

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Theme: A12 Acceptance of international norms			
144.1 Ratify the First Optional Protocol to the International Covenant on Civil and Political Rights (Australia) (Georgia) (Spain); accede to the First Optional Protocol to the International Covenant on Civil and Political Rights (Portugal); Source of position: A/HRC/36/6/Add.1 - Para. 16	Supported	A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation Affected persons: - general	Not implemented.
144.9 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Croatia) (Montenegro) (Georgia); Source of position: A/HRC/36/6/Add.1 - Para. 16	Supported	A12 Acceptance of international norms F31 Children: definition; general principles; protection Affected persons: - children	Not implemented.
Theme: A41 Constitutional and legislative framework			
144.31 Ensure that the Criminal Code is fully in accordance with the International Covenant on Civil and Political Rights (Estonia); Source of position: A/HRC/36/6/Add.1 - Para. 16	Supported	A41 Constitutional and legislative framework Affected persons: - general	Not implemented. Several provisions of the Moroccan Criminal Code remain contrary to the International Covenant on Civil and Political Rights. Regarding the right to freedom of expression, 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).
144.85 Revise the provisions of the Criminal Code on terrorism and define terrorism-related offences more clearly and precisely (Hungary); Source of position: A/HRC/36/6/Add.1 - Para. 16	Supported	A41 Constitutional and legislative framework B8 Human rights & counter-terrorism Affected persons: - general	Not implemented. The provisions concerning terrorism-related offences remain ambiguous. Moroccan law fails to provide clarity.
144.86 Revise the provisions of the Criminal Code on terrorism with a view to defining precisely terrorism-related offences and ensure legislation is in line with the International Covenant on Civil and Political Rights (Albania); Source of position: A/HRC/36/6/Add.1 - Para. 16	Supported	A41 Constitutional and legislative framework B8 Human rights & counter-terrorism Affected persons: - general	Not implemented (see assessment recommendation 144.85).

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<p>144.112 Ensure that the relevant provisions of the Criminal Code are brought into line with the obligations of Morocco under the International Covenant on Civil and Political Rights, in particular with regard to freedom of speech and opinion (Zambia);</p> <p>Source of position: A/HRC/36/6/Add.1 - Para. 16</p>	Supported	<p>A41 Constitutional and legislative framework D43 Freedom of opinion and expression Affected persons: - general</p>	Not implemented (see assessment recommendation 144.31).
<p>144.116 Review Criminal Code provisions regarding freedom of expression, in conformity with article 19 of the International Covenant on Civil and Political Rights (Netherlands);</p> <p>Source of position: A/HRC/36/6/Add.1 - Para. 16</p>	Supported	<p>A41 Constitutional and legislative framework D43 Freedom of opinion and expression Affected persons: - general</p>	Not implemented (see assessment recommendation 144.31).
<p>144.117 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 (Sweden);</p> <p>Source of position: A/HRC/36/6/Add.1 - Para. 14</p>	Supported	<p>A41 Constitutional and legislative framework D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - media - human rights defenders</p>	<p>Not implemented.</p> <p>Several provisions of the Moroccan Constitution are contrary to the International Covenant on Civil and Political Rights. These concern prohibitions of expressions undermining, insulting and disrespecting the King and royal family (2011 Constitution of Morocco, Art. 46) and expressions potentially harming national security and the territorial integrity of the Kingdom (2011 Constitution of Morocco, Art. 42).</p> <p>In practice, Moroccan authorities do not allow people to publicly criticise the King or royal family, talk about Western Sahara or argue for the self-determination of the Sahrawi people, criticise the human rights situation in Western Sahara or criticise religion.</p>
Theme: D43 Freedom of opinion and expression			
<p>144.244 Develop and implement independent and credible measures to ensure full respect for human rights in Western Sahara, including the freedom of expression and assembly (Iceland).</p> <p>Source of position: A/HRC/36/6/Add.1 - Para. 14</p>	Supported	<p>D43 Freedom of opinion and expression D44 Right to peaceful assembly Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Not implemented.

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<p>144.114 Fully ensure the freedoms of expression and association and take all necessary measures to ensure that human rights defenders can carry out their missions (France);</p> <p>Source of position: A/HRC/36/6/Add.1 - Para. 14</p>	Supported	<p>D43 Freedom of opinion and expression D45 Freedom of association H1 Human rights defenders Affected persons: - human rights defenders</p>	<p>Not implemented.</p> <p>Human rights defenders (and researchers and journalists) are continuously refused entry to Western Sahara.</p>
Theme: A12 Acceptance of international norms			
<p>144.3 Move towards the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (Chile);</p> <p>Source of position: A/HRC/36/6/Add.1 - Para. 28</p>	Noted	<p>A12 Acceptance of international norms D1 Civil & political rights - general measures of implementation D23 Death penalty Affected persons: - general</p>	Not implemented.
Theme: A41 Constitutional and legislative framework			
<p>144.118 End the prosecution of journalists under the Criminal Code for peacefully exercising their right to freedom of opinion and expression and for ensuring the right to information (Sweden);</p> <p>Source of position: A/HRC/36/6/Add.1 - Para. 28</p>	Noted	<p>A41 Constitutional and legislative framework D43 Freedom of opinion and expression Affected persons: - media</p>	<p>Not implemented.</p> <p>The Moroccan Criminal Code continues to be used for the prosecution of journalists.</p>
<p>144.120 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 (Ireland);</p> <p>Source of position: A/HRC/36/6/Add.1</p>	Noted	<p>A41 Constitutional and legislative framework D43 Freedom of opinion and expression D45 Freedom of association H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders</p>	<p>Not implemented.</p> <p>The Moroccan Criminal Code retains limitations on the freedom of expression which produces a “chilling effect” on the exercise of the right to freedom of expression.</p> <p>See for instance Arts. 179 and 267-5 Criminal Code (expressions undermining Islamic religion), Art. 267-5 Criminal Code (expressions potentially harming national security and the territorial integrity of Morocco), Arts. 263, 267-1, 267-2, 267-4 Criminal Code (expressions disrespecting national symbols such as the Moroccan flag and hymn). Enforcement measures dealing with transgressing limitations on the right to freedom of expression can also be found in the Criminal Code. See for instance Arts. 26, 40, 267-1, 267(5) Criminal Code.</p>
Theme: D42 Freedom of thought, conscience and religion			

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<p>144.111 Remove restrictive practices against Christians and other minorities, including limitations on religious activities, freedom of thought and conscience, in accordance with international law (Kenya);</p> <p>Source of position: A/HRC/36/6/Add.1 - Para. 23</p>	Noted	<p>D42 Freedom of thought, conscience and religion</p> <p>Affected persons:</p> <p>- minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>Not implemented.</p> <p>It remains illegal to engage in an expression undermining the Islamic religion (Criminal Code, Arts. 179, 267-5; Press and Publication Code, Arts. 31 and 71), which is contrary to the International Covenant on Civil and Political Rights.</p>
<i>Theme: D43 Freedom of opinion and expression</i>			
<p>144.113 Refrain from referring to laws other than the press code when dealing with infractions of the freedom of expression (Denmark);</p> <p>Source of position: A/HRC/36/6/Add.1 - Para. 28</p>	Noted	<p>D43 Freedom of opinion and expression</p> <p>Affected persons:</p> <p>- media</p>	<p>Not implemented.</p> <p>Restrictions on the right to freedom of expression are not only enshrined in the press code, but also in the criminal code.</p> <p>See for instance Arts. 179 and 267-5 Criminal Code (expressions undermining Islamic religion), Art. 267-5 Criminal Code (expressions potentially harming national security and the territorial integrity of Morocco), Arts. 263, 267-1, 267-2, 267-4 Criminal Code (expressions disrespecting national symbols such as the Moroccan flag and hymn). Enforcement measures dealing with transgressing limitations on the right to freedom of expression can also be found in the Criminal Code. See for instance Arts. 26, 40, 267-1, 267(5) Criminal Code.</p>

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<p>144.119 End the prosecution of and release journalists and other individuals detained solely for exercising their rights to freedom of expression, peaceful assembly and association (United States of America);</p> <p>Source of position: A/HRC/36/6/Add.1 - Para. 28</p>	Noted	<p>D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association</p> <p>Affected persons: - media</p>	<p>Not implemented.</p> <p>Journalists and other individuals remain prosecuted and detained for writing about certain subjects that should be protected in accordance with the right to freedom of expression.</p> <p>Punishment for transgressing a restriction on the right to freedom of expression under Moroccan law (which is contrary to international human rights law) can amount to an imprisonment of 6 months to 5 years (2019 Criminal Code, arts. 26, 40, 267-1, 267(5); Press and Publication Code, arts. 79, 81, 84, 103)</p>