

Own-initiative opinion on Law 72-18 on social support eligibility identification system and the National Registry Agency



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The present own-initiative opinion examines Law 72-18 related to beneficiaries of Morocco's social protection programs and the National Registry Agency (Agence national des registres – ANR) to be established thereunder. The aim is to gauge how this Law contributes to Morocco's social support system overall and how it provides for the processing of digital personal data in a manner that recognizes the right of individuals to have their personal data protected.

This opinion was adopted by a majority vote at the General Assembly's extraordinary meeting of 16 June 2020.

The scope and purpose of this Law is, the Council underlines, to safeguard rights, but the text also presents real risks of breach of certain rights (the full enjoyment and practice of the right to privacy guaranteed by the Constitution). Law 72-18 also excludes certain groups of vulnerable population, such as homeless people and minors, households unable to provide proof of their address and households that have not been informed or have not been able to be informed of the existence of a social protection program.

The creation of a Single Social Registry (Registre social unifié–RSU) and a National Registry Agency seems relevant and justified, insofar as they constitute a means of remedying the dysfunctions of the current social support system. The National Population Register is certainly not a prerequisite for the creation of the Single Social Register, but it can help to facilitate and simplify registration with the Single Social Register.

Recommendations:

The Council finds it is essential to:

➤ Strengthen the fundamental elements of Law 72-18 by:

- Fitting this Law into the Government's overall strategic vision for the social protection system. This vision should make it possible to determine: the number of social programs to be set up; the sought objectives; the choice of targeting methods; the eligibility criteria and thresholds; the "non-sensitive" social data to collect; and the beneficiary household rating system to develop.
- Engaging in consultation and coordination activities with all stakeholders.

➤ Improve the draft law. To this end, the Council strongly recommends:

- Changing the Law's title to "Law 72-18 on the creation of the Single Social Register, the National Population Register and the National Agency for Registers".
- Including in the Law's text a narrative preamble that sets the stage for statement, goals and objectives of Morocco's strategic vision for social protection, while positioning the Law within the social protection system, defining more explicitly the purpose of the Law, with due regard to the fundamental rights and freedoms enshrined in the Constitution.
- Providing precise definitions of the concepts of household, resident and registrant.
- Improving the management of the system of registers and registrations by ensuring, as part of accompanying measures, analytical and organizational management for each register within the Agency, thus opening the way for a possible separation of the Single Social Register and the National Population Register, if the necessity arises.

➤ Strengthen the Single Social Register. To this end, the Council recommends:

- Reducing the risks of exclusion by considering the possibility of creating a social guardianship service, which could be placed under the responsibility of local authorities and would enable the inclusion of people in street situations.
- Strengthening the protection of individuals regarding the processing of digital personal data.