



Le Médiateur du Royaume du Maroc

Executive Summary Submitted to His Majesty the King Mohammed VI May God Protect and Support Him by the Mediator of the Kingdom concerning the Activities of Year 2016

Following the track it has already set, and in implementation of the Dahir (Royal Decree) of its creation, which allow the institution to submit a report to His Majesty the King May God Protect and Support Him, the Mediator of the Kingdom has the pleasure to report the achievements made during the year 2016, through carrying out the examination of injustices, approaching the administrative dysfunctions, and attempting to redress the anomalies, all these shall be done while providing proposals.

Being concerned to increase performance, to provide the best services, to translate the practices on the ground and to implement the agreed upon best applications thereof, the institution carried out the processing of the cases submitted before it, with the same determination and hope to add more building blocks to the already made achievements.

The drafting of the report represents an assessment stage for the institution's record, while attempting to increase assurance with regard to « **its success in defending rights** ».

In this direction, the activity of the institution for the current year has been limited to the commonly known typology of complaints both quantitatively and qualitatively, while registering a relative increase in the number of recommandations.

Starting from the objectives set concerning representation at the different regions of the Kingdom, the Institution has established three focal points in the Region of the East, in Souss-Massa Region and in Marrakesh-Safi Region.

Attention has also being paid to the human capital, through increasing the chances of its capacity raising, enabling such capital to be inspired by international experiences, in addition to seeking for the means likely to improve the situation of its personnel while bearing in mind the limited scope of its budget.

Being convinced of the necessity to be opened on its environment, the Institution has manifested its willingness to cooperate with the associative networks, and to implement partnership with some associations. In this respect, it has organized meetings dealing with this issue, and has carried on the strengthening and development of cooperation relationships with its foreign counterparts, both at the bilateral and multilateral levels, within the regional networks where it undertakes an active role.

Statistical Data and General Indicators:

The institution has received the same amount of complaints submitted before. Therefore, it has registered during this year a total of 8281 complaints, with a slight decrease limited to 1.9%, and including a total of 2286 requests which fall within its scope of competence, with an increase of 2.2%.

It should be recalled that the remaining cases, although they do not fall within its remit given their subject matter or the persons concerned, the institution has provided, as usual, the orientation and consultation to the benefit of the persons concerned.

Bearing in mind its scope of competence, the institution has contacted the competent authorities concerning 1775 complaints, and has requested some 386 complainants to submit some complementary documents or data. However, it has declared some 49 files as classified, and transferred some 32 other cases to the National Human Rights Council.

The complaints concerned different sectors, namely:

The Ministry of Interior and Territorial Communes, the Ministry of Economics and Finances, the Ministry of Education and Vocational Training, the Ministry for Higher Education, Scientific Research and Training of Executives, the Ministry of Agriculture and Fisheries, the Ministry of Employment and Social Affairs, the Ministry of Energy, Mines, Water and Environment, the Administration for National Defense, the Ministry of Equipment, Transportations, and Logistics, and the Health Ministry.

Once again, it was noticed that the typology of cases treated by the institution vary between administrative, real estate, financial cases, non-execution of court decisions, as well as cases related to the taxation services.

As a matter of fact, complaints originate from all regions, however, the majority of such cases are centered in six regions, representing, thus, 79% among the total number of complaints, and including: Casablanca-Settat Region, Rabat-Sale- Kenitra Region, Fes- Meknes Region, Tangiers- Tetouan- Al Houceima Region, the Eastern Region, Marrakesh- Safi Region.

The Regional delegations have contributed to the processing of cases that fall under their territorial remit, following the same rythm and while being keen to achieve the objectives sought through proximity-policy adoption.

Therefore, the institution will carry on backing up this option which is translated on the ground through the creation of focal points.

In the same way, some permanent interlocutors also played a significant role in activating files-processing rhythm, and were in constant contact with the institution, engaged in a process that was crowned by the elaboration of 47 reports, with the hope of getting involved in further cooperation in the future.

Some 245 cases were settled, other 170 cases have been under settlement, while the amicable settlement was not achievable for 440 cases given that the involved parties could not reach a friendly solution and, therefore, recommendations and decisions thereto were issued. Some 135 complainants were oriented to the competent authorities, while some 42 cases were abandoned when it turned out that they had been submitted before the justice, while 743 complaints were under study.

In parallel, the institution issued some 474 recommendations, some 467 settlement decisions, some 254 orientation decisions, 159 incompetence decisions, 226 inadmissibility decisions, in addition to 321 decisions for classification.

Therefore, the total of the examined cases amounted to 2457 cases, varying between recommendations and decisions.

Dysfunctions:

It is by all means normal that proactive decisions be taken in order to limit or cut down some faulty situations. Among the dysfunctions detected, we find the following: implementation of court decisions, attaching the execution to obtention of execution writ, requesting the clearing of the estate, confiscating the administration's assets, pronouncing threatening fines against the administration, health and social care contributions, adoption of regulatory texts; updating the lists of refundable medicines, clearing the land base, training fees, immediate settling of the due amounts, the situation of the National Solidarity Office, land use plan, and associations constitution.

Recommendations, Decisions and Proposals:

The Institution managed to examine the complaints, according to the powers vested by its regulatory law, while being moved by the dimension and spirit of the law and in line with the intentions of the legislator, inspired by the uninterrupted judiciary jurisprudence, and based on the principles of Justice and Equity.

Among the recommendations and decisions examined by the institution, one may find:

Lengthy and exhaustive execution and replacement by compensation, reimbursing hospitalisation and medical fees within reasonable deadlines, right to restore buildings, providing access to remote areas, confiscation in public

pound, immunizing public decisions, right to have access to identity documents, obligation of the administration to provide individuals with the due rights, coordination between administrations, equal treatment concerning similar situations, participatory approach for payments, obligation for the administration to hold documents, obligation for the administration to pay for received services, difficulty of execution does not bear a stopping effect, obligation to respond to all correspondances, list of reimbursable medicines, no need for taking legal proceedings in order to obtain a legitimate right, waiving expropriation, returning to the previous situation, real estate immatriculation conflicts, transfer request, work suspension and transfer to disciplinary council, right to services and obligation to bear charges, limitedness of the institution' remit to execution rather than examination of the conflict, guiding procedures for resettlement projects, benefitting from a legislation takes place as of its date of entry into vigour.

The proposals submitted by the institution included:

Health care: redressing errors concerning contributions transfer, financial support to widows in charge of orphans, benefitting from the deceased pension.

Fate of the Recommendations :

Once again, the Institution has vociferously stated that it has not reached the desired level of satisfaction concerning the delay of recommendations' implementation. Therefore, administrations are invited to exert more efforts.

Parallel Activities :

Cooperation and communication occupied the lion's share in this year's activities. Meetings were held, foreign delegations were received, bilateral conventions with friendly countries were signed, as well as partnerships with civil society were implemented.

Perspectives :

Heading towards the future should be undertaken with great hope, with rationalized ambitions, with a desire to change, through engagement in partnership with stakeholders, through resources mobilization, and via modernizing working methods.

In this direction, the Institution will promote communication and push towards a rational administrative management, enlarge its geographical representation, enhance capacity-building and openness towards other experiences, foster partnerships and all the factors that may contribute to the divulgation of the principles of Justice and Equity.