

**United Nations Human Rights Council**

**27th Session of the UPR Working Group**

**Geneva, 02.05.2017**

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**German national statement**

**Morocco**

Mr President,

Germany commends Morocco’s commitment to further improving its national human rights record as well as its engagement in advancing international human rights policy, including through interaction with United Nations human rights mechanisms. Germany especially commends progress made with regard to combatting torture and ill-treatment in police custody. The accession to the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment in 2014 was an important step in this regard.

Germany regrets, however, that it has not yet been possible to pass legislation penalizing domestic violence, a recommendation that had been accepted by Morocco during the second UPR cycle in 2012. Furthermore, the respective draft bill currently under examination of the Parliament, falls short of international standards on key issues, such as marital rape. Thus women still lack effective and adequate protection against violence in their own home and family. On the other hand, despite constitutional guarantees of the equality of men and women, discriminatory provisions can still be found in various bills, including in the areas of marriage, divorce, child custody, legal guardianship of children. We are especially concerned about the legal situation of single mothers and their children, which is of a seriously discriminating nature.

Germany recommends:

1. Implement adequate measures to ensure comprehensive and effective protection of women against domestic violence and accelerate the drafting process of a bill that is consistent with international standards in this area.
2. Abolish the criminalization of single mothers, allow full legal recognition of children born outside marriage (including with regard to their name and right of inheritance), introduce DNA testing to ascertain paternity.

Thank you.

Questions submitted in advance by Germany with regard to the UPR of Morocco – 2nd May 2017 / UPR27:

1. During the second UPR cycle in 2012, Morocco supported the German recommendation to revise the Press Act and abolish provisions that lead to a restriction of freedom of opinion and expression and freedom of religion and belief and take measures in order to allow for free, impartial and objective media. Germany welcomes the adoption in September 2016 of the new Press Code under which press-related offences are no longer subject to custodial penalties. We are, however disappointed and alarmed about the introduction of new provisions in the Criminal Code, namely in Article 275, establishing terms of imprisonment for acts perceived as being offensive to Islam or the monarchy or as posing a threat to the countries territorial integrity[[1]](#footnote-1).

**For this reason, Germany would like to know which concrete amendments the Government of Morocco is 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, and how does the Government ensure that the new legislation does not impede journalists, civil society actors and human rights defenders, both male and female, to freely exercise their right to freedom of expression.**

1. Germany welcomes the important steps taken to combat torture and ill-treatment in police custody as well as the plans for a comprehensive reform of both the penal law and the penal system[[2]](#footnote-2).

**In this context, Germany would like to enquire about the current state of affairs of the reform of the penal law, in particular with regard to the death penalty, the age of criminal responsibility, and the penal system. What is the time line for the passing of new legislation and what does the government plan to implement the “Strategy 2016-2018 for the reform of the penal system”?**

1. A/HRC/WG.6/27/Mar/2 (Report of the OHCHR ) [↑](#footnote-ref-1)
2. DKOR Rabat , 10.04.2017, S. 2,3 [↑](#footnote-ref-2)