



**2015 Annual Summary Report
To His Majesty the King Mohammed VI
- May God Protect and Assist Him-
submitted by the Mediator of the Kingdom**

June 2016

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Inspired by the well-established tradition of the Mediator of the Kingdom, and according to the commitments stipulated by its Dahir of creation, to submit at the end of each year to His Majesty, May God Protect Him, a summary of the activities record, including the anomalies detected, the recommandations issued, in addition to the proposals drafted, given that the Institution represents a supporter, defender, and orienter towards the rules of good governance;

Within the context of the choices made by the institution, which are deeply-rooted in the spirit and objectives of the Royal Dahir, as a mechanism for control and orientation as well as a source of corrective initiatives, the institution carried out its action while being motivated by the firm will to establish the pillars of the Rule of Law.

This year was an occasion to assess the achievements made by the institution over five years in order to notice the degree of evolution following its creation, without limiting oneself to the figures. The assessment has been undertaken through measuring the degree of satisfaction among the public-service users, as well as the progress made while adopting a proximity and simplification-oriented approach, and eliminating the barriers of bureaucratic procedures.

The institution tried over the past five years to instill a will of change, to react to the expectations of reform, and to accompany the desire to improvement, while it took the initiative to set up its Rules of Procedure, its staff regulations, its financial statutes as well as its code of conduct.

Following its constitutionalisation, a draft law has been elaborated and is taking its way in the legislative process.

What can be inferred is a regression of the number of complaints which do not fall within the remit of the institution, while there is a significant increase in the complaints lying beyond its field of competence. In addition, the number of recommendations has substantially raised.

Despite the efforts exerted by the administrations, they have not yet reached the hoped for degree of reaction to the issued recommendations, as it turns out that there is a delay in this aspect.

The year 2015 represents a relative continuity through registering a slight increase in the number of complaints as well as a significant growth in the number of recommendations.

The institution still pays greater attention to orientation of the citizens concerning the matters which are beyond its scope of competence.

Communication with individuals and groups has always constituted a concern for the institution, in such a way that it has carried on holding its regional encounters and its meetings with its interlocutors. Moreover, it has extended its presence on audiovisual media and via its website.

The Institution has also strengthened and enlarged cooperation with many stakeholders and with its foreign counterparts, both at the bilateral and multilateral levels, within the framework of regional and thematic networks, wherein the institution plays important roles, either through actively presiding over or through honorary presidency, or via hosting an International Mediation Training Center.

Being convinced of the fact that the size of its staff is a source of enrichment that deserves more attention to be paid and further initiatives to be taken to improve their situations and help building capacities and skills, the institution continued its efforts in the field of specialized training and openness to learning from different experiences, the aim being to follow the trail of the successful practices in foreign countries.

Having faith in the virtues of openness and the merits of adopting a participatory approach, the institution strengthened its cooperation with other governance institutions in order to weave relationships with the civil society components, so as to undertake a joint action to achieve proximity, to contribute to the moralization and

transparency, and to monitor the aspects of corruption and maladministration within the administrative sphere.

Statistical data and general indicators:

During the current year, the institution has received 8442 complaints, with a decrease of 14.2%. Only 2236 of which are within the remit of the institution, bearing in mind that 6206 cases do not enter within its sphere of competence according to their character or subjectmatter.

However, it has provided the necessary attention to these cases through orienting the complainants.

Concerning the 2236 complaints received by the institution and which enter within its scope of competence, the institution has contacted the concerned administrations on 1726 cases, invited 388 complainants to complement data concerning their files, and classified 42 complaints for absence of merits for intervention. It has also transferred 41 cases to the National Council for Human Rights for competence.

Requests concern many sectors, including the Interior and Territorial Communes, Economy and Finances, Education and Vocational Training, Higher Education, Employment and Social Affairs, Agriculture and Fishing, Housing and Urban Planning, Energy and Mining, Water and Environment, Equipment, Transportation and Logistics and National Defense.

At the vanguard of the typology of the mentioned cases, we find those having an administrative character, followed by cases related to real estate, non execution of court decisions, and finally those having a financial character.

Concerning the geographical repartition, we notice that Casablanca-Settat Region comes at the top of the list, followed by Fez-Meknes Region, then Tangier-Tetouan-Al Houceima Region, Rabat-Sale-Kenitra Region, the Oriental Region and Laayoune-Sakia Al Hamra Region.

It is worth noting that these six regions represented 72.9% of the total of the complaints received, while the remaining rate concerned the other regions.

In so far as the regional offices are concerned, they maintained the same processing rate. Although the current situation does not help to create new regional offices, the institution seriously considers setting up focal points in the other regions. The arrangements for this operation are gaining ground, and our representatives will be settled at the regional committees of the National Council for Human Rights, which is has kindly reacted to our request.

Concerning the permanent interlocutors, a significant progress is made with regards to the received reports, which have amounted to 45 reports, i.e, an evolution of 32.5% compared to last year.

As for the results achieved during the current year, 390 cases are settled, 435 recommandations and decisions on cases to which an amicable settling is achieved, 112 cases where the complainants have been informed about the necessary steps to close their files, 34 complaints have been submitted before the Justice, and 755 cases are currently under study.

The institution has issued 283 recommandations, 483 decisions recognizing settlement, 406 requests for dismissal, 214 decisions for orientation, 150 decisions for non-competence. Moreover, it has issued 211 decisions for inadmissibility, 162 decisions for classification, i.e. 1910 cases varying between decisions and recommandations.

Dysfunctions:

Whereas the role assigned to the institution is to monitor the aspects of dysfuctions in the administrative sphere, and to encourage the cutting with such anomalies, we notice the perseverance of some weaknesses such as:

Non execution of decisions, real estate assault, dysfucntiosn relating to expropriation, lengthy settlement of individual cases, problems relating to access to social housing, diversity in structural organization of administrations, disregard for the

principle of continuity, delay in registration procedures, neglecting to fix additional budget to settling the due amounts to be paid to the public-service-users.

Recommendations, decisions and proposals:

Failing to find a settlement between the parties, the Institution has issued decisions according to the Law, relying basically on the legislative arsenal, and inspired by the continuous legal jurisprudence, and focusing, whenever necessary, on the requirements of the Justice and Equity principles.

What is hoped for is that the recommendations and decisions of the institution should be considered as an example of a practice to be propagated to the same cases.

Among its recommendations and decisions, we may infer the following rules:

- ✓ The legislator, while legislating, must abide by the requirements of legal security to protect the acquired rights;
- ✓ The administration is obliged to find solutions to the problems exposed in accordance with the human rights' aspect of the Law;
- ✓ The administration must manage its administrative affairs in order to meet its commitments, and seek to implement financial effects for every professional promotion on merits;
- ✓ The administration must avoid any assault on third parties' real estate property, and in case of occurrence, should reimburse the owners and amend the procedure;
- ✓ The administration must translate on the ground the effects of abrogating the decision of dismissing a civil servant, especially through enabling him to acquire his rights;
- ✓ The public sector can not authorize the opening of a training institute, whose diploma does not have an equivalence statement or value;
- ✓ The administration must provide every citizen with the legally due administrative documents or information;

- ✓ The administration must offer reparation to the owner of a real estate for the prejudice inflicted upon him, whenever it feels the need to maintain the estate as a heritage;
- ✓ The new situation of an administration does not acquit the latter of its previous commitments;
- ✓ Transportation licences are among the privileges that may not be, ex-officio, handed down to the heirs;
- ✓ The cession of functional accommodation is not a right, and the administration may react to any requests depending on its needs thereof;
- ✓ The administration is obliged to answer the citizens' requests and motivate its refusal;
- ✓ The Mediator of the Kingdom is not competent to construct on electoral conflicts;

The proposals addressed by the institution to the Head of Government concern:

- ✓ Obligation to provide allocations in the budget to meet the State's debts;
- ✓ Enlargement of the scope of schooling among prison inmates;
- ✓ Revision of merits scholarships for higher education institutes;
- ✓ Revision of the procedure of recovery of fees paid on the occasion of school accidents;
- ✓ Revision of decisions on forfeiture of the rights of the victims against the Guarantee Fund on Traffic Accidents;
- ✓ Revision of the status of the employees of the National Promotion Office;
- ✓ Speeding up the rate of administrative liquidation of the agencies for urban transportation.

Fate of recommendations:

If the institution is satisfied with the level of recommendations and proposals it has submitted, it still has concern regarding the rate of the implementation of these recommendations and proposals. Therefore, it calls upon exerting additional efforts for

their implementation as the efficiency of the adoption of institutional mediation hinges on the degree of reaction to its action.

Parallel activities:

Within the framework of openness, communication and cooperation, the institution has carried on holding regional as well as central meetings with the different stakeholders and actors. It has enlarged its scope of cooperation through weaving relationships with friendly countries, and engaging in partnership with governance institutions and with civil society organisations.

Moreover, the international center hosted by the institution has organized plenty of national and international training sessions, and maintained interaction with the international arena through getting involved in different networks so as to contribute to the development of institutional mediation.

Perspectives:

Perspectives represent a renewal of commitment to convey the message in reaction to the legitimate aspirations of the citizens, in order to ameliorate its action, strengthen its efficiency, back up its credibility, and approaching the public-service-users to provide a higher quality and better achievements.

The institution will continue working while adopting an improved communication strategy, in such a way as to overcome the difficulties, within the framework of a cooperation based on accountability and inspiration from other experiences, in order to concretize additional achievements in the Moroccan administration which should remain attached to the value of citizenship.

From God we solicit help.

