



2014 ANNUAL SUMMARY REPORT

To His Majesty King Mohammed VI
- May God be with Him -
submitted by the Kingdom's Mediator

June 2015

Consistent with the mission entrusted to the Institution of the Mediator of the Kingdom with respect to defending the rights of individuals and communities in their dealings with the administration, and in keeping with the mission the institution has been given to uphold legality and consolidate good governance ;

Considering the approach adopted in addressing the complaints tabled before it, and given the requirements for the administrative management of complaints, and the need to effectively tackle all disputes through whatever recommendations or proposals may be needed ;

Considering the guidelines derived from the spirit of the institution's founding Dahir and the sound vision of His Majesty the King-May God Assist Him-concerning the institution's mission ; given, also, the requirements of rapidly unfolding developments ;

The Mediator institution continued to look into complaints and grievances, basing its action on its founding Dahir as well as on its rules of procedure as approved by His Majesty the King; the institution also complied with the provisions of the Constitution to apply the afore-mentioned Dahir, pending the adoption of a new law, whose draft was prepared by the institution at the request of the Head of the Government and sent to him in August 2013.

There was a noticeable variation both in the number and nature of grievances, with a significantly higher number of grievances falling within the remit of the institution and a noticeable decrease in the number of complaints not falling within its competence. However the institution continued to pay close attention to the latter, providing appropriate guidance and orientation, ensuring referral to the relevant authorities to which such requests should be

submitted, the aim being to facilitate or contribute to resolving the problems faced by individuals and groups.

Naturally, the institution paid greater attention to the reception of citizens and to diversifying ways of interacting with them, in light of the facts they face on the ground and of their qualifications, competences and skills in terms of interaction and communication. Simplification, facilitation and proactive action were the guiding principles of the institution's action.

In parallel, the institution continued to develop its interactions with administrative services, particularly permanent focal points in the various ministries and departments, and to use modern communication means to save time and guarantee proper communication.

The institution did not confine its work to the subject of the complaints received, but sought to go beyond that, making such proposals as it deemed fit, modifying and enriching legal and regulatory provisions, or filling any legislative gaps.

The purpose was to comply with the institution's founding Dahir in terms of identifying ways and means that are consistent with upholding the principles of justice, and that make it possible to remove any injustice and to foster a sense of satisfaction and fairness.

To discharge its mission in an optimal manner, the institution also focused on its human resources as an intangible capital, offering numerous opportunities for initial and in-service training and capacity building as well as access to successful international experiences and best peer practices.

Believing in the virtues of openness in promoting positive contributions, the institution continued its policy in this respect and held three regional meetings in Oujda, Marrakech and Agadir. During these meetings, which provided an opportunity to meet officials and rights activists, the institution spoke with openness, frankness and realism, took pride in the achievements made, paid attention to regional specificities and sought ways to circumscribe difficulties.

Considering the comfortable position it has within the international Ombudsman community, by virtue of its active participation in the Association of Mediterranean Ombudsmen-whose chairmanship was entrusted to the Kingdom's Mediator institution for two terms-as well as in the international association of French-speaking Ombudsmen (A.O.M.F), the institution continued to actively gather various mediation good practices for compilation in book form. It also held exchange and training seminars at its International Center in Rabat, which benefited many foreign officials and which were supervised by national and international experts.

The institution also seized the opportunity offered by the Second World Human Rights Forum, held in Marrakech, to invite a number of heads of international mediator and Ombudsman networks to participate in round tables, during which they shared views on "institutional mediation and the promotion of human rights". They adopted the "Marrakech Declaration" to create an international mechanism that can bring together international institutional mediation networks and discuss ways to link it to the United Nations Organization in order to support and encourage mediation services.

Besides its oversight and guidance mission, and given the central position it has in several governance bodies, the institution coordinated the work of those entities. It continued to cooperate with them with a view to

paving the way for responsible contributions and partnerships, taking into account the institution's constitutional specificity as well as the nature of its relationship with government agencies and civil society, the aim being to ensure the moralization, efficiency and transparency of public life.

Statistical data and general indicators :

In 2014, the institution received a total of 9,837 complaints, of which 7,759 complaints turned out, upon examination, to fall outside its remit either because they concerned disputes involving private individuals, were complaints about court rulings or involved request for aid, privileges or licenses.

Thus, only 2,078 complaints fell within the institution's scope of competence - i.e .an 8.3% increase compared to last year.

With respect to 1,581 complaints, the institution wrote to the departments concerned ; it requested further information or documents from 381 complainants , referred 79 complaints to other jurisdictions and closed 37 others .

These complaints concerned several departments , with home affairs topping the list, followed by the ministry of economy and finance, then national education and vocational training, higher education and scientific research and executive training, and finally agriculture and the fisheries .

As regards the geographical distribution of complaints, the sorting exercise showed that complaints originated from all regions, with the Greater Casablanca Region coming first, followed, in that order, by the Laayoun-Boujdour-SakiaHamraRegion, the Tangier-

Tetouan Region, the Rabat-Salé-Zemmour-Zaer Region, the Eastern Region and the Meknes-Tafilalet Region.

With respect to the nature of complaints, there was an increase in the number of administrative cases, which stood at 1,319 complaints, followed by real estate cases, with 331 complaints, then court ruling implementation cases, with 201 complaints, and financial issues, with 136 complaints; the remaining complaints concerned miscellaneous sectors.

It should be noted that there was no significant variation that deserves to be pointed out. Complaints centered on employee financial and administrative status, expropriation, physical abuse, enforcement of court rulings, civil and military pension settlement, request of financial dues concerning supply and transaction-related issues, requests for certificates, re-housing, benefit from social housing projects, development plans and scholarships .

Regional delegations were involved in this dynamic action since they addressed approximately a third of the total complaints received by the institution. This means more efforts should be made to expand the regional delegations' reach, or at the very least appoint focal points in order to be closer to citizens' needs, particularly in remote areas.

Whereas the Dahir establishing the institution clearly defined the status of permanent interlocutor, the reports concerning this subject and the observations raised when dealing with administrative departments clearly showed that much remained to be done. Suffice it to point out that 19 ministries, offices and public institutions did not provide the Mediator with their annual reports. The effectiveness sought from appointing a permanent entity with decision-making authority empowered has apparently

not been properly understood. Consequently, this should induce the Head of the Government to inject more momentum into solving related problems.

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Deficiencies :

If there were a role for institutional mediation, then surely it is to point out deficiencies in order to redress them and remove them from the daily work of the administration. However, if deficiencies are mentioned in the annual report and are allowed to continue to exist, without the citizen feeling that an effort has been made to uproot them, then that is probably the biggest deficiency.

The deficiencies noted this year this concern the following :

Implementation of court rulings concerning administrative services, material aggression, development plans, delivery of certificates, regularization of financial situations, paying dues to businesses for off-transaction services, dilapidation of litigants' funds, paying the dues of support teachers, housing-related government responsibility, genuine application of devolution.

Furthermore, there are objections as to the way some departments react to the institution's letters and recommendations, including the failure to reply or delay in replying to correspondence, delays in implementing recommendations, considering administrative departments as isolated rather than interconnected parts of a single

administration, insistence by some departments to go to court, ignoring the legal and constitutional role of institutional mediation, weakness or lack of powers of permanent interlocutors.



Recommendations, decisions and suggestions :

What characterizes the mission of the institution and makes the latter unique as far as standard mediation is concerned is that the legislator has empowered it to look into matters between parties when there are problems with payments.

Thus, the institution issued many recommendations, totaling 195, representing a 77% increase compared to last year. It also made 1,685 decisions that concerned returning, non-acceptance, closing, incompetency, and settlement of the case, i.e. an 82% increase compared to last year.

This report is an opportunity to reiterate that the legislator empowered the institution to enforce the principles of justice and equity whenever it deems that the application of the law in and of itself does not achieve full justice, keeping in mind the need to strike a balance between public interest and the preservation of people's rights.

When considering solutions to the issues submitted to it, the institution invariably keeps in mind the international conventions

ratified by the Kingdom of Morocco and published in the Official Gazette.

Naturally, the institution sought and will continue to seek guidance from judicial practice and interpretation at the highest level, and will continue to address issues based on practices in developed, democratic countries, provided they are not incompatible with the Moroccan context and our country's specificities.

As part of the recommendations adopted and the decisions made :

- The institution confirmed the need to continue insisting on enforcement of court rulings and to condemn any refusal to implement them, given that the State must lead by example for the sake of its credibility.
- As regards development plans, it stressed that privately-owned land must be free of any association with public land status after a period of ten years, without need for a document or certification to that effect.
- The institution condemned any physical occupation by government authorities which was not followed by remedial action through the compensation of owners or a return to status quo ante.
- Regarding compensation for oil poison victims, the institution stressed the need for government authorities to continue to take interest in victims and seek to both reconsider and pay compensation in order to help victims improve their quality of life.
- In addition to the above, the institution issued recommendations in other areas including : benefit from

holiday, state archive responsibility and sound recruitment and promotion regulations.

As for proposals, they mainly concerned access by disabled children to pension benefit even after marriage, universal access to risk allowance for all nurses, access by children in foster care to family allowances even when the custodian has retired (by way of KAFALA), or upon the enforcement of judgments against recalcitrant administrations.

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Follow up of recommendations :

It goes without saying that issuing recommendations is not an end in itself. What matters is to implement those recommendations. Thus, whenever the institution noted problems regarding the implementation of some of its recommendations, it wrote to the Head of the Government. The institution included in its report a list of departments which have not yet acted upon its recommendations.

The institution will continue to seek to uphold the spirit of institutional mediation by making sure there is actual implementation. This is a challenge which must be met.

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Parallel activities:

As was the case in the past, the institution continued to receive national and foreign delegations with a view to expanding cooperation prospects. It also participated in many meetings and events in Morocco and abroad and contributed to the preparation of national reports in connection with later international obligations. It also continued to interact responsibly with government stakeholders and interested civil society organizations.



Prospects for future action :

Aware of the significant challenges facing it, the institution is keen to live up to expectations, through preparation and planning for what is needed in terms of capabilities, expanded scope of action, closer relations with the citizens and the need to make administrative departments more caring and better used to serving the citizens, in keeping with a firm belief in the primacy of the Rule of Law and the implementation of best practices in this regard.

The institution will continue to promote communication, ensure capacity-building for its staff and expand prospects for international cooperation, particularly by paving the way for the achievement of what has been agreed upon under the "Marrakech Declaration" issued in November 2014.

