom of expression? Does the Moroccan government plan to amend the provision concerned?

- In its Concluding Observations in 2016, the Human Rights Committee indicated that the provisions establishing terms of imprisonment as penalties for acts perceived as being offensive to Islam were too broad - what have been the plans to amend the provisions establishing terms of imprisonment as penalties for acts perceived as being offensive to Islam?

### **Monitoring Human Rights in Western Sahara**

- What concrete action has the Kingdom of Morocco taken to ensure free access and possibility for human rights researchers and journalists to study the human rights situation in Moroccan-occupied Western Sahara?
- In its 3<sup>rd</sup> UPR cycle, the Kingdom of Morocco accepted a recommendation by Iceland to develop and implement independent and credible measures to ensure full respect for human rights in Western Sahara. What initiatives have been undertaken by the Kingdom of Morocco to provide data on and report on the human rights situation specifically in Western Sahara? Which independent and credible measures has the Kingdom of Morocco initiated to enhance respect for human rights in Western Sahara?

### **The UPR Process**

- Could the Kingdom of Morocco describe its national mechanism or process responsible for coordinating the implementation of accepted UPR recommendations and the monitoring of progress and impact?