

RULES OF PROCEDURES

1st November 2011

Pursuant to the Constitution, mainly Articles 161 and 179;

In accordance with Dahir (Royal Decree) No. 1.11.19 of 18 Rabii I 1431 H (March 1st, 2011) establishing the National Human Rights Council, mainly Articles I, 8, 27, 28, 29, 40, 43, 45, 47 and 57;

After being discussed by the Council at its first ordinary session, held on October 5th, 2011;

After being approved by His Majesty the King;

The following Rules of Procedure shall be applied:

CHAPTER ONE

GENERAL PROVISIONS

Article I:

Pursuant to the provisions of Royal Decree No. 1.11.19 of 18 Rabii I 1431 H (March 1st, 2011), establishing the National Human Rights Council, these Rules of Procedure shall set out the functioning rules of the National Human Rights Council, its modes of management as well as how it shall exercise its mandate, hold its meetings and deliberations and form and organize its working groups, commissions and administrative and financial structures. They shall also define the procedures for receiving complaints and their admissibility terms, the procedure for hearing persons and parties concerned, along with the terms and conditions of the National Human Rights Award, the composition of the regional human rights commissions, the number of their members, their organization and modes of functioning as well as the voting modalities the Council shall adopt to take decisions.

Article 2:

The permanent headquarters of the National Human Rights Council shall be located in Rabat.

CHAPTER TWO

ORGANS OF THE COUNCIL

Section I

Presidency

Article 3:

The President shall exercise general supervision over the affairs of the Council, and shall take all necessary measures to ensure its good management and conduct.

To this end, the President shall exercise the prerogatives vested in him by virtue of abovementioned Royal Decree No. 1.11.19.

In particular, he shall undertake the following tasks:

- preparing the agendas of the Council's sessions and submitting them to His Majesty the King for approval;
- informing His Majesty the King of the outcome of the Council's actions;
- convening the Council's ordinary sessions and urgent meetings;
- submitting the annual report on the situation of human rights and the outcome and prospects of the Council's activities to His Majesty the King;
- informing the public and national and international organizations and agencies concerned with human rights of the content of the report submitted to His Majesty;
- presenting a summary of the report submitted to His Majesty the King before each House of the Parliament, in plenary session, after transmitting the report to both Speakers;
- proposing to the Council, with the permission of His Majesty the King, the set-up of an ad-hoc committee to consider a specific issue that falls within the Council's mandate, and setting its composition in accordance with the provisions of Article 45 of the abovementioned Royal Decree;
- proposing the draft annual budget of the Council and serving as the authorizing officer;
- preparing the draft financial and accounting structure of the Council and submitting it to the Council for approval;

- referring all local and regional cases of human rights violations which he receives to the regional commissions in order to investigate them and issue conclusions and recommendations thereon;
- endorsing the recommendations submitted by the president of the regional commission, informing the president of the regional commission of the actions to be taken to address the situation, or referring the recommendations to the Council for deliberation;
- inviting a representative of any public authority or public or private institution, and any person qualified to assist the Council in achieving its objectives, to participate in the Council's proceedings in an advisory capacity;
- inviting foreign persons or bodies to attend or participate in the Council's meetings and activities;
- proposing the presidents of the regional human rights commissions, after consultation with Coordination Board;
- proposing the members of the regional commissions, in accordance with the provisions of Article 42 of the aforesaid Royal Decree;
- convening a conference of presidents, which shall be attended by the presidents of the regional commissions, the Council's Coordination Board and the coordinators of the working groups;
- notifying His Majesty the King of any loss of membership in the Council as a result of death, resignation, loss of the quality that entitled the member to be appointed in the Council, total disability, final sentence by a criminal court of justice, or acts or practices that are inconsistent with the obligations associated with membership in the Council.

Article 4:

In compliance with the provisions of Article 49 of aforesaid Royal Decree No. 1.11.19:

- The President shall be the official spokesperson of the Council and its official representative before the national public authorities and international organizations and agencies. He may delegate this function to a member of the Council, where appropriate;
- The President shall ask for His Majesty the King's permission to delegate some of his prerogatives to some members of the Council.

Article 5:

The President of the Council may appoint the Secretary-General of the Council as an assistant authorizing officer. He may also appoint the presidents of the regional commissions as assistant authorizing officers within the limit of the allocations earmarked for these commissions in the Council's budget.

Article 6:

In order to enable the Council to carry out its mission in the best manner, the President may enter into cooperation agreements with national, foreign or international institutions or bodies in the area of experiences, information and documents exchange.

The President may delegate this function to the Secretary-General of the Council.

Article 7:

The President of the Council should inform the Coordination Board of the contents of the agreements concluded.

Section II

Secretariat-General

Article 8:

In accordance with the provisions of Article 51 of Royal Decree No. 1.11.19, the Secretary-General of the Council shall assist the President in his duties.

In this capacity, he shall:

- be in charge of the administration of the Council;
- contribute to coordinating the action of the Council's permanent working groups and thematic working groups;
- ensure the implementation and follow-up of the Council decisions after they are approved;
- take all necessary measures to prepare and organize the Council's proceedings, by drawing up documents relating to the Council's meetings, plans and programmes;
- record referrals that the Council receives from national and international human rights bodies and organizations, administrations, institutions and the Council's regional mechanisms, as well as complaints filed by entities and individuals;
- keep the Council's data, reports, files and documents and put them in the Council's archives.

Article 9:

The Secretary-General shall ensure the secretariat of the Coordination Board. He shall be the rapporteur of the Council's meetings and ensure the drawing up, documentation and preservation of the minutes of the Council's sessions. Minutes should be dated and signed by the Secretary-General and the President of the Council.

Article 10:

He shall also be responsible for documenting the proceedings of the Council's sessions and the meetings of its working groups and commissions and preserving them in the Council's archives.

Section III

Coordination Board

Article 11:

In accordance with the provisions of Article 52 of Royal Decree No. 1.11.19, shall be members in the Coordination Board, in addition to the President and the Secretary-General of the Council:

- the coordinators and rapporteurs of the Council's working groups;
- all or some of the presidents of the regional commissions, if need be.

Article 12:

The President of the Council shall convene the meetings of the Coordination Board during intervals between the Council's sessions.

He can, if need be, convene urgent meetings at any moment, providing that the invitation sent to the members of the Coordination Board makes reference to the reasons of urgency.

Article 13:

The Coordination Board shall exercise the functions delegated to it by the Council within the scope of its mandate, and implement and follow up on the Council's decisions. In this regard, it shall contribute to:

- drawing up the Council's draft annual action programme;
- coordinating the action programmes of the commissions and the working groups, taking into account the Council's annual action programme and the Bureau's decisions and recommendations;
- discussing the draft budget before submission to the Council;
- monitoring the preparation of the draft annual report provided for in Article 24 of the abovementioned Royal Decree, and presenting it to the Council.

Article 14:

The Coordination Board shall hold its meetings at the headquarters of the Council, unless the President or the Secretary-General decides otherwise.

Article 15:

The President of the Council shall chair the meetings of the Coordination Board. He may, if need be, delegate this task to the Secretary-General of the Council.

Section IV

Regional commissions

Article 16:

Pursuant to the provisions of the second paragraph of Article 1 of Royal Decree No. 1.11.19 above, the Council shall be assisted, in exercising its mandate and prerogatives, by regional human rights commissions established in each and every region of the Kingdom.

Article 17:

The Regional Human Rights Commission shall be consisted of at least 16 and no more than 30 members. In addition to its President and the Regional Ombudsman, each regional commission shall have:

- a. five members representing the regional representative bodies of judges, lawyers, doctors, religious scholars and professional journalists;
- b. members representing regional human rights associations and observatories;
- c. personalities actively involved in the protection and promotion of human rights at the regional level.

The number of members referred to in item (b) above as well as the number of personalities shall be decided by the President of the Council according to each region, after consultation with the Coordination Board.

At least one-third of the members of the regional commissions shall be women, towards achieving gender parity, taking into account the elements of diversity, solidarity of generations and representation of vulnerable groups.

Article 18:

In accordance with the provisions of the second paragraph of Article 40 of Royal Decree No. 1.11.19, the presidents of the regional commissions shall serve a renewable term of four years.

Article 19:

The regional commissions shall undertake the tasks assigned thereto under the provisions of Royal Decree No. 1.11.19 above, in particular Section IV of Chapter I thereof.

Article 20:

The regional commissions may form thematic committees from among their members in the following areas:

- The protection of human rights;
- The promotion of human rights;
- The stimulation of reflection and debate in the area of democracy and human rights.

Article 21:

The president of the regional commission shall ensure its proper conduct, management and functioning. The president of the commission shall represent the President of the Council before local and regional authorities and bodies. In addition, he shall perform the following tasks:

- convening ordinary and urgent meetings, establishing the agenda of meetings, after notifying the President of the Council, and chairing sessions and deliberations;
- submitting the outcome of the regional commission's action to the President of the Council;
- exercising the powers of an assistant authorizing officer if the President of the Council has appointed him/her as such;
- referring all complaints that are not within the jurisdiction of the Council to the Ombudsman or to any other competent or concerned party, in compliance with the provisions of Article 29 of Royal Decree No. 1.11.19;
- submitting special or periodic reports to the President of the Council on measures taken to address cases and complaints that have a regional or local nature;
- informing complainants about the actions taken regarding their complaints and, where appropriate, directing, guiding and assisting them, within the Council's mandate;
- coordinating the local and regional strategies and implementing the Council's programmes and projects in the area of human rights, in cooperation with the associations active in this area and all regional stakeholders;
- monitoring the development of human rights at the regional level.

Article 22:

The regional commissions shall hold regular meetings four times a year, based on a specific agenda, convened by the presidents of the commissions. They can also hold urgent meetings convened by the President of the Council, on a specific agenda. The meetings of the regional commissions shall be deemed valid if attended by an absolute majority of the members.

CHAPTER THREE

OPERATION OF THE COUNCIL

Section I

Meetings

Article 23:

The Council shall hold four types of meetings as set out in Article 46 of Royal Decree No. 1.11.19 above.

Article 24:

All sessions of the Council shall be convened by the President of the Council. The invitation to ordinary meetings shall be sent by all available means at least two weeks before the date of the meeting. The agenda and the necessary working documents shall be enclosed to the invitation.

A quorum of at least two-thirds of the members is necessary for the meetings of the Council to be held. If the quorum is not met, the President of the Council shall convene the meeting for a second time in the following eight days. The meeting shall be thus held regardless of the number of members present.

Notice and quorum requirements shall not apply to urgent meetings that shall be convened as expeditiously as possible.

Article 25:

The meetings shall be held behind closed doors at the headquarters of the Council, unless the Council decides otherwise.

Article 26:

The Council shall take its decisions and recommendations unanimously, by consensus, or by a two-third majority in accordance with the provisions of Article 47 of Royal Decree No. 1.11.19 above. In this case, the vote shall be taken by show of hands and its results shall be binding.

At the beginning of each session, the list of members present shall be drawn up and the quorum shall be verified.

The President of the Council shall send a written warning to members who were absent without an acceptable excuse from the meetings of each Council's session.

Article 27:

The President of the Council shall chair the Council's meetings, set the list of speakers and determine the time allotted to each speaker according to the nature and importance of the items on the agenda. Any member of the Council may submit his/her comments in writing, either before or after the session.

The deliberations shall be limited to the items of the agenda.

Each member of the Council may raise a point of order relating to the procedure, at any time during the session.

Article 28:

The chair shall close the Council's meeting when all agenda items have been addressed.

Article 29:

The members of the Council shall have access to all documents and materials relating to the activities of the Council.

Article 30:

At the close of the Council's meetings, the President shall notify His Majesty the King of their outcome. The Council may publish, in part or in full, its opinions, recommendations and proposals by all appropriate and convenient means, after notifying His Majesty of their content.

Section II

Working groups and committees

Article 31:

In accordance with the provisions of Articles 44 and 45 of Royal Decree No. 1.11.19, the Council shall set up standing working groups and specialized committees.

Article 32:

The Council's standing working groups shall be as follows:

- Working group on parity, non-discrimination and the new generations of human rights;
- Working group on monitoring of human rights violations and human rights protection;
- Working group on international relations, partnerships and cooperation;
- Working group on the promotion of human rights culture and strengthening democracy;
- Working group on assessing and monitoring public policies in the areas of human rights and harmonization of legislation.

Article 33:

The working group on parity, non-discrimination and the new generations of human rights shall be responsible for the following duties:

- monitoring the practice of different group rights, especially the rights of women, youth, children, people with disabilities, migrants, refugees, etc.;
- providing opinions that can help integrate the principles of parity, equality and dignity in public policies;
- monitoring and assessing the practice of the new generations of human rights (environmental rights, consumer rights, professional ethics, copyright, etc.).

Article 34:

The working group on monitoring human rights violations and human rights protection shall undertake the following duties:

- observing and monitoring the situation of human rights at the local, regional and national levels;
- visit penitentiary institutions, child protection facilities, mental health and psychological treatment centres and detention centres for foreigners in illegal situation;
- monitoring the implementation of the relevant legislation.

Article 35:

The working group on international relations, partnerships and cooperation shall be responsible for the following duties:

- proposing ways to develop external cooperation relations;
- strengthening national and international partnerships with the Council;
- enhancing cooperation with the United Nations system and the international human rights organizations.

Article 36:

The working group on the promotion of human rights culture and strengthening the democracy shall undertake the following duties:

- contributing to the development of projects on the promotion and dissemination of the culture of human rights and monitoring their implementation;
- developing institutional and bilateral cooperation in this area;
- contributing to proposing public policies committed to the promotion of the culture of citizenship, civic behaviour, equality and non-discrimination;
- training institutional and civil society actors;
- proposing mechanisms to stimulate reflection and debate on the areas of human rights.

Article 37:

The working group on assessing and monitoring public policies on human rights, and harmonizing legislation shall undertake the following duties:

- monitoring and assessing public policies on human rights;
- monitoring the harmonization of national legislation with Morocco's international human rights commitments;
- monitoring the enforcement of international conventions to which Morocco is a State party as well as the recommendations treaty bodies address to Morocco.

Article 38:

Each member of the Council shall choose the working group he/she wishes to join, providing that his/her free choice shall not disrupt the work requirements within the groups in terms of number and efficiency. Any member included in the list of a working group may attend and participate in the proceedings of another working group.

Article 39:

Each working group shall have a coordinator appointed by the members of the working group for a renewable term of one year. The proceedings of each working group shall be recorded by a rapporteur appointed by the working group for a renewable term of one year.

It shall also choose a deputy coordinator and a deputy rapporteur for the same period.

Article 40:

Each working group shall determine its procedures and rules of operation. It may form thematic sub-committees.

Article 41:

The working groups shall be formed at the beginning of the Council's term of office. Each working group should include at least five members.

At the first meeting of the Council, the President of the Council shall call for a list of the members of each of the working groups referred to in Article 32 above to be drawn.

Article 42:

The working groups, each within its competence, shall prepare the draft opinions of the Council on various issues as well as projects, studies and programmes relating to the areas of the Council's work.

Each working group may submit to the Coordination Board any proposal that falls within its competence, in order to be taken into account, where appropriate, during the preparation of the Council's annual action programme.

Article 43:

A working group may, upon the authorization of the President of the Council, organize workshops, hearings or debates in preparation of the Council's draft opinion on issues or draft programmes referred to the working group. To this end, the working group can invite representatives of authorities, institutions and bodies exercising functions linked to the Council's mandate as well as experts in order to provide information or clarification to the members of the group concerned or answer their questions.

In order to prepare a study or research within its competence and under its action programme, a working group may assign one or more of its members to complete the said study or research or supervise its completion, based on specific frames of reference and a precise set of specifications.

Article 44:

In accordance with the provisions of Article 45 of Royal Decree No. 1.11.19, the President of the Council may, with the permission of His Majesty the King, propose that the Council set up an ad-hoc committee to look into a specific issue which falls within its mandate. The President of the Council shall determine its composition which can, if need be, include members from outside the Council.

The decision to set-up the committee shall define the deadline the committee has to complete the tasks. The term of the committee shall terminate immediately after it submits to the President of the Council its report on the issue for which it was created.

Section III

Common provisions

Article 45:

The meetings of each working group or committee established within the Council shall be convened by the coordinator of the working group or the committee after notification to the President of the Council. The meetings of each working group or committee shall have a specific agenda.

Each working group or committee must exercise its powers within the scope of the action programme set thereto by the Council and in accordance with its directions.

Article 46:

Each committee may ask the President of the Council to invite experts from outside the Council, according to the nature of the issues and projects referred to it, based on specific frames of reference and a precise set of specifications.

Article 47:

The President and the Secretary-General of the Council shall provide the committees with the required working resources and expertise. They shall also put at the disposal of the working groups the human and material resources necessary to carry out their functions.

CHAPTER FOUR

PROCEDURE FOR RECEIVING COMPLAINTS AND GIVING A HEARING

Section I

Procedure for receiving complaints and giving hearings at the regional level

Article 48:

Complaints about alleged human rights violations shall be addressed to the presidents of the regional human rights commissions. They shall be submitted in writing to the secretariat of the regional office.

In order to be admissible, complaints shall:

- be submitted in writing. If not possible, the complainant or his/her representative may submit it orally, in which case it shall be written and recorded by the president of the regional office or his/her representative. A copy thereof shall be delivered to the complainant;
- be signed by the complainant or his/her representative;
- be supported by evidence and documentation when available;
- specify, as appropriate, the endeavours that the complainant has taken before the competent authorities.

Article 49:

The president of the regional office shall give a receipt to the complainant containing the following information:

- the complaint handling procedure;
- the name, phone number and e-mail of the regional officer in charge of handling complaints;
- a phrase indicating that the submission of the complaint can neither terminate nor suspend the time limits for appeals set forth in the law.

Article 50:

The regional commissions, as part of investigating, processing and following up on the complaints they receive, may:

- require from the complainant, his/her representative or the authorities concerned any information or data they deem useful;
- examine the various supporting evidence and documents relating to the complaint;
- invite the complainant, his/her representative or the representative of the authority concerned to a hearing, either individually or collectively. The invitation shall be sent to the said parties at least seven days prior to the date of the hearing.

Article 51:

The regional commissions may set up ad-hoc sub-committees to hear the parties concerned under the complaint handling procedure.

The president of the Regional Human Rights Commission shall chair the ad-hoc sub-committee, which shall also include:

- the head of the Council's regional office or a representative he/she appoints for this purpose;
- a member of the Regional Human Rights Commission chosen by the president of the regional commission.

Article 52:

The head of the regional office or the representative he/she appoints for this purpose shall draw up, within 7 days from the date of the hearing, the proposed recommendations and submit them to the president and the members of the regional commission for consideration, in accordance with the modalities set out in Article 29 of Royal Decree No. 1.11.19 above.

Section II

Procedure for receiving complaints and giving hearings at the national level

Article 53:

The complaints set out in Articles 5, 6, 7 and 8 of Royal Decree No. 1.11.19 establishing the Council shall be addressed to the President of the National Human Rights Council, directly by the complainant or his/her representative.

The complaints shall be submitted to the Secretary-General of the Council. They can also be sent by registered mail or by any means the Council deems appropriate for this reason.

Article 54:

In order to be admissible, complaints shall:

- be submitted in writing. If not possible, the complainant or his/her representative may submit it orally, in which case it shall be written and recorded by the competent services of the Council. A copy thereof shall be delivered to the complainant;
- be signed by the complainant or his/her representative;
- be supported by evidence and documentation when available;
- specify, as appropriate, the actions that the complainant has taken before the competent authorities.

Article 55:

The competent services of the Council shall issue a temporary deposit receipt to the complainant or his/her representative.

The receipt shall contain the following information:

- the complaint handling procedure;
- the name, phone number and e-mail of the Council's complaint handling officer;
- a phrase indicating that the filing of the complaint can neither terminate nor suspend the prescription or review periods set forth in the law.

Article 56:

The Council, as part of investigating the complaints it receives, may:

- require from the complainant or his/her representative and the authorities concerned any information it deems useful;
- examine the various supporting evidence and documents provided with the complaint;
- invite the complainant or his/her representative and the representative of the authority concerned to a hearing, either individually or collectively. The invitation shall be sent to the said parties seven days prior to the date of the hearing.

Article 57:

Under this procedure, the Council shall set up an ad-hoc committee to hear the parties concerned.

This committee shall be chaired by the President of the Council or his representative. It shall also be composed of:

- the Secretary-General of the Council;
- the head of the administrative unit responsible for human rights protection or his/her representative;
- a member of the Council appointed by the President.

The head of the administrative unit responsible for human rights protection or his/her representative shall draw up, within 7 days from the date of the hearing, a report containing recommendations to be presented to the President and the Secretary-General of the Council.

CHAPTER FIVE

ANNUAL REPORT, THE OUTCOME AND PROSPECTS OF THE COUNCIL'S WORK

Article 58:

Pursuant to Article 24 of Royal Decree No. 1.11.19 above, the Council shall prepare an annual report that contains essentially a diagnosis and assessment of the situation of human rights in the country, based on the priorities and issues set out in its action programme and those that were the focus of the working groups.

Article 59:

The President of the Council shall submit the annual report to His Majesty the King, and prepare it for publication in the Official Gazette.

Article 60:

The President of the Council shall present a report on its work at least once a year, to be debated by Parliament in accordance with the provisions of Article 160 of the Constitution. He shall also inform the public and the national and international organizations and agencies on the content of the annual report through various appropriate means.

CHAPTER SIX

NATIONAL HUMAN RIGHTS AWARD

Article 61:

In accordance with the provisions of Article 27 of Royal Decree No. 1.11.19 above, the “National Human Rights Award” shall be given pursuant to the terms and conditions set forth herein.

Article 62:

The Award shall be based on the criteria set forth in the third paragraph of Article 27 of Royal Decree No. 1.11.19.

Article 63:

The Award shall consist of a sum of money to be determined by the Council and a medal bearing a design, the inscription “National Human Rights Award”, the year of award and a serial number.

Article 64:

The President of the Council shall launch an annual call for applications, set the deadline for application and specify the date of announcement of the winner. He shall determine, as appropriate, the area(s) that will be concerned with the Award, in accordance with the provisions of Royal Decree No. 1.11.19.

Article 65:

A jury shall be appointed each year, upon the decision of the President of the Council, to choose the winning person or organization. The President shall appoint the members of the jury from among persons of recognized competence, knowledge, integrity and impartiality.

The jury shall elect a chairperson and a rapporteur from among its members.

CHAPTER SEVEN

ADMINISTRATIVE ORGANIZATION AND FINANCIAL MANAGEMENT

Section I

Administrative organization

Article 66:

In addition to the Presidency, the President's cabinet and the General Secretariat, the administrative organization of the Council shall include the following departments:

- Human and Finance Resources and Public Affairs Department;
- Human Rights-Related Public Policies Department;
- Communication and External Relations Department;
- Cooperation and Partnership Department;
- Monitoring and Protection Department;
- Studies, Research, Documentation and Capacity-Building Department.

Article 67:

The administrative organization of the Regional Human Rights Commissions shall consist of the following:

- Presidency of the commission's administrative office;
- Human Rights Protection Unit;
- Human Rights Promotion Unit;
- Unit for the Stimulation of Reflection and Debate on Democracy and Human Rights.

Article 68:

These departments may include administrative and technical units, when appropriate and as required by the development of the Council's work and activities.

Article 69:

The officers and employees of the Council shall be subject to special staff regulations defining their rights and duties, prepared in accordance with the legislation in force.

Section II

Financial management

Article 70:

The Council shall have its own budget, to be managed in compliance with the provisions of Articles 55 and 56 of Royal Decree No. 1.11.19.

At the end of each financial year, the Council shall prepare a financial report. The President of the Council may request a financial audit from the competent authorities, according to the laws in force.

Article 71:

Pursuant to the provisions of the first paragraph of Article 39 of Royal Decree No. 1.11.19 above, the amounts of compensation paid to the members of the Council and its regional commissions for the tasks conferred upon them by the Council and the said commissions shall be decided by the President of the Council upon the proposal of a committee made up of the representatives of each of the categories (a), (b) and (c) provided for in Article 35 of the aforesaid Royal Decree, in addition to one of the presidents of the regional commissions, all appointed by the Council.

Article 72:

The National Human Rights Council shall have an imprest for expenses. The expenses that can be authorized thereunder and their ceiling shall be determined by a decision of the President of the Council in accordance with the regulatory provisions in force.

CHAPTER EIGHT

MISCELLANEOUS AND FINAL PROVISIONS

Article 73:

These Rules of Procedure shall enter into force after consideration by the Council and approval by His Majesty the King.

Article 74:

The provisions of these Rules of Procedure may be amended or supplemented in accordance with the same conditions set forth in Article 73 above.