



**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 the Year 2017**

**June 2018**

While remaining faithful to the constitutional provisions, and in implementation of the Dahir (Royal Decree) by virtue of which the institution was created;

And with an increasing pride, the Mediator of the Kingdom of Morocco has the pleasure to submit his report to His Majesty, May God Protect and Support Him, through presenting the achievements of the year 2017. The institution, while exercising the fixed prerogatives, attempts to make the administration guarantee that the best services are provided to the citizens, in an atmosphere marked by success, where the public-service users feel satisfied about the received attention.

Bringing into attention the Royal discourses, which establish a development paradigm to take up the third Millennium' challenges ;

Being concerned to purify the administration from the dysfunctions, and to clean up its environment from bureaucracy and complexities;

Being convinced of the obligation to transcend mere observation and detection, it is high time we moved to reaction, endeavour, proactivity and taking corrective initiatives, employed all the potentials and means in order to satisfy the citizens, and weaved a new relationship based on trust and satisfaction for an administration which evolves and improves its services.

Based on what has been mentioned, this report, which always remains subject to assessment, without being a mere step in a process, the institution attempts to render it a record for the outdone obstacles, as well as for the amassed achievements.

The institution's action was carried on within the framework of the accustomed volume of complaints, with a relative evolution in their typology; while building on the successful experiences, the methodology of complaints

processing was modernized, through approaching and opening on its counterparts in the developed countries, with whom it entered into concessions.

Thanks to the determination and the efforts of the human resources, and the capacity-building initiatives, the institution carried out the fulfillment of its tasks, bearing in mind the contribution of the regional offices and contact points to this achievement.

## **Statistical Data and General Indicators**

This year was characterized by significant increase in the number of complaints received by the institution, which amounted to 10%, reaching, therefore, a total of 9378 complaints. Only 2713 complaints entered within its competence, representing 28,9% of the total of complaints, this is said notwithstanding the fact that the cases which enter within the institution's remit have increased by 18,68%.

The volume of the complaints which do not fall within the remit of this institution remains highly significant, given that this situation represents a phenomenon common to similar institutions in other countries. However, such phenomenon has its weight on the institution as it works, as usual, to orient the complainants to achieve their aspirations, as it concerns conflicts between persons of private law, or submitted to the justice, or related to a request to obtain a privilege or benefits.

Concerning the competence's cases, the institution has addressed communications to the concerned administrations about 2049 cases.

The institution has asked the complainants to provide it with documents concerning 458 cases, in order to have a clear picture about such cases, while it has dealt away with 129 complaints, for the simple reason that it has turned out

that they do not fall under its remit. The institution has declared 77 cases as closed.

These complaints concern many sectors, especially Territorial Communes, the Interior Administration, Economy and Finances Ministry, National Education and Training Ministry, Agriculture and Maritime Fishing, and then Employment and Professional Insertion, Energy and Minerals, Equipment and Logistics Ministry, National Defense Administration, and Territorial Planning, Urbanism and Housing Sector.

Similar to the previous years, cases which have an administrative character have come at the top of the list, followed by real estate, financial and miscellaneous cases related to the execution of court rulings as well as to the field of Human Rights.

The institution received cases stemming from many territorial communes, in addition to those originating from foreign countries, bearing in mind that 2/3 of the complaints concerned six regions, with the Region of Fez- Meknes, and for the first time, at the vanguard, with an 43.2% increase. These regions included Fez-, Meknes, Casablanca- Settat, Rabat-Salé-Kenitra, Tanger-Tetouan- Al Houceima, and the Oriental.

By way of a reminder, the regional delegations, to which three contact points were added, had a tremendous contribution to the proximity strategy adopted *vis-à-vis* citizens as well as the close processing of their cases. Accordingly, the institution will carry on covering the entire Moroccan territory with regional offices, which vary depending on the available means and the number of complaints.

Every achievement which can be counted within the track record of the institution hinges on the collaboration of the permanent interlocutors, whom,

although the minor remarks addressed to, do not spare any effort in order to honor the commitments to guarantee the legitimate rights depending, of course, on the decision making authority vested with them.

Therefore, 320 cases have been settled, 169 complaints have been under settlement, while 530 complaints have not been settled given that the concerned parties have not reached an amicable solution. Therefore, the institution has ordered either recommandations or decisions.

158 complaints have been oriented to the concerned bodies, institutions or sectors, 55 files have been deferred because the complainants chose to seize the justice, while 817 complaints are still under study.

It is worth mentionning that the institution has submitted 510 recommandations, 524 decisions, 383 decisions for orientation, 220 incompetence decisions, 707 decisions of rejecting the request, 213 inadmissibility decisions, and 324 closure decisions. Therefore, the total of the examined cases amounted to 2887 files, varying between recommandations and decisions, with a 17.5% increase.

## Dysfunctions

The institution has noticed, while processing the cases and facts that came to its knowledge, that there are some legally unfounded practices and situations, or contrary to the normal state of affairs. Therefore, It is among the duties of this institution to denounce such situations, call for abandoning such practices, or correcting their path, or introducing a legal or organizational ammendemnt to them. Among these dysfunctions, we may notice:

An archaic system of urbanism documents; disunited handicap establishment criteria, impeaching thus beneficiaries from enjoying the relevant rights; lack of coordination between public administrations; disrespect for the

rules of expropriation, abuses related to urban development plans; delay in the execution of judgements against the administration; failing to accompany regional decentralization; delay in legislating regulatory texts; limited power vested with the permanent interlocutors; prioritizing the implementation of internal circulars rather than the laws; anomalies in documents keeping; problems in the execution of social housing projects; inapplication of the rules proposed by the Mediator of the Kingdom to similar cases; anomalies in the management of individual administrative situations of public servants; issue of health care; delay in the implementation of the decisions issued by the administration; lack of elaboration of general charter for the administrative ethics.

## **Recommendations, Decisions and Proposals**

While examining the grievances submitted to it, the institution has inferred many recommendations and decisions. Based on the established practices, its concern was the oversight of the implementation of the supremacy of the Law, namely the judiciary jurisprudence and the best applications of the Law. The Equity and Justice Principles have contributed to the final conclusions inferred by the institution.

Therefore, among the main conclusions we may find:

### **Recommendations**

The impact of the consent of the National Agency for Health Insurance on the reimbursement, the responsibility of the administration to benefit from humane situations, type of job change procedure, category of Baccalaureat Certificate and graduation Diploma; criminal sentence does not deprive the condemned from his legitimate rights; neglecting administrative bureaucracy ; Administration's commitment to response and motivation; pretending the

existence of a difficulties to execution does not have a halting effect; deprivation of a right is the strict competence of the Law, opposition against a judgement should be undertaken within the scope of a judiciary procedure, neglecting the same designations in the following urban development plan, supremacy of court decisions over ministerial circulars, Adminsitration's responsibility for housing demolition, Land Registry Office, commitment to keeping the documents.

## **Decisions**

Limits of the Land Registry Officer responsibility for execution of judgments, Urbanism regulations and freedom of action, ways to benefit from revenues taken from collective lands, conditions for enrollment in PhD programs, the administration's right to end limited duration work contracts, incompatibility in ranks between varying public agencies, nature of voluntary retirement, legal status for voluntary work, permit for foreigners to practice medecine, minutes of deliberations and right to information, Bank's dealings as a merchant, mines exploitation permits, authorization to carry firearms.

## **Proposals**

Simplification of procedures, access to information, adherence to the Open Govenrnment Partnership, Halting the social support revenue awarded by the Tobacco Office (Régie des Tabacs), correcting a faulty transfer of contributions to the social solidarity fund, examining the lack of reimbursement for certain types of medicines, simplifying access for documents to the profit of Moroccans living abroad, a particular circuit for reimbursement of medical expenses for the personnel of Moroccan diplomatic representations abroad, accelerating the rhythm of implementation of court rulings pronounced against the administration.

## **Fate of Recommendations**

The core message of the constitutionalization of institutional mediation aims at promoting Good Governance in conflicts management in a civilizational trend, while being free from traditional procedures of coercion and constraint. However, there are administrations which are still hesitant in implementing the recommendations in real time.

## **Parallel activities**

The institution carried out its approach of supporting training and openness on other experiences through coordination and cooperation with its counterparts. This is carried out within the framework of the international networks under the latters auspices, while intertwining new bilateral relationships, especially with some African institutions. It has carried on its communicative efforts through organizing meetings and media appearances, in addition to organizing events with some civil society components.

## **Perspectives**

The institution builds great hope and confidence in the future and seeks to fulfill its bet and challenges with the issuance of its new regulatory texts, based on its conviction that such bet and challenges represent a companion of change. All these efforts aim to at establishing an administration where virtues are predominant and public services are improving.