



ngo group for the crc

STATE PARTY EXAMINATION OF MOROCCO'S INITIAL REPORT ON THE OPTIONAL PROTOCOLS ON THE SALE OF CHILDREN, CHILD PROSTITUTION, AND CHILD PORNOGRAPHY

41ST SESSION OF THE COMMITTEE ON THE RIGHTS OF THE
CHILD
9 - 27 January 2006

Contents

Opening Comments.....	1
Criminal Procedure and Mechanisms Complaints.....	2
Juvenile Judges.....	2
Legal Assistance	2
Criminalising the Child Victim	2
Compensation	3
Domestic Violence.....	3
Awareness Campaign	3
Rehabilitation and Medical Centres	3
Financial Resources	3
National Plan of Action	3
Concluding Remarks	4

The Kingdom of Morocco (Morocco) ratified the Convention on the Rights of the Child (CRC) in 1993 and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) in 2004. On 11 January 2006, the Committee on the Rights of the Child (the Committee) examined Morocco's Initial Periodic Report on the OPSC.

Opening Comments

The delegation was headed by Mr. Azzeddine Farhane, chargé d'affaires a.i. In his opening statement, Farhane affirmed, that substantial efforts had been made to promote the rights of the child and prevent children from sale, prostitution and child pornography. The Government had changed its legal standards and mechanisms to harmonise the domestic law with the OPSA. It had also assisted various institutions responsible for the implementation of the CRC and the optional protocols (OPs). The Ministry of Human Rights, which was responsible for ensuring the implementation of international treaties, was supported by the Ministry of State for the Family, Solidarity and Social Action. The latter had set up a national plan of action which would be integrated in the general plan to become a democratic country fully respecting the rights of the child and adhering to international treaties.

Morocco took part in the Yokohama World Congress against Commercial Sexual Exploitation of Children and had become a focal point for the Arab-African region. Farhane acknowledged that despite the progress achieved, the sale of children, sexual exploitation and pornography remained a problem as these phenomena were fed by poverty.

The country rapporteur, Ms. Khattab welcomed the delegation and acknowledged that Morocco, as expressed by King Mohamed the VI in paragraph 19 of the State Party report, paid full attention to child abuse. Khattab pointed out that substantial progress was made in Morocco and considered the permanent role of the National Observatory as an important step. However, Khattab underlined concerns pertaining to the institutions responsible for the implementation of the OPSA, as Moroccan laws did not incriminate all the offences stipulated in the OPSA. Further concerns included the relationship between the Ministry of Human Rights and the Ministry of State; the National Plan on Children elaborated by the Ministry of State; and the legal assistance provided. Khattab also expressed her concern about child victims who were often treated like criminals. She requested more information about public awareness regarding child exploitation and financial resources.

Criminal Procedure and Mechanisms Complaints

The Committee enquired about complaints mechanisms for child victims. It asked for clarifications on the complaints procedure and if there was a minimum age for submitting complaints. Furthermore, it enquired whether courts granted much importance to children's statements and if a child could put forward a complaint against the will of his parents or legal guardians. The delegation explained that the prosecutor accepted all complaints, whether from the victim or a third person. An article in a newspaper could also lead to a prosecution, if the prosecutor considered there was sufficient evidence. However, the child might then be referred from the prosecutor to a juvenile judge.

Moroccan law allowed anyone to lodge a complaint, even by means of an anonymous letter. There was therefore no age limit and the law did not require the victim to have a lawyer. The complaint could be addressed to the prosecutor, the police, or one of two centres established by the National Observatory and located in the Rabat Hospital. The Government was trying to raise awareness amongst the population about the importance of these centres and reported an increase in the number of complaints brought forward to them.

Concerning the rapidity of processing cases, the delegation differentiated between severe cases, where the accused was referred to trial expeditiously, and other cases, where the accused was first arrested. The judgement and compensation was issued within 3 months.

Juvenile Judges

The Committee required further information about juvenile judges and the existence of juvenile courts. Regarding the testimony before the court, the Committee asked if a child victim appeared during the hearing or if alternatives existed, such as audio or video testimony. The delegation replied that separate juvenile courts did not exist. However, specially trained juvenile judges presided over the hearing and applied specialised jurisdiction relating to minors. The testimony of child victims was held in court if considered necessary. However, to avoid a direct confrontation between the victim and the accused, a hearing outside the Court could be set up. When possible, the child was only heard during one hearing and was generally accompanied by a legal guardian for moral and legal support.

Legal Assistance

The Committee asked if there were any barriers for obtaining legal assistance. For instance, it wanted to know if there was a minimum age for such a request and if children from wealthy families were also eligible to receive assistance. The delegation emphasised that there was no age limit and that child victims were fully informed about the legal procedure of their case and were assisted by the National Observatory to launch the complaint.

Criminalising the Child Victim

The Committee expressed concern that a child victim could be treated as a criminal rather than a victim. In view of the high degree of child vulnerability, the Committee wanted to know whether the victim could be victimised twice through the process of legal prosecution. The delegation explained that if a child was forced to commit a crime, the child would not be prosecuted but rather seen as a

victim. Furthermore, it was also possible to take action against ‘moral persons’ in cases of sexual exploitation.

Compensation

The Committee noted that child victims could receive compensation, but requested additional information on this issue. The delegation explained that parents of the child could demand compensation. However, if the parent was the aggressor, the child could ask for compensation on his own. The delegation stated that the fee for demanding compensation did not exceed the equivalent of 10\$.

Domestic Violence

The Committee was concerned that violence within the family was at the origin of child exploitation and asked if the Government intended to incriminate violence within the family. The delegation referred to the awareness raising campaigns and stated that more people were coming forward to denounce cases.

Awareness Campaign

The Committee asked about the measures to raise awareness amongst the population about children’s rights and to ensure that children reported abuses. The Committee was concerned that girls especially could feel embarrassed for fear of stigmatisation and would not step forward. The delegation confirmed that due to Moroccan traditions, more boys would come forward with complaints, as girls often feared stigmatisation. Nevertheless the delegation stated that awareness about the sale of children and sexual exploitation was increasing due to national information programmes on human rights. These programmes, which aimed to disseminate human rights within schools, women’s clubs, mosques, youth clubs and institutes for early childhood, were crucial for future generations. The delegation explained that schools were particularly involved in raising awareness through staff training. School books were revised to ensure that they reflected the new culture of human rights. The delegation emphasised the importance of making changes in children’s ways of thinking. Further training was provided to legal staff and juvenile judges. It included specific courses about domestic servants, sexual exploitation and prostitution.

Rehabilitation and Medical Centres

The Committee requested further information about juvenile judges placing minors in the custody of private institutions and the establishment of rehabilitation and medical centres. It also wanted to know if there were special programmes for immigrant children. The delegation replied that criminals were transferred to disciplinary centres, whereas reintegration centres were provided for children who needed protection and care, such as street children.

Morocco had 11 medical centres where medical staff provided assistance to child victims. Urgent medical assistance was provided to children, but material resources were scarce and the centres were underperforming due to a lack of information about their existence. A network of information had recently been set up where all information links of centre dealing with abused children could be found.

Financial Resources

The Committee noted that the allocation of insufficient financial means would impact on the implementation of children’s rights. Morocco therefore needed to prioritise this issue.

National Plan of Action

The Committee asked about the progress in the National Plan of Action (NPA) and the present situation concerning sexual exploitation and prostitution. The delegation responded that the NPA was launched with UNICEF and in coordination with the State secretariat. The delegation stated that it provided a great opportunity for departments to work together to promote the rights of the child

and followed Morocco's national principals. Once the NAP was implemented, Morocco would make provisions to establish the necessary budget. The NAP was due to be completed by January 2006.

Concluding Remarks

Khattab emphasised that she appreciated the measures taken and that Morocco was acting as a focal point for the Arab World concerning children's rights. She stated that most problems faced by Morocco were rooted in poverty and social problems that could not be easily addressed. However, they needed to be dealt with in order to remove stigmatisation, which victimising children twice. Khattab acknowledged that Moroccan laws were well developed. The main focus therefore lied in the implementation, enforcement and awareness-raising to encourage children to discuss their problems.

The head of delegation emphasised that the Government made a lot of effort to deal properly with children's interests, dignity and integrity. The Government provided annual support to public and other association. Channels of awareness such as TV programmes, radio broadcasting and the printed press were working together to disseminate information on children's rights. The head of delegation declared that all children in Morocco had their rights promoted within a democratic State.