

# **Independent Reporting Mechanism**

Action Plan Review:  
Morocco 2021-2023

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

## Introduction

Starting in January 2021, the IRM began rolling out the new products that resulted from the IRM Refresh process.<sup>1</sup> The new approach builds on the lessons from more than 350 independent, evidence-based and robust assessments conducted by the IRM and the inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The new IRM products are:

1. **Co-creation Brief** - brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design. This product was rolled out in late 2021, beginning with countries co-creating 2022-2024 action plans.
2. **Action Plan Review** - an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. This product is scheduled to roll out in early 2021, beginning with 2020-2022 action plans. Action Plan Reviews are delivered 3-4 months after the action plan is submitted.
3. **Results Report** - an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in early 2022, beginning with 2019-2021 action plans ending implementation on August 31, 2021. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of the Morocco 2021-2023 action plan. The action plan is made up of 22 commitments that the IRM has filtered and clustered into 21. This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data, see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see Section III Methodology and IRM Indicators.

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<sup>1</sup> For more details regarding the IRM Refresh visit <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

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## Section I: Overview of the 2021-2023 Action Plan

*Morocco's highly inclusive co-creation process resulted in an action plan of modest ambition with a focus on strengthening transparency. Looking ahead, commitment implementers should collaborate with civil society to consider how milestones can build towards ambitious reforms that strengthen public accountability and civic participation in future action plans.*

Morocco's second OGP national action plan covers 22 commitments divided into five thematic groups: transparency and quality of public services; equality and inclusivity; open justice; citizen participation; and open local communities.<sup>1</sup> Multiple commitments are carried forward from Morocco's first action plan<sup>2</sup> in the areas of access to information, transparency and quality of public services, budget transparency, integrity and anti-corruption, public funding of civil society, and citizen participation. The action plan introduces new policy areas such as gender equality, inclusion of children and people with disabilities, open justice, healthcare and education, public consultations, and open local communities. The action plan aligns with Morocco's New Development Model (NDM)<sup>3</sup> which emphasizes improving public services, gender equality, administrative reform, and justice in view of economic and societal development.

The government and civil society organized a lengthy and thorough co-creation process between January 2020 and June 2021.<sup>4</sup> In October and November 2020, 10 co-creation events moderated by civil society organizations discussed and gathered proposals in different wide-ranging thematic areas.<sup>5</sup> Overall, more than 800 citizens and civil society stakeholders participated in the consultation process which produced 232 proposals for commitments.<sup>6</sup> The government provided individual responses to all proposals, showing whether and how the proposal was adopted or, if rejected, for what reasons.<sup>7</sup> Through Morocco's Open Government Portal, the government held an online public consultation in May 2021 on the combined commitments before the final adoption of the action plan.<sup>8</sup> As the document notes, the final set of draft commitments were determined by the 11 implementing public institutions.<sup>9</sup>

During development of the second action plan, there was a disconnect between government efforts to engage civil society and civil society's level of involvement. The government received 232 comments and proposals

### AT A GLANCE

**Participating since:** 2018

**Action plan under review:** Second

**IRM product:** Action Plan Review

**Number of commitments:** 22

#### Overview of commitments:

- Commitments with an open gov lens: 21 (95%)
- Commitments with substantial potential for results: 1 (4.5%)
- Promising commitments: 5

**Policy areas** carried over from previous action plans:

- Access to information
- Public service transparency
- Budget transparency
- Integrity and anti-corruption
- Citizen participation in policymaking

Emerging in this action plan:

- Gender equality and inclusivity
- Open justice
- Transparency in healthcare and education
- Open communities (local authorities)

#### Compliance with OGP minimum requirements for co-creation:

- Acted according to OGP process: yes

through the Open Government Portal during co-creation.<sup>10</sup> Ouiame El Moustamide from the Department of Administrative Reform notes that that Steering Committee members were involved in various stages, but their comments were not captured in writing.<sup>11</sup> The IRM researcher experienced difficulties contacting non-governmental stakeholders, including members of the Steering Committee. However, Nadia Hmaity and Houdna Bennani from the Democratic Association of the Women of Morocco, national Steering Committee members, noted that the action plan reflects some civil society input, as for example Commitment 11 which adopted proposals on including quotas for women in decision making. From their perspective the government, rather than the Steering Committee, ultimately drafted and approved the final text.<sup>12</sup> The IRM recommends that the government continue to strengthen mechanisms and relationships to collaboratively design and implement action plans in partnership with civil society. In particular, the government should consider how to engage civil society during implementation and monitoring of the action plan.

Most commitments advance the open government value of transparency, with a few also promising to strengthen civic participation. Only Commitment 3, which aims to implement the Public Service Charter, has the potential to advance public accountability as written. One commitment—Commitment 6 on healthcare governance—does not have a clear open government lens.

One of the main strengths of the action plan is the continuity both in many of the commitments and in the governance and coordination of the OGP process by the Department of Administrative Reform team, which became part of the Ministry of Digital Transition and Administrative Reform in November 2021. This also influenced the IRM selection of promising commitments (see Section II of this report) two of which are continuations of efforts from the first action plan—Commitment 3 on the Public Services Charter, and Commitment 21 on access to information in local authorities. The other two promising commitments are new: Commitment 11 on the promotion of gender equality, and Commitment cluster 1 (Commitments 15 and 16) on opening justice. All four commitments cover important themes for Moroccan society and bear a potential for serious reforms both in terms of open government values and in their respective policy fields. One of these four—Commitment 21 on strengthening access to information and citizen participation at the local level—was assessed as having substantial potential for results.

## Section II: Promising Commitments in Morocco's 2021-2023 Action Plan

The following review looks at the four commitments that the IRM identified as having the potential to realize the most promising results. This review will inform the IRM's research approach to assess implementation in the Results Report. The IRM Results Report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the action plan's implementation period. This review also provides an analysis of challenges, opportunities and recommendations to contribute to the learning and implementation process of this action plan.

The IRM identified four promising commitments (see Table 1) due to their potential to introduce serious reforms both in terms of open government and in their respective policy fields. Only Commitment 21 was evaluated to have a substantial potential for results within the implementation period. However, all four reforms could significantly change open government practices in the longer term, especially if implemented with a focus on citizens' voices and needs and a high level of civil society involvement and inclusion.

Commitments 3 and 11 are very broad in scope and call for the time-intensive development of many plans, policies, and regulations. The open government impact of these implementing documents will likely not yet be visible by the end of the action plan period. Therefore, analysis of early open government results in the forthcoming results report will be largely shaped by the extent to which implementing agencies undertake a participatory process to develop the plans, policies, and regulations around public service delivery and gender equality. Additionally, the IRM recommends focused implementation on the activities that most directly strengthen government transparency, accountability, and/or civic participation. Similarly, successful implementation of the open justice cluster (Commitments 15 and 16) would include prioritization of activities that directly increase the access of citizens to justice and information.

The remaining commitments in the action plan—such as commitments 1, 2, 4, 5, 9, 12, and 18—are largely of modest ambition and primarily focus on advancing government transparency, which is an important but initial step to open government. Some commitments, such as 6, 7, and 8 introduce ambitious reforms in their respective policy field, but do not contain a strong open government lens. Other commitments continue preexisting reforms like commitments 9, 10, and 17 on setting up a national integrity portal, on promoting open data, and continuing NGO training efforts by setting up a national portal for training NGOs, respectively. Elements that could raise the potential for open government results are the introduction of sturdy accountability mechanisms that would allow citizens to hold public officials to account as well as civic participation mechanisms that would allow citizens to have a say in government decision-making.

Several commitments in the action plan build towards greater civic participation in policymaking. Commitment 20 holds a modest potential to further accountability and civic participation in environmental policy by providing CSO training and publishing environmental data. Commitment 19, importantly, aims to establish draft laws on public consultations and contractual volunteering. This commitment is evaluated as modest as written, as the ambition does not go as far as to adopt the draft laws and their structures, priorities, and guarantees. Furthermore, the Ministry of State in charge of Human Rights and the Relations with Parliament will determine the details of

the draft law, which will then be provided for a public consultation, according to the Ministry's experts.<sup>13</sup> Commitment 22 includes a toolkit of practices and materials on citizen participation to be shared with territorial collectivities during a series of consultations on citizen participation. These efforts will also include strengthening citizen capacities in 10 communes and 2 pilot regions. However, as written, the commitment lacks mechanisms for citizen participation as well as specific information on the proposed toolkit or concrete, measurable indicators of impact.

**Table 1. Promising commitments**

Promising Commitments
<b>Commitment 3</b> promises to strengthen transparency and accountability in public service delivery through the implementation of the Public Service Charter.
<b>Commitment 11</b> aims to promote gender equality and women's participation in public life as well as their economic empowerment.
<b>Open Justice Cluster (Commitments 15 and 16)</b> seeks to improve access to justice by strengthening the tools and legal framework for digitalization of the legal process.
<b>Commitment 21</b> promises to provide assistance and technology to local authorities to strengthen citizens' access to information at the territorial level.

### **Commitment 3: Promulgation and Implementation of the Public Service Charter**

[Implementing agency: initially Ministry of Economy, Finance and Administrative Reform - Department of Administrative Reform. As of November 2021, Minister Delegate for the Head of Government in charge of Digital Transition and Administrative Reform]

For a complete description of the commitment see Commitment 3 in the action plan:  
<https://www.opengovpartnership.org/documents/morocco-action-plan-2021-2023/>

### **Context and objectives**

Since the 2011 Constitution, the government of Morocco has sought to modernize public services. Article 157 of the Constitution<sup>14</sup> foresees the development of a Public Service Charter, specifying the rules of good governance related to the operation of public administrations, regions, local authorities, and other public institutions.<sup>15</sup> Regarding open government, the Public Service Charter and accompanying legislation will provide specific rules and, in some cases, the legal basis for furthering access to information and public accountability.

The commitment aims to implement law n° 54-19 on the Public Service Charter, which was adopted by Parliament in June 2021<sup>16</sup> and promulgated on 14 July 2021.<sup>17</sup> The commitment, proposed by the government, continues efforts to establish a legally binding public services framework under Commitments 8, 9, and 10 of the previous action plan.<sup>18</sup> Initially the Department of Administrative Reform in the Ministry of Economy, Finance and Administrative Reform was set to oversee implementation. Due to the October 2021 change of cabinet, this department is now under the newly established Ministry of Digital Transition and Administrative Reform.<sup>19</sup>

### **Potential for results: Modest**

The action plan notes that Morocco's public service system does not currently respond to the aspirations and needs of citizens. This is due to a divergence of legislation and multiplicity of types of public services, the varying quality of services, the lack of oversight and accountability in the provision of public services, and the lack of a coherent and hierarchical framework of laws and regulations. In February 2018, King Mohammed VI called for the government to prioritize adoption of the Public Service Charter and for its implementation to be made mandatory to address "bribery, corruption, abuse of power or neglect of one's duties" in the administration and management of public service delivery.<sup>20</sup> He stated, "We must simplify civil service legislation and strictly apply the regulations governing administrative posts and public institutions, making sure those holding public office can be held to account, where necessary."<sup>21</sup>

Hatim Mouradi from the Department of Administrative Reform emphasized that the Public Service Charter aims to mend to deficiencies in administration of public service provision by providing a common legal framework and administrative practices concerning all administrations, local authorities, and public institutions.<sup>22</sup> The law n° 54-19 on the Charter of Public Services provides for good governance rules, including provisions related to the rule of law and codification of legal texts.<sup>23</sup> The Charter also sets a common framework on the administration of public services, along with a new grid for the evaluation of public services, guarantees for citizens through redress procedures, accountability and transparency mechanisms through triannual action plans on public services.<sup>24</sup> Lastly, Article 35 of the law provides for the creation of a national observatory of public services, which will collect data, carry out studies and research on public services, as well as evaluate the impact and efficiency of strategies, plans, and programs on public services. The observatory will also formulate proposals for measures to improve the performance and quality of public services.<sup>25</sup> As the action plans points out, a future decree is needed to determine the functioning of the observatory.<sup>26</sup>

Implementation of the Public Service Charter presents an opportunity to institutionalize transparency, civic participation, and public accountability in public service delivery. Hatim Mouradi stressed the importance of Article 16 of the law, which mandates government response to the grievances of citizens, and resorting to mediation to resolve disputes that may arise.<sup>27</sup> According to Mouradi, Article 16 is the provision of a legal basis for the 2017 Decree on Complaints<sup>28</sup> and for the functioning of the related national platform Chikaya<sup>29</sup> through which government bodies collect and respond to complaints regarding public services (for a review of Chikaya, see the Morocco transitional results report for 2018-2020, Commitment 10). Mouradi pointed out the several different rules on transparency—Articles 6, 10, 12, 15 and 30—on the publication of information related to public services obliged to be produced under the law.<sup>30</sup>

This commitment is evaluated to have a modest potential to strengthen open government practices in public service delivery. The Public Service Charter is a cornerstone of public service reform and legal rulemaking for Morocco. Implementation of the Public Service Charter, according to Mouradi, will lead to the amendment or adoption of many (a few dozen) other legal texts. Implementation will start with evaluation of anticipated activities and coordination among relevant public administrations to inform an implementation roadmap. The evaluation, adoption of legal texts and coordination with other institutions could be a challenge for the timely implementation of the Charter. Notably, the law itself was finalized as a draft by the government in July 2019,<sup>31</sup> but it took almost exactly two years for it to be adopted by parliament and eventually promulgated in July 2021.<sup>32</sup> Given the breadth and complexity of implementing this reform, many of the benefits of enacting the Public Service Charter will likely not come into view



until after the implementation period. The ultimate measure of this reform's impact will be the extent to which the transparency, accountability, and civic participation elements introduced through these legal reforms contribute to an improvement in the delivery of public services in Morocco, along with the speed and quality of responses to complaints.

### **Opportunities, challenges and recommendations during implementation**

Hatim Mouradi identifies the need for all public administrations to participate as a challenge to implementation, particularly when it comes to engagement across various types, such as local authorities.<sup>33</sup> The 2021 change of government and resulting reshuffle of government structures and priorities also presents both a challenge and opportunity, from Mouradi's perspective. The government at the time of writing has prioritized establishing the national observatory, as well as the measures that are directly focused on citizens such as the improvement of reception spaces and the users' charters, which provide information on users' rights in the provision of public services.<sup>34</sup>

The extent to which civil society and the public collaborate in the establishment of a legal and institutional framework for public service delivery will be an important open government indicator at the end of the action plan period. Moreover, this commitment has the potential to bring about substantial open government reform in the longer term if it results in co-created strong legal and institutional mechanisms that empower citizens to hold public service providers to account. The government should engage civil society and the public throughout the drafting, amending and adoption process to ensure a legal framework that strengthens accountability and civic participation in public service delivery. The government should seek out diverse and representative civil society organizations, including those representing marginalized populations who disproportionately rely on public services such as women, youth, the elderly, and persons with disabilities. Collaborative development of the laws and regulations that determine the functioning of the national observatory is one such important opportunity to ensure that channels for public participation and accountability are built into the observatory's standard practices.

Morocco can look to examples such as the Philippines, who have institutionalized public accountability channels in public service delivery across successive action plans. In their 2015 action plan, the Philippines achieved their target of acting on 90% of complaints received in the public service complaints mechanism. The government also increased the number of institutions subject to a Citizens' Report Card and eligible for a 'Citizen's Satisfaction Center Seal of Excellence Award' based on the results.<sup>35</sup>

To achieve notable early open government results, the IRM recommends that implementers undertake an open and participatory approach to establishing the laws, regulations, and institutions to implement the Public Service Charter. Best practices for inclusive regulatory governance can be found in the OGP report on regulatory governance, in particular:<sup>36</sup>

- Make use of the eParticipation portal and other channels to provide transparency around existing regulations and laws, those up for review, and advance notice of drafting processes for new regulations and laws.
- Make use of the eParticipation portal and other channels to provide the opportunity for public comments on draft regulations and laws and provide a reasoned response as to how public input was reflected in the draft text. Provide offline channels to inform the public of upcoming drafting processes and opportunities to engage.

- Raise awareness about the new and/or improved tools provided by the Public Services Charter, e.g., for redress of complaints or grievances, combined with information events and outreach to communities to explain the benefits and opportunities they bring.

**Commitment 11: Promote Gender Equality and Women's Participation in Public Life and Economic Empowerment** [Implementing agency: Ministry of Solidarity, Social Development, Equality and Family]

For a complete description of the commitment see Commitment 11 in the action plan:  
<https://www.opengovpartnership.org/documents/morocco-action-plan-2021-2023/>

**Context and objectives**

The 2011 Constitution promotes the equality between men and women in enjoying the rights and freedoms of civil, political, economic, social, cultural and environmental character, with respect for the “constants of the Kingdom and of its laws” (Art. 19).<sup>37</sup> It also indicates that the public powers must work for furthering gender equality, including in their participation in political, economic, cultural and social life (Art. 6).<sup>38</sup>

Milestones under this commitment to further women's economic and educational opportunities reflect Morocco's gender equality efforts under existing plans. These include Morocco's New Development Model (NDM),<sup>39</sup> the 2017-2021 Government Equality Plan ICRAM 2<sup>40</sup> implemented with the European Union assistance, and “Maroc – Attamkine” implemented in partnership with UN Women.<sup>41</sup> Milestones that advance women's inclusion in decision-making are the result of advocacy by civil society stakeholders during co-creation, particularly the feminist movement.<sup>42</sup>

The resulting reform is a broad mix of activities combined in a single commitment on gender equality. Activities with the greatest potential to open government include the participatory development of a third national gender equality plan, the development of a model regional gender equality plan for Rabat-Salé, the incorporation of gender in regional development plans, and the establishment of quotas for women's participation on administrative boards and unions, as well as quotas for women and girl entrepreneurs to access public contracts.

This commitment has the potential to strengthen women's participation in government decision-making that the Ministry of Solidarity, Social Development, Equality and Family undertakes and encourages inclusive drafting processes for these plans and policies. Implementation of these policies, such as quotas for women representation on decision-making bodies of companies, especially public companies, and labor unions, could also institutionalize civic participation.

**Potential for results: Modest**

The Government of Morocco has made some progress in recent years working with civil society to address gender inequality in Morocco. In particular, the New Development Model (NDM) and the 2017-2021 Government Equality Plan (ICRAM 2) have taken stock of the shortcomings for women's social and economic inclusion.<sup>43</sup> These documents note that constitutional, legislative, and institutional reforms have had a positive impact, helping to raise awareness around gender

equality issues and the fight against discrimination. It added that this has in turn enabled the inclusion of issues around women in the general national debate and public policies.<sup>44</sup>

Continuing concerns related to the equality of women and men from an open government lens revolve around several topics: the low participation of women both in the labor force and in public life; and the inexistence of gender-based strategic planning mechanisms at the territorial (local) level.<sup>45</sup> Nadia Hmaity and Houdna Bennani from the Democratic Association of the Women of Morocco explained that citizens and civil society presented proposals for Morocco's previous national gender equality plan (ICRAM 2). However, the government had the final say on the equality plan and the resulting text lacks ambition, especially on the inclusion of women in decision-making.<sup>46</sup>

Under this commitment, inclusive development of the third national gender equality plan and pursuit of regional gender equality plans has the potential to increase civic participation in policymaking, as well as making these policies more accountable to the people they aspire to serve. In addition, establishing quotas for representation of women on boards of administration and unions and for women and girl entrepreneurs' access to public contracts also promises to increase participation of a historically marginalized group.<sup>47</sup> Nadia Hmaity and Houdna Bennani note that the milestones to set quotas were proposed by civil society and hold some of the greatest potential for strengthening women's inclusion in decision making. However, they also point out that implementation details and impact indicators for these activities remain unclear, since the action plan does not provide a baseline and target values.<sup>48</sup> Baseline indicators in the ICRAM 2 plan from 2015 and 2016 indicate a low level of women representation in government and business. According to the plan, the percentage of women councilors in regional councils was 38%, 4% in provincial councils, and 21% in municipal councils. The percentage of women at the decision-making level in public companies and organizations was 7%.<sup>49</sup> The ICRAM 2 and the NDM do not provide baseline data on women and girl entrepreneurs.

Abdelilah Hmidouche from the Ministry of Solidarity, Social Development, Equality and Family stated that his ministry is focused on engaging more institutions and providing support, particularly at the regional level, for the inclusion of a gender equality lens in sectorial and regional policies. In particular, the ministry is working with regions to adopt equality measures in their regional development plans. The Rabat-Salé-Kénitra region will provide a model. An important task for the Ministry, according to Hmidouche, is the involvement and consultation with all stakeholders during the establishment of these policies.<sup>50</sup>

This commitment holds a modest potential to strengthen civic participation in gender policymaking and women's inclusion in governance more broadly. On one hand, this commitment foresees engaging civil society in the development of gender equality plans at the national and regional levels and encouraging a gender lens in regional development plans. It also aims to set quotas for women's representation in decision-making bodies, reflecting a civil society priority. On the other hand, this commitment is very broad and includes a wide range of activities, some of which do not contain an explicit open government lens. As Hmaity and Bennani note, this contributes to a lack of clarity as well as the inclusion of activities already underway through the ICRAM 2 and Maroc – Attamkine plans.<sup>51</sup> The absence of a clear definition of the policy problem and a broad list of milestones without clear impact indicators or an open government lens detracts from the measurability of this reform. Additionally, the commitment's breadth may spread efforts thin and present an obstacle to impactful implementation.

## Opportunities, challenges and recommendations during implementation

The greatest challenge and opportunity for this commitment will be the extent to which implementers undertake a participatory approach ensuring that national and regional gender equality efforts reflect citizens' needs and priorities. The recent OGP Vital Signs report shows that substantive civil society involvement is correlated with stronger OGP outcomes.<sup>52</sup> Therefore, collaborative implementation will not only increase civic participation in policymaking in the short term but also increase the likelihood for successful outcomes from the resulting policies in the longer term. In sum, substantial implementation of this commitment would include a highly participatory process that results in the development of clear rules, quotas, and programs that enhance women's participation in government decision-making, backed by awareness-raising and outreach programs to ensure the opportunities for participation and empowerment are available to a wide and inclusive cross-section of society.

Abdelilah Hmidouche notes that the greatest challenge to implementation will be establishing coordination mechanisms across levels and sectors of government. This will require government institutions taking initiative to introduce equality in their respective policies.<sup>53</sup> Another challenge, according to Hmaity and Bennani is the definition of the term “inclusion” which would affect the mechanisms of involving women in the implementation process.<sup>54</sup> In implementing this commitment, the IRM recommends that the central government and parliament prioritize efforts to adopt quotas for women in decision-making bodies at all possible levels, starting with the collegiate bodies directly involved in the implementation. The ministry should also set clear baselines and target values of the commitment's impact indicators.

The IRM recommends that the Ministry of Solidarity, Social Development, Equality and Family and regional administrations, particularly Rabat-Salé-Kénitra, make use of the OGP Toolkit for Gender Responsive Action Plans. This toolkit includes steps relevant to the inclusive co-creation of gender policies and legislation such as:<sup>55</sup>

- **Establish communication channels, such as a dedicated webpage, focal person, etc.** to communicate the objectives, drafting processes, timelines, and relevant background resources to civil society organizations in advance of consultations.
- **Ensure government officials have the capacity and incentives to integrate gender equality priorities** received through public consultation processes, for example through the establishment of clear minimum standards for gender mainstreaming in regional development plans.
- **Identify clear targets, plans, and resources in advance of consultations** to ensure broad participation. Consider barriers that inhibit participation of a diversity of women and gender group representatives such as location, language, time, and whether childcare is available.
- **Engage civil society during critical junctures in the drafting process**, in particular women's rights organizations, such as setting the agenda and investing in building trust between the government and civil society actors involved.

The IRM also recommends that the Ministry widen its outreach and pilot program on regional equality plans to other regional governments, especially the ones in less populated and rural areas, ensuring they apply a participatory approach and further awareness-raising on the creation and implementation of plans.

### **Commitment cluster 1: Digital Open Justice** [Implementing agency: Ministry of Justice]

For a complete description of the commitments included in this cluster, See Commitments 15 and 16 in the action plan: <https://www.opengovpartnership.org/documents/morocco-action-plan-2021-2023/>

#### **Context and objectives:**

As in many countries, Morocco's gradual efforts to digitalize judicial proceedings were accelerated due to the COVID-19 pandemic. Consequently, Moroccan courts and lawyers are making use of online platforms for digital document exchange and remote trials without the appropriate legal backing. Therefore, Commitment 15 aims to pass a common legal framework on remote trials, digital document exchange through online platforms and digital notification. Commitment 16 seeks to expand the functionality of the lawyer portal and establish a similar one for adouls, Islamic law notaries. The activities under Commitment 14 are not part of this legislative reform and include the modest ambition to update an existing portal that publishes legal information and is therefore not included in this analysis.<sup>56</sup>

Commitments 15 and 16 build from the 2013 Charter for Justice Reform<sup>57</sup> and Morocco's 2021 New Development Model (NDM).<sup>58</sup> The Charter provided for the hearing of witnesses remotely,<sup>59</sup> for remotely tracking procedures and submitting documents,<sup>60</sup> as well as the use of modern means of communication to speed up the notification measures.<sup>61</sup> The NDM provides for setting up an e-justice platform to ensure every citizen will benefit from an efficient, swift and locally accessible judicial system, including via electronic notification.<sup>62</sup> A sectoral government program "Tribunal numérique à l'horizon 2022" ("Digital Court – Horizon 2022") also includes these commitments, as witnessed by a presentation given by the Minister of Justice.<sup>63</sup>

Full implementation of this commitment promises to increase access to justice by speeding up judicial proceedings and reducing opportunities for corruption. Implementation may also contribute to transparency in the justice sector by enabling online access to court proceedings and access to legal materials for professionals.

#### **Potential for results: Modest**

As stated in the action plan, the Government of Morocco considers the digitalization of judicial proceedings as an important tool to address corruption and delays in the judicial system. The World Justice Project's 2021 Rule of Law Index found that Morocco is part of the overall downward global trend in rule of law in recent years. Specifically, Morocco's rankings regarding 'freedom from corruption' in civil and criminal processes worsened from 2019 to 2021. Additionally, Morocco's ranking for civil proceedings 'not being subject to unreasonable delay' worsened from 2019 to 2021.<sup>64</sup>

Morocco has slowly moved towards modernizing its judiciary through the digitalization of proceedings and processes over the last decade. In 2013, a consultative body, the High Authority of the National Dialogue on the Reform of the Judicial System, produced a Charter for Justice Reform that included digitalization measures.<sup>65</sup> However, the Charter was slowly and insufficiently

implemented up to the end of 2019.<sup>66</sup> Since 2016, the Ministry of Justice has offered an online portal for lawyers to exchange documents with courts.<sup>67</sup> In April 2020, in response to the pandemic, the Ministry of Justice also permitted the use of remote criminal trials.<sup>68</sup> However, both measures lack clear and sustainable legal basis providing guarantees for fair trial and probative value of electronic documents.<sup>69</sup> Between 27 April 2020 and 16 April 2021, remote trials allowed for processing 370,000 criminal cases, and it resulted in the release of more than 11,748 detainees.<sup>70</sup>

The Ministry of Justice's online platform for lawyers to communicate with courts was indispensable during COVID-19 lockdowns but has not been used as much since. Asmae Regraguy from the Ministry of Justice notes that the pandemic led to the signing of many cooperation agreements with bar associations, including Casablanca's, and contributed to 1600 lawyers registering on the platform.<sup>71</sup> Zineb Laraqui, lawyer from the Marrakech Bar Association, cited by Médias24, stated that the efforts in the digitalization of justice are important but could be improved.<sup>72</sup> Laraqui stated that many lawyers stopped using the platform after lockdown since they are required to submit original paper documents with the court in addition to online submission, since the electronic copies lack probative value.<sup>73</sup> Laraqui considers that general use of the platform could facilitate the work of court clerks and improve the fight against corruption.<sup>74</sup> The passage of the underlying legal justification for the platform could remove the duplication of efforts currently required that limit use of the platform. The legal framework could also contribute to ensure that transparency and accountability mechanisms are embedded into digital judicial processes to help tackle corruption.

Under Commitment 16, the Ministry of Justice will establish similar platforms for *adouls* (Islamic law notaries dealing mainly in family law) and court experts.<sup>75</sup> Regraguy added that these efforts are coupled with awareness-raising activities and training aimed at attracting further legal professionals to work through the platforms.<sup>76</sup>

At the time of writing, the draft law on the digitalization of the justice sector as foreseen in Commitment 15 is in the final stages of approval. In early May 2020, the Ministry of Justice presented the draft law, which covers rules on remote trials, electronic exchange and probative value of e-documents and electronic notification.<sup>77</sup> According to Mohamed Amine Jardani, delegated judge in the Ministry of Justice, the draft was not published but was presented to different justice actors such as the Club of Magistrates in Morocco, the prosecution, the Moroccan Association of Women Judges, the National Syndicate of Justice, and others.<sup>78</sup> According to Jardani, the ministry undertook a participatory approach to write the draft law on the digitization of court proceedings. The draft law was shared with 12 principal justice actors. Jardani added that the Ministry received 46 written remarks on the civil or criminal aspects presented by 11 organizations on the project. In addition, according to the judge, the Ministry partnered with various actors to organize five meetings with the aim to broaden discussions on the project.<sup>79</sup> He added that the draft law on digitalizing justice proceedings was updated in alignment with the New Development Model and the new government's guidelines in this area. The draft law was transferred to the secretary general of government 9 March 2022.<sup>80</sup>

The draft law introduces measures to improve access to justice and transparency in judicial processes. Jardani explains the draft will amend the Civil Procedure Code and the Criminal Procedure Code to introduce rules on the digitalization of justice in practically all fields of Moroccan law. Abdelali El Hourri, an author from Médias24, notes that lawyers will be able to



provide council and representation remotely,<sup>81</sup> which will extend access to justice and legal help to detainees in remote locations. Another important potential reform could be the added protection of witnesses and whistleblowers noted by Mohamed Abdennabaoui, deputy President of the Supreme Council of the Judiciary.<sup>82</sup> Some lawyers and bar associations are concerned with guarantees for a fair trial and private contact and consultation between lawyer and client in remote connections, as noted by Médias24.<sup>83</sup> Lawyers are therefore calling for private means to consult their clients before and during remote court hearings.

The passage and implementation of the law on digitalization of judicial proceedings has a modest potential to strengthen access to justice and increase transparency in the justice sector. The establishment of a legal foundation for remote trials, digital document exchange, and notification systems promises to facilitate judicial proceedings and provide another tool in the fight against corruption. The Ministry of Justice's commitment to stream and record court hearings as well as publish documents and provide trainings for legal professionals also modestly contributes to transparency efforts. The potential for results is evaluated as modest as the online portal and remote trials are already in practice, therefore the implementation of this commitment represents the strengthening of an important but preexisting reform.

### Opportunities, challenges and recommendations during implementation

One potential challenge to successful implementation of this commitment is the uptake of digital tools on the part of judicial and legal professionals. To address this obstacle, the IRM recommends **engaging potential users early on to encourage trust and transparency in the new system**. Transparency around court automation and the potential improvements that may result could help combat skepticism, among court staff, litigants, lawyers, bar associations, and the public. In particular, implementers could draw from the Open Justice Policy Paper which provides examples of OGP commitments to modernize courts and recommends:<sup>84</sup>

- Engaging key stakeholders in the process for drafting any regulations and guidance materials associated with the law for digitalization of the justice sector.
- User-testing of new technology with the public during development.
- Verifying that the system meets user needs by ensuring accessibility, use of plain language, and availability in all languages commonly spoken among the population that the system serves.
- Guaranteeing means for private communication and consultation between lawyers and clients remotely.

A second challenge is to ensure that the modernization of court processes is not cosmetic but directly contributes to greater access to justice and information for Moroccan citizens. Given this, the IRM recommends prioritizing activities that:

- **Standardize the collection and presentation of information.** Ensure that courts across different jurisdictions and across various levels of the system collect the same information to allow for cross-comparison in the same open data format.
- **Provide access to information to litigants and the public.** Automated systems, as long as they are not exclusively used, have great potential to lower barriers to access to public information. Record requests, information on pending litigation, and notices of disposition can be substantially streamlined by automation, provided that they offer an adequate and sufficient advance notice.

- **Focus on interagency communication and interoperability within government.** Courts can conserve significant resources by designing systems that facilitate efficient communication with other courts, correctional facilities, and agencies that manage identity, financial, and land records.
- **Implement effective monitoring and evaluation processes.** Monitoring is an important accountability mechanism to ensure that the investment in court automation is used effectively to serve citizens by improving access to justice. These could include backlog reduction indicators and court user surveys that could help courts evaluate citizen engagement with the new system.<sup>85</sup>

**Commitment 21: Strengthening Access to Information and Citizen Participation at the Territorial Collectivities** (Implementing agency: Ministry of Interior, Directorate General of Territorial Collectivities)

For a complete description of the commitment, see Commitment 21 in the action plan: <https://www.opengovpartnership.org/documents/morocco-action-plan-2021-2023/>

**Context and objectives**

Morocco has continuously made efforts to implement its 2018 Right to Access Information Law,<sup>86</sup> including through Commitments 1, 2 and 6 in the previous action plan.<sup>87</sup> This commitment introduces a new focus on access to information at the territorial level. This commitment was proposed by the Directorate General of Territorial Collectivities (DGCT) in the Ministry of the Interior.<sup>88</sup>

Fatiha Zanniby and Naima El Oukid from DGCT note that the commitment is composed of two main pillars: integration of all local authorities in Morocco's access to information portal [chafafiya.ma](http://chafafiya.ma) and the creation of a model website for communes to adopt. The commitment is thus aimed at improving access to information from communes both upon requests through the [chafafiya](http://chafafiya.ma) portal and by laying the basis for proactive publication of information through the portal and the websites of communes.<sup>89</sup>

**Potential for results: Substantial**

Moroccan citizens currently face barriers in accessing government-held information, particularly at the subnational level. As Morocco's 2018-2020 IRM Transitional Results Report states, Morocco's access to information rules need further alignment with international standards and best practices.<sup>90</sup> A World Bank report found that the access to information law strays from international best practice in many respects, including the time period for response, by limiting the scope of the right to Moroccan citizens, and by setting restrictions on the reuse of public sector information, which risks having a significant chilling effect on use and reuse of public information and public sector data.<sup>91</sup> Furthermore, in a 2020 campaign,<sup>92</sup> the civil society organization Sim Sim established that the [chafafiya.ma](http://chafafiya.ma) portal's requests procedure had a low efficiency, and the appeals mechanism was practically not functioning (for more details see Commitment 6 in the Transitional Results Report 2018-2020).<sup>93</sup> "SMIIG Data," a 2020-2021 survey of the information published on a limited number of commune websites by the civil society organization Tafra showed that more than half of the municipalities in Morocco do not have a



website, 85% of Moroccan citizens do not have online access to their respective municipal budgets, 43% of Moroccan citizens do not have online access to the contact details of their respective commune, 88% do not have online access to the decisions and deliberations of their municipal councils, and only one out of 46 surveyed municipalities— Ait Melloul— covers the standards of proactive publication of information used by the survey and based on the respective legislation.<sup>94</sup> These percentages might even be higher, since the survey did not take into account the population's access to the internet. It should also be noted that a lack of statistical data on access to information requests submitted and responded to at the national and municipal levels presents a challenge to establishing a baseline for this and similar commitments.

The Directorate General of Territorial Collectivities has provided some support for ATI implementation prior to this commitment. Zanniby and El Oukid from DGCT explained that the role of their administration in the Ministry of Interior is to provide technical, legal, and financial assistance to the nearly 1600 territorial collectivities—regions, prefectures and provinces, and communes.<sup>95</sup> They added that prior to the commitment, the Directorate General provided information on ATI to local authorities, encouraged appointment of AI officers, amassed data and formulated an action plan on ATI training, and also published a guide on the right of access to information<sup>96</sup> on the National Portal for Territorial Collectivities.<sup>97</sup>

Zanniby and El Oukid stated that as part of the implementation of the commitment, the Directorate General will continue to assist all local authorities to integrate and set up their accounts in chafafiya.ma. To this end, the central administration will provide a future guide on the back-office functioning of the platform, and, in 2022, will add a statistical module to the platform.<sup>98</sup> According to both experts from the Ministry of Interior, this statistical module would allow the preparation of reports on how local authorities are handling requests received through the platform, whether they respect the legal time period for responses, and so on. These statistics and reports are intended to enable following the processing of access to information requests to local authorities from reception to response. This will provide a basis for higher authorities such as regions, prefectures and provinces to encourage smaller authorities such as municipalities to apply the ATI law.<sup>99</sup>

DGCT and the civil society organization Tafra are optimistic that implementation of this commitment will result in many communes developing websites to provide information to the public. Zanniby and El Oukid noted the importance of communes' compliance with proactive publication legal obligations under the ATI law. DGCT should develop a model website that will set the minimum standard for information provision and prioritize citizen needs. For example, the website will include sections on citizen participation and legal petitions, administrative services, and the commune council and its executive bureau.<sup>100</sup> The Directorate General should support 15 urban and rural municipalities to adopt the model site and adapt it to their own needs. In mid-2022, DGCT will open the use of the model website to all interested communes and launch a training program on managing the websites.<sup>101</sup> Zakaria El Haddaoui and Sara Mejdoubi from Tafra noted that, though it was Tafra's initial idea to provide a model website for communes,<sup>102</sup> the Directorate General's commitment could have big traction and involve many if not all communes.<sup>103</sup> They added that the DGCT is the local authorities' supporting body and the administrations will follow its lead.<sup>104</sup>

In conclusion, in view of the legal framework and its current implementation which do not provide guarantees for citizens to obtain access to information upon requests in practice, the

commitment has the potential to be a game changer. This commitment has the potential to significantly strengthen access to information within the confines of the current law. If fully implemented, and provided that it involves a large number of local authorities, especially communes, the commitment could result in a substantial improvement in ATI and increased provision of information both through the proactive publication on the websites of local authorities and through the stimulus provided by the oversight of statistics on handling requests that higher administrations could support through the chafafiya.ma portal.

### **Opportunities, challenges and recommendations during implementation**

Government and civil society interviewees noted that limited technical, financial, and human resources at the municipal level present the greatest potential challenge to implementation. Zanniby and El Oukid note that the right to information officers require more training on access to information and the chafafiya.ma portal.<sup>105</sup> Haddaoui and Mejdoubi shared that public information officers have multiple other responsibilities which inhibit their participation in the reform.<sup>106</sup> The diversity among communes also presents a challenge. In particular, small and rural communes might lack the budget or internet connectivity to build a functioning website.<sup>107</sup>

This commitment has the potential to institutionalize proactive publication of information across communes and to strength accountability for compliance with the ATI law through the chafafiya.ma portal. The Directorate General could achieve the potential of the commitment by:

- Going beyond the 15 pilot communes and working to find resources to engage a much bigger group of local authorities;
- Prioritizing outreach to administrations which lack human or financial resources, but could benefit from assistance;
- Engaging with other institutions and civil society in its awareness-raising activities by, for example: stimulating a race to the top between local authorities through surveys and ratings of their proactive publication and/or handling of ATI requests.
- Provide best practices guidance to support communes' timely and comprehensive response to access to information requests and resolution processes for denied requests.

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<sup>2</sup> Morocco Action Plan 2018-2020, Open Government Partnership, 26 September 2018, [https://www.opengovpartnership.org/wp-content/uploads/2021/11/Morocco\\_Transitional-Results-Report\\_2018-2020\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/11/Morocco_Transitional-Results-Report_2018-2020_EN.pdf) also see Morocco Transitional Results Report 2018-2020, 12 November 2021, [https://www.opengovpartnership.org/wp-content/uploads/2021/11/Morocco\\_Transitional-Results-Report\\_2018-2020\\_EN.pdf](https://www.opengovpartnership.org/wp-content/uploads/2021/11/Morocco_Transitional-Results-Report_2018-2020_EN.pdf)

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<sup>4</sup> Etapes de cocréation, Gouvernement Ouvert Maroc, <https://gouvernement-ouvert.ma/co-steps.php?lang=fr>

<sup>5</sup> Événements de cocréation, Gouvernement Ouvert Maroc, <https://gouvernement-ouvert.ma/ateliers.php?lang=fr>

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<sup>7</sup> Liste des propositions, Gouvernement Ouvert Maroc, <https://gouvernement-ouvert.ma/ideas.php?lang=fr>

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<sup>9</sup> Morocco Action Plan 2021-2023, Open Government Partnership, July 2021, page 4, <https://gouvernement-ouvert.ma/docs/Plan%20d'action%20OGP-QM4ok.pdf>

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<sup>39</sup> New Development Model, Special Commission on the Development Model, April 2021, <https://csmd.ma/rapport-en>

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## Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation like former IRM reports. It is intended as an independent quick technical review of the characteristics of the action plan and the strengths and challenges the IRM has identified to inform a stronger implementation process. This approach allows the IRM to highlight the strongest and most promising commitments in the action plan based on an assessment of the commitment per the key IRM indicators, particularly commitments with the highest potential for results, the priority of the commitment for country stakeholders and the priorities in the national open government context.

To determine which reforms or commitments the IRM identifies as promising, the IRM follows a filtering and clustering process:

**Step 1:** determine what is reviewable and what is not based on the verifiability of the commitment as written in the action plan.

**Step 2:** determine if the commitment has an open government lens. Is it relevant to OGP values?

**Step 3:** commitments that are verifiable and have an open government lens are reviewed to identify if certain commitments need to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and its “potential for results” should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:

- a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may use the thematic tagging done by OGP as a reference.
- b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments by clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms or may be standalone and therefore not clustered.

**Step 4:** assess the potential for results of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit feedback as needed, interviews and validation with country stakeholders, as well as sign-off by the IRM’s International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

### I. Verifiability

- “Yes”: Specific enough to review. As written in the action plan, the objectives stated and actions proposed are sufficiently clear and included objectively verifiable activities to assess implementation.



- “No”: Not specific enough to review. As written in the action plan, the objectives stated and proposed actions lack clarity and do not include explicit verifiable activities to assess implementation.

\*Commitments that are not verifiable will be considered “not reviewable,” and further assessment will not be carried out.

## II. Does it have an open government lens? (Relevant)

This indicator determines if the commitment relates to open government values of transparency, civic participation or public accountability as defined by the Open Government Declaration, the OGP Articles of Governance and by responding to the guiding questions below.

Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution or decision-making process more transparent, participatory or accountable to the public?

The IRM uses the OGP Values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will government create or improve opportunities, processes or mechanisms for the public to inform or influence decisions? Will the government create, enable or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable a legal, policy or institutional framework to foster accountability of public officials?

## III. Potential for results

Formerly known as the “potential impact” indicator, it was adjusted taking into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review, it laid out the expected results and potential that would later be verified in the IRM Results Report, after implementation. Given the purpose of this Action Plan Review, the assessment of “potential for results” is only an early indication for the potential of the commitment to yield meaningful results based on its articulation in the action plan in contrast with the state of affairs in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** the commitment is aimed at continuing ongoing practices in line with existing legislation, requirements or policies without indication of the added value or enhanced open government approach in contrast with existing practice.

- **Modest:** a positive but standalone initiative or changes to process, practice or policies. Commitments that do not generate binding or institutionalized changes across government or institutions that govern a policy area. For example, tools like websites, or data release, training, pilot projects.
- **Substantial:** a possible game changer to the rules of the game (or the creation of new ones), practices, policies or institutions that govern a policy area, public sector and/or relationship between citizens and state. The commitment generates binding and institutionalized changes across government

This review was prepared by the IRM in collaboration with Stephan Anguelov and overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

For more information about the IRM, refer to the **“About IRM” section of the OGP website** available [here](#).

## Annex 1. Commitment by Commitment Data<sup>108</sup>

<b>Commitment 1: Strengthening Budget Transparency</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 2: Promoting ATI Within Ministerial Departments and Public Institutions</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 3: Promulgation and Implementation of the Public Service Charter</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 4: Publication, Simplification and Digitalization of Administrative Procedures and Formalities</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 5: Proactive Publication of Education Data and Statistics</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 6: Healthcare Sector Governance</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? No</li> <li>• Potential for results: Unclear</li> </ul>
<b>Commitment 7: Strengthening Transparency and Participation in Health Services Management</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 8: Implement an Integrated Health Information System</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>

<b>Commitment 9: Setting up a National Integrity Portal</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 10: Promoting the Publication and Reuse of Open Data</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 11: Promote Gender Equality and Women's Participation in Public Life and Economic Empowerment</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 12: Strengthening Access to Information for People with Disabilities</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 13: Improving the Quality of Child Protection Public Services</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 14: Publication of Legislative Texts, Court Judgments, Decisions and Jurisprudence</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 15: Providing a Legal Framework for Electronic Civil Proceedings</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• This commitment has been clustered as: Digital Open Justice (Commitments 15 and 16 of the action plan)</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 16: Increasing Court Officers' Involvement in the Digital Transformation of the Justice System</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• This commitment has been clustered as: Digital Open Justice (Commitments 15 and 16 of the action plan)</li> <li>• Potential for results: Modest</li> </ul>

<b>Commitment 17: Launch of a National Portal for Training NGOs Online</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 18: Implement Mechanisms to Support Transparency of Public Funds Granted to Civil Society Organizations</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 19: Implement a Legal Framework for Public Consultation and Contractual Volunteering</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 20: Mobilization and Capacity Building of CSOs to Improve Participatory Monitoring and Implementation of Environmental Policy</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>
<b>Commitment 21: Strengthening Access to Information and Citizen Participation at the Territorial Collectivities</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Substantial</li> </ul>
<b>Commitment 22: Toolkit to Strengthen Communication and Citizen Participation at the Subnational Government Level</b>
<ul style="list-style-type: none"> <li>• Verifiable: Yes</li> <li>• Does it have an open government lens? Yes</li> <li>• Potential for results: Modest</li> </ul>

<sup>108</sup> **Editorial notes:**

1. For commitments that are clustered: the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Morocco's 2021-2023 Action Plan: <https://www.opengovpartnership.org/documents/morocco-action-plan-2021-2023/>

## Annex 2: Minimum Requirements for Acting According to OGP Process

According to OGP's Procedural Review Policy, during development of an action plan, OGP participating countries must meet the "Involve" level of public influence per the IRM's assessment of the co-creation process.

To determine whether a country falls within the category of "involve" on the spectrum, the IRM assesses different elements from OGP's Participation & Co-creation Standards. The IRM will assess whether the country complied with the following aspects of the standards during the development of the action plan, which constitute the minimum threshold:

1. **A forum exists:** there is a forum to oversee the OGP process.
2. **The forum is multi-stakeholder:** both government and civil society participate in it.
3. **Reasoned response:** the government or multi-stakeholder forum documents or is able to demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories and/or themes proposed for inclusion, amendment or rejection.

The table below summarizes the IRM assessment of the three standards that apply for the purposes of the procedural review. The purpose of this summary is to verify compliance with the procedural review's minimum requirements, and it is not a full assessment of performance under OGP's Co-creation and Participation Standards. A full assessment of co-creation and participation throughout the OGP cycle will be provided in the Results Report.

**Table 2. Summary of minimum requirements to act according to OGP Process**

<i><b>OGP Standard</b></i>	<i><b>Was the standard met?</b></i>
<b>A forum exists.</b> A steering committee (comité de pilotage) has been in place since 2019 <sup>109</sup> and gathers every three months. <sup>110</sup>	Green
<b>The forum is multi-stakeholder.</b> The forum includes an equal number of government and civil society members. <sup>111</sup>	Green
<b>The government provided a reasoned response on how the public's feedback was used to shape the action plan.</b> The government published a dedicated report on the co-creation of the action plan, <sup>112</sup> as well as an individual response to every single of the 232 proposals received during co-creation. <sup>113</sup>	Green

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<sup>109</sup> Réunion du Comité de Pilotage du Gouvernement Ouvert, Morocco Open Government Portal, 6 February 2019, <https://gouvernement-ouvert.ma/event.php?id=24&lang=fr>

<sup>110</sup> Système de Gouvernance du gouvernement ouvert au Maroc, Gouvernement Ouvert Maroc, <https://gouvernement-ouvert.ma/gouvernance.php?lang=fr>

<sup>111</sup> Liste des membres du comité de pilotage du Gouvernement ouvert Janvier 2020 - Janvier 2021, Gouvernement Ouvert Maroc, <https://gouvernement-ouvert.ma/files/MembresCopil%20jan2020-jan2021%20vfr.pdf> and Réunion du comité de pilotage, 17 November 2021, Gouvernement Ouvert Maroc, [https://gouvernement-ouvert.ma/files/Relev%C3%A9%20Conclusions\\_Copil\\_17112021\\_fr-lqr.pdf](https://gouvernement-ouvert.ma/files/Relev%C3%A9%20Conclusions_Copil_17112021_fr-lqr.pdf)

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