

Ministers' Deputies / Rapporteur Groups

GR-EXT

Rapporteur Group on External Relations

GR-EXT(2016)11

16 August 2016.¹

**Council of Europe Neighbourhood Partnership with Morocco
(2015-2017) – Interim progress report**

Document prepared by the Office of the Directorate General for Programmes and the Directorate of External Relations

Item to be considered by the GR-EXT at its meeting on 6 September 2016

EXECUTIVE SUMMARY

The Neighbourhood Partnership 2015-2017 with Morocco was adopted by the Committee of Ministers during its 1218th meeting on 4 February 2015. Developed jointly with the Moroccan authorities, the Neighbourhood Partnership aims at assisting Morocco with the process of democratic reforms underway and tackling challenges related to human rights, the rule of law and democracy. The co-operation established with the Moroccan authorities since 2012² has been continuously consolidated and expanded with a particular focus put since 2015 on human rights issues.

The Enhanced Political Dialogue offers widespread opportunities for dialogue between the Council of Europe (CoE) and the Moroccan authorities, ranging from high-level exchanges on topics on the bilateral agenda and political issues of common interest and discussions on concrete co-operation activities relevant to the implementation of the Neighbourhood Partnership, to participation in CoE expert bodies.

In practice, the Enhanced Political Dialogue with Morocco has developed successfully, in particular at technical level with representatives of the Ministry of Foreign Affairs and representatives of specialised ministries. The PACE “Partner for democracy status”, granted to the Moroccan Parliament in 2011, has also provided a useful framework for regular political dialogue. Morocco has confirmed its commitment to full implementation of the Enhanced Political Dialogue. At present, efforts are on-going with a view to developing the high-level political dialogue. Participation of Moroccan experts in relevant CoE intergovernmental committees and working groups is a probably less visible but very important dimension of the dialogue, since it contributes to the institutional involvement of the partner country in the Organisation and to the further development of a common legal space.

The Neighbourhood Partnership is financed for the most part by a European Union/Council of Europe joint programme (“Towards Strengthened Democratic Governance in the Southern Mediterranean”). This has been complemented by the financial support of several member States, in particular Norway, as well as Estonia, France, Italy, Liechtenstein, Malta, Monaco and Portugal. For 2015-2017, the estimated needs amount to €6 250 000 of which €5 855 000 are currently secured.

Morocco has benefited from country-specific and regional actions aimed at supporting the development of effective legal frameworks, facilitating the creation of a common legal space, reinforcing the capacity of national institutions, improving training and promoting best practices.

¹ This document has been classified restricted until examination by the Committee of Ministers.

² Under the previous co-operation framework the “Neighbourhood Co-operation priorities with Morocco 2012-2014”

Co-operation with Morocco in 2015 and the first half 2016 can be assessed as positive. In 2015, the adoption and enforcement of all the organic laws foreseen by the 2011 revised Constitution continued to remain a priority in Morocco. The CoE strengthened its assistance aimed at supporting the preparation of laws and the effective implementation of those already approved in priority fields: reform of the judiciary, anti-corruption, fight against violence against women and children and prevention of torture and inhuman or degrading treatment through the establishment of a National Prevention Mechanism in Morocco.

The role of the Venice Commission and other CoE institutions and bodies such as the PACE or the European Commission for the Efficiency of Justice (CEPEJ) was essential in this process. However, the drafting process of several organic laws to be finalised by the end of the legislature is still on-going. Despite the fact that effective implementation of reforms undertaken remained critical, no further assistance by the CoE and in particular by the Venice Commission was requested.

Regarding consolidation of a common legal space, Morocco informed of the imminent accession to some CoE conventions and confirmed its intention to become party to several others. During the reporting period no accession process was finalised. At the same time, the CoE contributed to the revision of the current data protection legislation on the basis of the CoE Convention on this subject and specific training for targeted groups were organised with a view to better incorporating the provisions of the Budapest convention on cybercrime in the Moroccan law.

The CoE continued to support the Moroccan Parliament on various issues related to the constitutional reform and increase its capacity to bring national legislation into greater conformity with European and international standards. The CoE also organised training activities on freedom of expression and freedom of the media for journalists.

Thanks to recent voluntary contributions, CoE intervention in Morocco has been strengthened in several areas – violence against women, violence against children, children’s rights, women’s rights, freedom of expression and of the media and Schools of Political Studies. A country-specific EU/CoE joint programme in the field of independence and efficiency of justice started early 2016. This should allow a tangible impact on the judiciary system by spreading the use of CEPEJ tools to a significant number of Moroccan courts.

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LIST OF ACRONYMS AND ABBREVIATIONS

APALD	Authority for gender equality and the fight against discrimination
CCJE	Consultative Council of European Judges
CCPE	Consultative Council of European Prosecutors
CDDH–DC	Steering Committee for Human Rights - Drafting Group on Human Rights in Culturally Diverse Societies
CDPC	European Committee on Crime Problems
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
CNDH	National Council for Human Rights
CoE	Council of Europe
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
EUD	European Union Delegation
FOMEJE	The Mediterranean Forum for Youth
GEC	Gender Equality Committee
GR-EXT	Rapporteur Group on External Relations
IFES	International Foundation for Electoral Systems
ICPC	Instance Centrale de Prévention de la Corruption
INPPLC	New Moroccan anti-corruption authority
IOM	International organisation for Migration
JP	CoE/EU Joint Programme
MedNet	The Mediterranean network for co-operation on drugs and addictions
MedUni	Mediterranean University on Youth and Global Citizenship
NGO	Non-governmental Organisation
Neighbourhood Partnership	Neighbourhood Partnership with Morocco 2015-2017
NPM	National Prevention Mechanism
NSC	North-South Centre
ODGP	Office of the Directorate General of Programmes
PACE	Parliamentary Assembly of the Council of Europe
PATHS	Programme of Advanced Training in the field of Human rights, the rule of law and democracy for Southern Mediterranean
PC-CP	Council for Penological Co-operation
PC-OC	Committee on Co-operation in Criminal Matters
SPS	School of Political Studies
UN	United Nations
T-PD	Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data
Venice Commission	European Commission for Democracy through Law

1. INTRODUCTION

The Enhanced Political Dialogue offers widespread **opportunities for dialogue** between the CoE and the Moroccan authorities, ranging from high-level exchanges on topics on the bilateral agenda and political issues of common interest and discussions on concrete co-operation activities relevant to the implementation of the Neighbourhood Partnership, to participation in CoE expert bodies. Implementation of this framework for dialogue ultimately depends on the political will of the CoE and the Partner country.

As regards the high-level dialogue, the Neighbourhood Partnership provides that “The **Committee of Ministers** may invite the Minister of Foreign Affairs of Morocco, or other high level representatives of the government, to attend its sessions; The **Secretary General** of the CoE and the Minister of Foreign Affairs of Morocco will hold consultations, at least once a year, on issues on the bilateral agenda and topics of common interest”; and “Ministers of Morocco may be invited to participate as observers in the **Specialised Ministers’ Conferences** relevant to the implementation of the Neighbourhood Partnership, in accordance with the terms of Resolution CM/Res(2011)7.”

In addition, “the **Ministers’ Deputies** may invite representatives of Ministries and relevant Moroccan institutions for consultations on any subject relevant to the implementation of the Neighbourhood Partnership”; and “The **Rapporteur Group on External Relations** (GR-EXT) of the Committee of Ministers will hold exchanges of views with representatives of Ministries and relevant Moroccan institutions when discussing items relevant to the co-operation with Morocco and following-up the implementation of the Partnership. The other Rapporteur Groups may also hold such exchanges of views.”

As regards consultations at more technical level, the Neighbourhood Partnership provides that “Representatives of Morocco may also participate as observers in the parts of the meetings of relevant **intergovernmental committees of experts** when discussing issues of relevance to the implementation of the Neighbourhood Partnership.”

Finally, Morocco is invited to “designate a **Neighbourhood Partnership Representative** to the CoE as a contact point for the implementation of the Neighbourhood Partnership.”

The main objective of co-operation between Morocco and the CoE, in line with the CoE policy towards neighbouring regions, aims to assist Morocco in the on-going process of democratic reforms by helping the country tackle challenges related to human rights, the rule of law and democracy. In particular the objectives identified in consultation with the Moroccan authorities under the “Neighbourhood Partnership 2015-2017” are:

- consolidate the achievements of the “Neighbourhood Co-operation Priorities with Morocco 2012-2014” and initiate new areas of co-operation in line with national reform priorities, based on the demand-driven approach;
- facilitate the creation of a common legal area between Europe and Morocco, encouraging the authorities to bring Moroccan legislation in line with European and international standards and ratify CoE conventions open to non-member States, with due regard for the procedures set out in the relevant conventions;
- support the development and the effective implementation of new legislation in accordance with European and other international standards;
- support the setting-up and the effective functioning of human rights institutions and new governance structures;
- enhance Morocco’s presence in the CoE structures of which it is already a member or observer (Venice Commission, the European Commission for the Efficiency of Justice, the European Pharmacopoeia, the Pampidou Group’s MedNet network, etc.) and encourage participation in other relevant CoE structures.

In 2015 and in the course of the first half of 2016, activities have been undertaken to contribute to these objectives in continuity with Neighbourhood Co-operation Priorities 2012-2014 and in new areas such as the prevention of torture and inhuman or degrading treatment or punishment. Co-operation has been also further developed in the field of freedom of expression and of the media.

2. MAIN ACHIEVEMENTS (ASSESSMENT OF RESULTS)

PART I – ENHANCED POLITICAL DIALOGUE

In accordance with point 4 of the Enhanced Political Dialogue, shortly after the adoption of the Neighbourhood Partnership, Morocco designated its Consul General in Strasbourg as **Neighbourhood Partnership Representative** to the CoE, the contact point for the implementation of this Partnership. The Neighbourhood Partnership Representative has played an important role in the implementation of the Enhanced Political Dialogue.

The Enhanced Political Dialogue with Morocco has developed in particular at **technical level** in Strasbourg and Rabat with representatives of the Ministry of Foreign Affairs and of specialised ministries. Morocco attended the **CoE High-Level Conference** of Ministers of Justice and representatives of the Judiciary, organised by the then Bulgarian Chairmanship of the Committee of Ministers in Sofia on 21-22 April 2016. The PACE “**Partner for democracy status**” granted to the Moroccan Parliament in 2011 has also provided a useful framework for **regular political dialogue**. In addition, Moroccan authorities have reiterated their commitment to the development of the Enhanced Political Dialogue at **high level** and opportunities are being identified. The visit of the Secretary General to New York in September 2016 on the occasion of the session of the UN General Assembly could offer such an opportunity for high-level political dialogue. An exchange of views could also be foreseen with the Rapporteur Group on External Relations (GR-EXT) in the autumn to follow up on both political dialogue and co-operation further to the adoption of the present interim report.

At technical level, Morocco attended several meetings of relevant CoE **intergovernmental committees of experts and working groups**. A list of such expert bodies in areas at the core of the common legal space has been established by the CoE Secretariat in consultation with the Moroccan authorities, and these bodies have adjusted their mandate where relevant in order to reflect the possibility of Morocco’s participation as observers, as provided by the Neighbourhood Partnership. Moroccan specialised ministries reacted quickly and favourably to these opportunities. Moroccan experts attended in particular meetings on Human Rights in culturally diverse societies (CDDH–DC), meetings on Gender Equality (GEC), on the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD), on the quality of justice and on the Lanzarote Convention. The Ministry of Foreign Affairs echoed the interest of specialised ministries for such co-operation and, in March 2016, Morocco appointed experts to attend the forthcoming meetings of CEPEJ, as well as meetings on penological co-operation (PC-CP), meetings of the Consultative Councils of European Judges and European Prosecutors (CCJE and CCPE), of the European Committee on Crime Problems (CDPC) and of the Committee on Co-operation in Criminal Matters (PC-OC). Participation in these expert bodies is a probably less visible but very important dimension of the dialogue since it contributes to the **institutional involvement** of the Partner country in the Organisation and to the further development of a **common legal space**.

Morocco confirmed its commitment to the Enhanced Political Dialogue at all levels. Efforts are on-going with a view to developing the high-level political dialogue so that it reflects the excellent quality of Morocco’s technical dialogue and co-operation with the CoE.

Finally, it should be noted that Morocco has already reiterated its **interest in longer-term institutional relations** with the CoE beyond 2017.

PART II – CO-OPERATION PRIORITIES

Very good progress has been achieved in the field of human rights.

- In the field of trafficking in human beings, the CoE has assisted the authorities over two years in drafting the national legislation –which was submitted to the Parliament at the end of 2015- in line with the CoE standards. In May 2016 the Moroccan Parliament adopted the Law n°27-14 on trafficking in human beings, which contains many provisions of the CoE Convention.
- Co-operation related to violence against children significantly increased in 2015, exceeding initial expectations.
- Co-operation was satisfactory in the process of setting up of a NPM in Morocco that will be housed within the National Council for Human Rights (CNDH).

Work in the area of gender equality and violence against women was relatively limited in 2015 due to lack of funding and reform process slow-down. Considering the importance of these issues in Morocco and the expected developments, the CoE welcomed the voluntary contributions received at the end of 2015, which will allow for an increased intervention by the CoE in this area.

Some progress was observed in the field of data protection and counterfeiting of medical products. Co-operation continued at good pace in the field of drug abuse and drug trafficking.

In the sector of rule of law, progress has been tangible:

- Support to the independence and efficiency of justice with the focus to help the Moroccan authorities to improve the day-to-day functioning of courts. Moreover, the Moroccan authorities have acquired a greater knowledge and ownership of CEPEJ tools.
- In the field of fight against corruption and money-laundering, the CoE provided expertise in the setting up of the institutional framework and in building capacities for the new Moroccan anti-corruption authority (INPPLC), it also provided several legislative reviews as well as investigative and risk assessment methodologies.
- In the fight against cybercrime, Morocco proactively continued its efforts to complete the reform of cybercrime legislation in compliance with the Budapest convention and is seeking accession to the latter (already approved by the Parliament).

Co-operation with the Venice Commission has been fruitful: support to the constitutional reform process has continued to be provided, as well as, capacity building activities. Morocco actively participated in regional activities organised by the Venice Commission (meetings of electoral management bodies, etc.). However, the drafting process of several organic laws to be finalised by the end of the legislature is still on-going. Despite the fact that effective implementation of reforms undertaken remained critical, no further assistance by the Venice Commission was requested.

In the area of freedom of media and freedom of expression some progress has been achieved by contributing to the capacity building of journalists, but the overall situation is -despite some positive developments due to on-going legal reforms- of concern. Media continue to exercise self-censorship and in general print and online media face difficult economic conditions and may be subject to political pressure.

The sector of democracy has seen good progress:

- The CoE's action has contributed to the strengthening of participatory democracy and civil society stakeholders thanks to the Citizen School of Political Studies in Morocco and the Lisbon Forum organised by the CoE's North-South Centre.
- Co-operation in the field of inter-parliamentary co-operation has been satisfactory. A delegation from the Moroccan Parliament attended all the 2015 and 2016 PACE plenary sessions and regional events organised by the PACE. The CoE continued to support the new constitutional role of the Parliament.

In the area of democratic governance at local and regional level no action took place in 2015 due to the lack of funding. Activities will be initiated in the second half of 2016.

From a transversal perspective, and notably regarding the creation of a common legal area, accession process to several CoE conventions reached a final stage of national ratification process and Morocco showed interest to accede to key CoE conventions like the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment or the Council of Europe Convention on preventing and combating violence against women and domestic violence.

3. MODALITIES FOR IMPLEMENTATION AND COORDINATION

Responsibility for monitoring the implementation of the Neighbourhood Partnership lies with the Committee of Ministers, particularly its Rapporteur Group on External Relations (GR-EXT). The Secretariat kept the latter up to date with the progress made. The present report constitutes an interim progress report.

Implementation of the Neighbourhood Partnership is consulted on regular basis with Moroccan authorities. Consultations took place in April 2015 in Strasbourg and end of November/beginning of December 2015 in Rabat, at technical level, between the Secretariat and the authorities. These exchanges confirmed Morocco's commitment to co-operation with the CoE.

Following the current practice and in accordance with standard commitments under Joint Programmes with the EU, Steering Committees gathering the Moroccan authorities, the CoE and the EU regularly to support, accompany and evaluate the implementation of the projects backed by the EU. A regional launch event of the South Programme II was organised in Strasbourg in April 2015, and the first bilateral Steering Committee Meeting took place in Rabat on 30 November 2015.

Special focus was put on cross-cutting issues, in particular gender mainstreaming, both in the planning and in the implementation of activities. The implementation of projects also facilitated the involvement of civil society when and where possible, and aimed at decentralising implementation of the activities to increase the visibility of the CoE beyond the capital.

The CoE office in Rabat plays a crucial role in implementing the Neighbourhood Partnership by liaising with national authorities, implementing activities and ensuring donor coordination. Its operational capacity should be further increased by new recruitments in the first half of 2016.

The CoE coordinates very closely on the ground with all the main international actors in the field – the EU Delegation in Rabat, UN agencies, IFES and others. Thematic coordination meetings between international organisations active in a given area take place regularly in Rabat, e.g. trafficking in human beings.

4. FUNDING AND PARTNERS

In line with the CoE resource mobilisation strategy, the Office of the Directorate General of Programmes (ODGP) has focussed its fundraising efforts on the entire Neighbourhood Partnership. The overall budget of the Neighbourhood Partnership is €6 250 000. Funding of more than €5 855 000 has been secured.

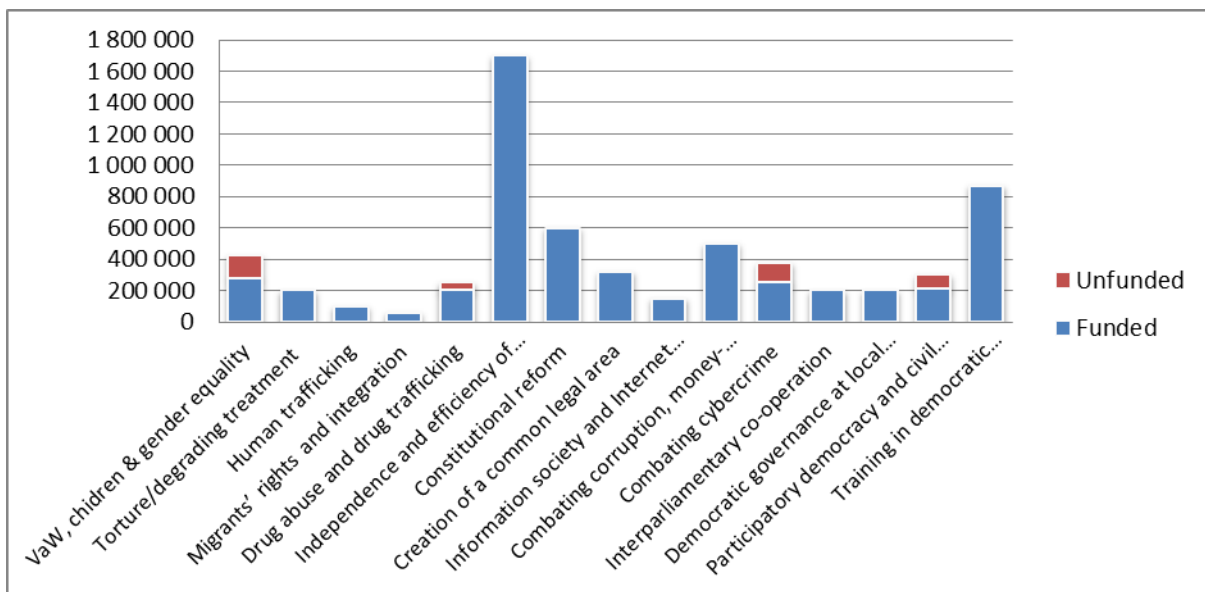


Figure 1. Funding situation at sector level of the Neighbourhood Partnership, as of March 2016

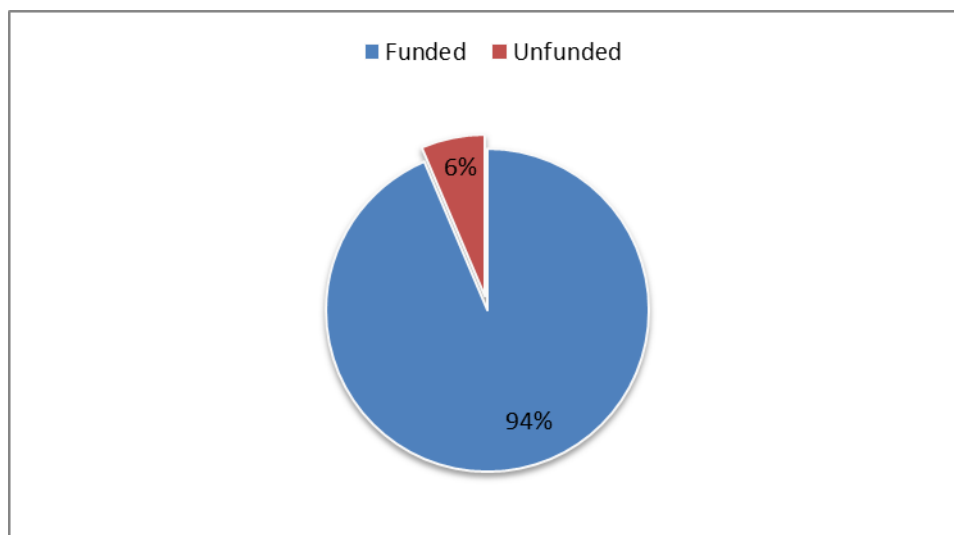


Figure 2. Funding situation at Neighbourhood Partnership level, as of March 2016

A very significant part of the co-operation priorities is implemented under the regional Programme “Towards strengthened democratic governance in the Southern Mediterranean” (South Programme II)³. In addition, a country specific joint programme was signed between the CoE and the EU in the field of reform of justice.

Several voluntary contributions have backed Neighbourhood Partnership implementation. Norway has funded several activities conducted by the Venice Commission to support democratic reforms. Norway, France and the EU contributed together to activities of the Schools of Political Studies. A pilot project in the field of freedom of expression and of the media was funded by a voluntary contribution from Liechtenstein. In December 2015 Norway also gave an un-earmarked contribution providing a significant support to the Neighbourhood Partnerships with Morocco and Tunisia. Italy supported the MedNet, Malta and Portugal supported activities of the North-South Centre in particular with regard to youth and women empowerment and Monaco and Estonia contributed to activities in the area of gender equality and violence against women and children.

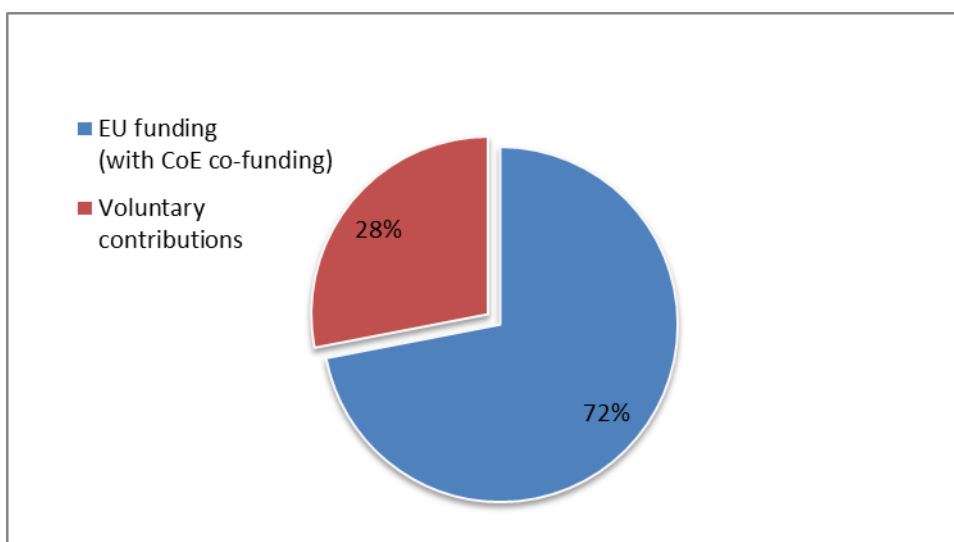


Figure 3. Sources of funding of the Neighbourhood Partnership, as of March 2016

The financial table covering the needs and secured funding is enclosed in Appendix.

³ Funded mainly by the European Union (EU) (95 %) and co-funded (5 %) and implemented by the CoE.

5. LESSONS LEARNED

A summary of the main lessons learned during the Neighbourhood Partnership implementation follows.

- The excellent quality of the **dialogue** at technical level was accompanied by regular political dialogue through the PACE “Partner for democracy status”. This should be combined with a regular high-level dialogue at the intergovernmental level. Efforts to this end are on-going.
- Results achieved so far were facilitated by the presence of the **Neighbourhood Partnership Representative in Strasbourg** and the presence of a **CoE Office in Rabat**, beneficial for both the co-operation and the Enhanced Political Dialogue.
- The CoE confirmed its capacity to respond to the interest of specialised ministries and provide its expertise through its **intergovernmental expert bodies**. In that respect, the involvement of Moroccan experts in these bodies is an important feature of the dialogue and should be further encouraged. It contributes to the institutional integration of the Partner country in relevant networks and to the development of a common legal space.
- On the basis of its commitment to the full implementation of the Partnership, Morocco has already reiterated its **interest in longer-term institutional relations** with the CoE beyond 2017.
- The fact that the Council of Europe has a well-established presence in Morocco based on partnerships with the government and civil society, places it in a position to be flexible and adaptable.
- Political dialogue with the authorities contributes to continued co-operation.
- As the CoE policy towards its neighbouring regions is based on demand, it is important to maintain a flexible framework of co-operation. In this respect, un-earmarked voluntary contributions are welcomed as they allow adjusting to the needs and dynamics of the reform processes. This will be particularly crucial to minimize the impact of a slowdown of activities in certain areas due to the upcoming legislative elections (October 2016). Unexpected political turmoil like the one caused by the publication of the CNDH report on women’s rights may have a negative impact on the pace of implementation⁴. Flexibility in working methods and adapting the rhythm of interventions is needed to counter the slowing down of some co-operation activities.
- Coordination with other international actors is crucial on daily basis and appears to be fundamental in achieving tangible results. However, it is to be noted that this sometimes leads to delays in implementation.
- Sufficient capacities of national partners to absorb reforms have to be ensured.
- The CoE human rights-based approach to technical assistance is an important complement to existing international programmes of assistance in Morocco.
- The CoE could act as a bridge between different state and non-state actors.

6. PROGRAMMING OUTLOOK

Thanks to recent contributions from Norway, Monaco, Estonia and France, CoE intervention in several areas will be further strengthened in 2016 and 2017, and further address issues on violence against women and children, children’s rights, women’s rights, freedom of expression and of the media, and Schools of Political Studies. Some areas in which no activities have yet taken place due to lack of funding will be launched in the second half of 2016, for example strengthening governance on local and regional level.

Moreover, Morocco showed interest in the intercultural cities network and in particular the work related to integration of migrants, which has been initiated in several Moroccan towns in 2016. The activities will be carried out mainly within the SP II.

At the end of December a two year country-specific EU/CoE joint programme in the field of independence and efficiency of justice was signed. This should contribute to a tangible impact on the judiciary system by spreading the use of CEPEJ tools to a significant number of Moroccan courts. However, the launching event could not yet take place due to recent developments in relations between Morocco and the EU following the annulment of a trade agreement between Morocco and the EU by the European Court of Justice.

⁴ Towards the end of 2015 co-operation with the CNDH slowed down, notably in the setting up of an NPM mechanism, which will be housed by the CNDH.

At the beginning of 2016 a Moroccan NGO (FOMEJE) was identified as a partner in order to develop the “No hate speech campaign” in Morocco. The campaign was officially launched on 3 June 2016. This constitutes a new area of intervention of the CoE initially not foreseen in the Neighbourhood Partnership, but responding to the recent needs expressed by Moroccan authorities.

7. SECTOR REVIEW

HUMAN RIGHTS

Since 2015, activities in the field of human rights have been expanded to new areas such as the prevention of torture and inhuman or degrading treatment or punishment, with the support brought by the CoE to the setting-up of a NPM in Morocco. Co-operation has been further developed in the field of violence against children and continued at a good pace in the field of trafficking in human beings. Co-operation in various areas has aimed at bringing the Moroccan legal framework closer to European standards, which facilitates the creation of a common legal area through Morocco's accession to relevant CoE conventions and the setting of new institutions.

1.1. Gender equality

The draft laws establishing the Authority for gender equality and the fight against discrimination (APALD) and on the fight against violence against women – previously commented by the CoE - have been submitted to Parliament at the end of 2015. In anticipation of the parliamentary proceedings, targeted awareness and capacity building activities have been conducted during the reporting period by the CoE (on several corresponding thematics such as education, ICT and gender; women in business; women's access to justice). Further co-operation and its scope is highly dependent on legislative developments in Morocco.

1.2. Combating violence against women

The CoE supported the setting-up of the National Observatory on Violence against Women through organising among others study visits to similar European bodies. This allowed discussing the Observatory's structure, its powers, its functioning, relationships and co-ordination with other public and private organisations. It also created formal and informal exchanges with other European organisations that will ensure better co-ordination efforts on both sides of the Mediterranean. The Observatory was officially set up in February 2015. In parallel, Morocco reiterated its interest in acceding to the Istanbul Convention.

1.3. Promoting children's rights and protecting children against violence

Co-operation with Moroccan authorities in this field significantly increased since 2015, with several capacity building and technical assistance activities: seminar on the Lanzarote Convention as an instrument against sexual abuse and exploitation of children on internet; International Conference on Family Mediation and the regular participation in the Lanzarote Committee meetings.

Thanks to voluntary contributions co-operation between the CoE and Morocco has been further strengthened in 2016 in particular in the context of the National implementation programme of the Integrated public policy for child protection in Morocco 2016-2020, which was launched on 29 March 2016. The main axes of co-operation for 2016 and 2017 cover child participation, children and internet, strengthening capacities and awareness raising on Lanzarote convention in public administration and strengthening capacities of NGOs to play an active role in the process of implementation of the Integrated public policy for child protection.

Following adoption by its Parliament, Moroccan authorities informed of the submission of instruments of accession to several conventions, including instruments on the rights of children in the near future.

1.4. Prevention of torture and inhuman or degrading treatment or punishment

In 2015, the CoE contributed to various seminars organised by the National Council for Human Rights (CNDH) -which houses the national preventive mechanism (NPM) against torture according to the current draft law- to reflect on the status, functioning and structure of the future Moroccan NPM and concretely address the institutional, administrative and operational aspects of its implementation. In 2016 a needs-assessment took place together with the Association for the Prevention of Torture (APT, Geneva) with a view to designing a comprehensive training curriculum for NPM members and staff. The training programme was presented to the CNDH in April 2016 who agreed on it. The first training activity has taken place and the entire training will be rolled out spanning 2016 and 2017.

1.5. The fight against human trafficking

The CoE provided expertise on the draft law on trafficking in human beings, which is in line with the CoE standards in this area and was submitted to the Parliament at the end of 2015. The law taking on board several provisions of the CoE convention on trafficking in human beings was adopted in May 2016. Prior to the adoption of the law, a specific session on the CoE Convention was convened during a seminar dedicated to the presentation of a number of CoE Conventions (see 2.3). This provided another opportunity to discuss the national context and raise awareness about international standards. Introductory capacity building activities for stakeholders involved in the fight against human trafficking will be undertaken with a particular focus on support to victims.

The recent adoption of the Law nr.27-14 on trafficking in human beings by the Moroccan Parliament provides an excellent basis for future co-operation.

1.6. Migrants' rights and integration

Morocco has evolved into a destination country for migrants and is confronted with an entirely new set of social and legal issues typical of immigration countries. Despite public administration and NGOs efforts, the indicators in terms of housing, access to the job market, the health service, education and teaching show low integration levels. The CoE initiated co-operation with Morocco on a local level through the Intercultural Cities approach, which can help Morocco to build policy know-how and deal with public perceptions of migrants and diversity at large. The cities of Tangiers, Agadir, Meknes, Rabat, Casablanca, Marrakech, Chefchaouen, Tetouan, Kenitra, Martil, and Larache have met in the beginning of the year and expressed their interest to set up a national Network of Intercultural Cities for Morocco, as well as to participate in the activities of the European network. Tangiers was selected as coordinator for the national network. In the coming months all cities will complete the ICC Index (a self-assessment and benchmarking tool surveying 11 policy indicators) and will work on a common action plan and priorities areas for the Network. In parallel the city of Tangiers will receive its first expert visit to discuss the programme with key stakeholders and obtain more detailed information on the city context in order to prepare a first review of city governance and policies from an intercultural perspective.

In 2015 the PACE organised two regional conferences on migration: "North-South Migration Dialogue" (in co-operation with the North-South Centre and the Portuguese Parliament) and "Comprehensive humanitarian and political response to the migration and refugee crisis in Europe", in which Moroccan representatives participated.

1.7. Data protection

In 2015, the CoE prepared a legal expertise, on the request of the Data Protection Supervisory Authority of Morocco. The legal expertise analysed the proposed amendments to the Moroccan data protection law and their compliance with the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, as well as with the proposals of modernisation of the Convention. The CoE stands ready to provide further guidance regarding the revision of the legal framework. The Council of Europe looks forward to the accession by Morocco to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, in particular as Morocco will host the Annual International Conference of Data Protection Authorities in October 2016 in Marrakesh.

1.8. Drug abuse and drug trafficking

In 2015, Moroccan medical professionals in charge of drug users, continued to be trained at a pace of 35 per year. The Moroccan National Observatory on Drugs and Drug Addiction, published its first national report with support from MedNET and CoE.

Morocco took an active part in regional activities which allow enhancing the sharing of experiences between representatives from the two shores of the Mediterranean. The MedSPAD regional report "A first glance at the situation in the Mediterranean region in relation to the prevalence of alcohol, tobacco and drug use among adolescents", which covers nine countries (Cyprus, France, Greece, Italy, Malta and Portugal, Lebanon, Morocco and Tunisia) was produced by the MedSPAD Regional Committee, as part of the MedNET 2015 work programme with support from CoE.

1.9. The fight against the counterfeiting of medical products

Morocco took part, along with Tunisia, Algeria and Israel, in the fourth Regional Conference on the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME Convention) held on 10-11 November 2016 in Larnaca, Cyprus. The event allowed raising awareness and discussing the benefits and challenges of ratifying the MEDICRIME Convention. Morocco was also invited to attend a MEDICRIME Regional Roundtable, which took place in June 2016 in Tbilisi, Georgia, and aimed at both consolidating the single points of contact structure foreseen in the MEDICRIME Convention and aligning the judicial and law-enforcement authorities working methodology. On 7 April 2016, Morocco adopted a draft law (draft law 16-16) on the ratification of the MEDICRIME Convention. Presented by the Minister Delegate to the Minister of Foreign Affairs and Co-operation, the draft law 16-16 comes within the framework of the accession of Morocco to CoE conventions open to non-members States in the framework of the EU/CoE South Programme.

RULE OF LAW

Co-operation in the field of the rule of law has been consolidated in 2015, particularly in the fields of support to the efficiency of justice – which benefits as from 2016 of a new EU/CoE JP- (yet to be implemented), support to the constitutional reform process and the drafting of new legislation, anti-corruption and fight against cybercrime. Co-operation has been further developed in the field of freedom of expression and of the media. In the course of the reporting period co-operation has been continuously consolidated in various areas with the aim to bring Moroccan legal framework closer to European standards and therefore facilitate the creation of a common legal area through Morocco's accession to relevant CoE conventions.

2.1. Independence and efficiency of justice

In 2015 the geographical coverage was enlarged and the number of pilot courts was increased from three to fourteen. The support to policy makers and selected pilot courts to improve the efficiency and the quality of the justice services provided to court users has continued. In particular, four courts (the Administrative Court of Rabat, the Appeal Court of Rabat, the Commercial Court of Casablanca and the Appeal Court of Fès) have benefited of CEPEJ court coaching programmes to improve judicial time management and the quality of justice, which are based on an analysis of each court's performance and the implementation of selected recommendations made by CEPEJ experts. Moreover, the Ministry of Justice has acquired a greater knowledge and ownership of CEPEJ tools, which have been integrated in its case management system and in the dashboards aimed at monitoring the courts' activity with the support of CEPEJ experts. With the newly signed country specific joint programme "Support the justice sector reform - Improving the functioning of justice in Morocco using the tools of the CEPEJ", co-operation in this field should be further strengthened. However, the implementation of the EU/CoE joint programme faces challenges related to recent developments in relations between Morocco and the EU following the annulment of a trade agreement between Morocco and the EU by the European Court of Justice.

2.2. Supporting constitutional reform, the drafting of new legislation, the establishment and efficient functioning of new governance bodies

The Venice Commission continued providing support to the Moroccan authorities with the constitutional reform, in particular regarding the adoption of an organic law on individual requests to the Constitutional Court. Although the drafting process of the law faces delays and legal difficulties, the input of the Venice Commission proved to be highly appreciated by the Authorities. However, at this date, the assistance of the Venice Commission has not been further requested by the authorities in the drafting process of the numerous organic laws to be finalised by the end of the legislature.

Regarding the establishment and efficient functioning of new governance bodies, the Venice Commission has continued with its institution building activities. It has namely contributed to strengthening the capacities of the staff of the Ombudsman Institution, including staff of regional offices, through various training sessions. Each training sessions are followed by 20 to 25 people, which are acquainted with the best practices identified. The Venice Commission has instituted a series of regional “legal capacity-building” seminars in co-operation with the Ministry of Public Service and Modernisation of the Administration of Morocco- in areas related to good governance, the rule of law and fundamental rights- for high-level civil servants of the MENA region (Algeria, Egypt, Jordan, Lebanon, Libya, Morocco, Mauritania, the Palestinian National Authority and Tunisia). The Venice Commission contributed to the first module of training of PATHS programme (Programme on Advanced Training in the field of Human rights, the rule of law and democracy for Southern Mediterranean) on “Constitutional justice, transitional justice and the legislative process”.

2.3. Creation of a common legal area

Morocco acceded to several CoE conventions⁵ and signed several others⁶. Completion of accession procedures regarding some CoE conventions is pending. In 2015, the Moroccan authorities informed of the imminent accession to the Convention on Cybercrime and its Additional Protocol and several other conventions, particularly in the field of the protection of personal data and the rights of children. Morocco also reiterated its interest in the conventions in the field of the fight against corruption, torture, violence against women or terrorism.

In 2015, a structured process was established to facilitate accession procedures with the setting up of a working group on CoE conventions between the CoE and Morocco. Several seminars on key CoE conventions were organised throughout the year (cf. sub-sector review for more details) and a bilingual Compendium gathering key CoE Conventions in Arabic and in French, was published and officially launched in Rabat during a seminar attended by key representatives from public and private entities. This Compendium is a direct result of the joint work between the CoE and the Moroccan Interministerial Delegation for Human Rights and is to become a valuable tool to further enhance the knowledge and understanding on the European human rights standards in the Southern Mediterranean.

Furthermore, to exchange good practices and experiences, promote networking opportunities and enhance knowledge and expertise, Moroccan representatives have taken part in various CoE conventional committees (Lanzarote Committee meetings, Gender Equality Committee meetings (GEC), Consultative Committee of the convention on data protection (T-PD), European Committee on Crime Problems (CDPC) as well as the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC)). Such events have continued to increase the co-operation at the intergovernmental level between the two shores of the Mediterranean and allow Moroccan representatives to fully participate in the process of intergovernmental dialogue and work with their European counterparts.

Morocco has taken part in regional events, such as the high-level International Conference on the Fight Against Trafficking in Human Organs organised for the opening to signature of the new CoE Convention along with representatives from Tunisia, Jordan, Algeria and Israel, and the 4th regional Conference on the Convention on the counterfeiting of medical products and similar crimes involving threats to public health.

A second meeting of the working group on CoE conventions between the CoE and Morocco is planned to take place in the second half of 2016.

⁵ European Convention on Information on Foreign Law (CETS n° 62), European Convention on the Protection of the Archaeological Heritage (CETS n° 66), Additional Protocol to the European Convention on Information on Foreign Law (ETS n° 97), Convention on the Conservation of European Wildlife and Natural Habitats (CETS n° 104), European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches (CETS N° 120), Anti-Doping Convention (CETS n° 135).

⁶ Convention on Mutual Administrative Assistance in Tax Matters (CETS n° 127), Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters (CETS n° 208), Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (CETS n° 211).

2.4. Information society and Internet governance, freedom of expression, independence of the media

The CoE has made efforts to promote freedom of expression and of the media in Morocco by enhancing knowledge and awareness among journalists (i.e. key representatives of the National Moroccan Press Union and interested journalists) on principles governing the exercise of the right to freedom of expression, journalists' rights and responsibilities both offline and online through the organisation of two seminars in September and December 2015 and information sharing on ECtHR case law, CoE declarations, recommendations, guidelines and other relevant CoE initiatives. Needs for further capacity building activities for journalists and media professionals have been identified during this process. In this respect a seminar on press freedom and media ethics was organised at the Press House of Tangier in March 2016; it was attended by 40 journalists and journalism students from the North of Morocco. A follow-up training activity for journalists will be developed with the Press House of Tangier.

2.5. Combating corruption, money-laundering and terrorism

The CoE supported the Instance Centrale de Prévention de la Corruption (ICPC) in its transition to a new constitutional status, regarding in particular the organisational set-up of the new body. Following the expansion of the ICPC mandate to include administrative anti-corruption inquiries, the CoE provided support in the design of a procedural manual, providing a step-by-step description and checklist of the inquiries procedure. The CoE carried out a legislative review of the Moroccan whistle-blower legislation through the prism of CoE standards which will be used to map an action plan for Moroccan authorities in the area of whistle-blower protection reform.

The CoE enhanced the capacities of designated officials to conduct anti-corruption training through a workshop on training techniques. The CoE developed a comprehensive toolkit to address corruption risks in the public procurement sector of Morocco, and delivered a methodology for corruption-proofing of legislation. International networking capacities of Moroccan authorities were enhanced through study visits and exchanges of good practices with homologue anti-corruption institutions in Slovenia and Latvia. Capacities of Moroccan inspectors and state auditors to conduct administrative anti-corruption inquiries were enhanced through a regional training involving their Tunisian and Jordanian counterparts.

2.6. Combating cybercrime

Support has been provided to Morocco, allowing the country to harmonise national legislation with the Budapest Convention, with a view to the imminent adoption of the Convention (which has already been approved by the Parliament). Moroccan authorities demonstrated their commitment to this process by requesting Introductory Judicial Training for legal advisors of the General Secretariat of the Government, which was delivered by the CoE. An advanced Judicial Training on Cybercrime and Electronic Evidence has been delivered in Morocco to a group of magistrates and special police units. A successful first responders' course for the Gendarmerie as well as a workshop on training strategies also for the same Law Enforcement Institution was delivered in April 2016 targeting 20 officers.

DEMOCRACY

Co-operation with Morocco on democracy in 2015 and the first half of 2016 mainly aimed at strengthening the capacities of governmental and civil society representatives involved in the democratic reform processes. This was done especially through activities of the Citizen School of Political Studies, the North-South Centre and the launching of the Programme on Advanced Training in the field of Human Rights, the rule of law and democracy for Southern Mediterranean (PATHS). Inter-parliamentary co-operation has continued at good pace.

3.1. Inter-parliamentary co-operation

In 2015, three regional conferences were conducted by the PACE for members and staff of parliaments of Morocco, Jordan, Lebanon, Algeria and of the Palestinian National Council. These events aimed at enhancing capacities in the context of on-going or future constitutional reform and, for some partners, opened a window towards the ratification of some key CoE Conventions. Similarly, the parliamentarians and their staff increased their capacities to bring to a greater conformity the national legislation on migration, human rights, rule of law and democracy with European and international standards. The organisation of the joint regional Conference strengthened the inter-institutional communication as well as south-south co-operation.

More particularly, the inter-parliamentary co-operation and dialogue with Morocco brought good results. The Moroccan MPs committed to “encouraging the authorities concerned to accede to relevant CoE conventions and partial agreements that can be signed and ratified by non-member states” as it is stated in the PACE Resolution 2061 (2015) from June 2015 on Evaluation of the Partnership for Democracy in respect of the Parliament of Morocco.

3.2. Democratic governance at local and regional level

Due to lack of funding, there were no actions in this during the reporting period. Actions should be initiated in the course of 2016.

3.3. Strengthening of participatory democracy and civil society stakeholders

The North-South Centre organised regional activities with Moroccan representatives fostering women’s participation in political life and promoting women empowerment, and aiming at supporting youth organisations and activists to become fully fledged actors of governance in the Southern Mediterranean. The Mediterranean University on Youth and Global Citizenship (MedUni) provided space for young people and youth organisations from around the world to meet, debate, learn and co-operate on youth policy issues. The NSC gave training on the participation of young women in democratic processes, and 198 women participated in the NSC the Global Education online courses. Moroccan representatives also took part in the 2015 Lisbon Forum dedicated to democratic responses and legal frameworks to combat radicalisation.

3.4. Training in democratic governance and human rights education

In 2015, the Citizen School of Political Studies in Morocco provided training to 34 young democratic leaders from various fields of society and different Moroccan regions. The group explored challenges to the on-going decentralisation process and regional development in Morocco. Special training modules contributed to strengthening participants’ leadership and public management skills. The 2016 session is in progress. The Moroccan School sent representatives to various peer-exchange events organised within the SPS Network, i.e. the Summer Academy for Strengthening Democracy in the Euro-Med Region hosted by the Bulgarian SPS, the 2nd International SPS Alumni Conference, the World Forum for Democracy, the 3rd Regional Seminar held by the Tunisian School of Politics (co-organised by the Moroccan SPS) and the Civic Roundtable organised by the Turkish SPS and Stiftung Mercator (Germany). These events allowed young leaders to explore ways to strengthen co-operation on democratic governance in the context of increasing terrorism and political instability in the Southern Mediterranean and Europe.

The comprehensive Programme of Advanced Training in the field of Human rights, the rule of law and democracy for Southern Mediterranean (PATHS) was launched in 2015. This regional project provides a structured, comprehensive framework for training, based on demand and tailored to the needs of Southern Mediterranean partner countries. Representatives from Algeria, Egypt, Lebanon, Jordan, Morocco and Tunisia attended the first two modules, which focused on ‘Constitutional justice, transitional justice and the legislative process’ and on ‘Introduction to the European Convention of Human Rights and other international systems for the protection of human rights and fundamental freedoms’

Appendix: Financial table

Neighbourhood Partnership with Morocco 2015-2017	Estimated needs (adjusted end of 2015 according to demand)	EU funding (with CoE co- funding)	Voluntary contributions*	To be funded
HUMAN RIGHTS				
Gender equality	100 000		25 000	75 000
Combating violence against women + Promoting children's rights and protecting children against violence	325 000	**	255 000	70 000
Prevention of torture and inhuman or degrading treatment or punishment	200 000	200 000		0
Fight against human trafficking	100 000	100 000		0
Migrants' rights and integration	60 000	60 000		0
Data protection	**	**		**
Drug abuse and drug trafficking	250 000***	150 000	55 000	45 000
Fight against the counterfeiting of medical products	**	**		**
Subtotal Human Rights	1 035 000	510 000	335 000	190 000
RULE OF LAW				
Independence and efficiency of justice	1 700 000	1 700 000		0
Supporting constitutional reform, the drafting of new legislation, the establishment and efficient functioning of new governance bodies	600 000	400 000	200 000	0
Creation of a common legal area	320 000	250 000	70 000	0
Information society and Internet governance; freedom of expression, independence of the media	150 000		150 000	0
Combating corruption, money-laundering and terrorism	500 000	500 000		0
Combating cybercrime	375 000	250 000 + **		125 000
Subtotal Rule of Law	3 645 000	3 100 000	420 000	125 000
DEMOCRACY				
Interparliamentary co-operation	200 000 ***	200 000		0
Democratic governance at local and regional level	200 000		200 000	0
Strengthening of participatory democracy and civil society stakeholders (including North-South Center)	300 000	150 000	70 000	80 000
Training in democratic governance and human rights education (including Schools of Political Studies and Programme on Advanced Training on Human Rights -PATHS)	870 000 ***	250 000	620 000	0
Subtotal Democracy	1 570 000	600 000	890 000	80 000
TOTAL	6 250 000	4 210 000	1 645 000	395 000

* Donors : Norway, Estonia, France, Italy, Liechtenstein, Malta, Monaco, Portugal

** under "creation of a common legal area"

*** including regional activities