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## STATE PARTY EXAMINATION OF MOROCCO'S THIRD AND FOURTH PERIODIC REPORT

67<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD  
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*Morocco ratified the Convention on the Rights of the Child (CRC) on 21 June 1993. On 3 September 2014, the Committee on the Rights of the Child (the Committee) examined the third and fourth report of Morocco. It was last examined on 2 June 2003.*

### Opening Comments

The delegation of Morocco was led by H.E. Ms. Bassima Hakkaoui, Minister for Solidarity, Women, the Family and Social Development. She was supported by representatives from an Inter-ministerial Delegation for Human Rights, the Ministry for Solidarity, Women, the Family and Social Development, the Ministry of Health, the Ministry of Education and Vocational Training, the Ministry of Youth and Sports, the Ministry of Justice and Freedoms, the Ministry of Employment and Social Affairs, the Ministry of Foreign Affairs and Cooperation, the Ministry of Interior and the Ministry of Habous and Islamic Affairs.

Ms. Hakkaoui underlined the continuous interaction of the State party with the Committee and congratulated it for the upcoming Day of General Discussion. She added that the dialogue would be an opportunity to draw on the expertise of the Committee.

Ms. Hakkaoui mentioned that the State party had reformed the justice system, including the Criminal Code, as well as the Family Code, the Nationality Code, the Labour Code and the list of hazardous work for children.

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at

[www.childrightsconnect.org/index.php/publications-resources/crc#countrysum](http://www.childrightsconnect.org/index.php/publications-resources/crc#countrysum)

She also emphasised the importance of the new Constitution of 2011 which had upgraded children's rights to constitutional rights. Ms. Hakkaoui further highlighted the new policy on migration adopted by the State party in 2013.

Mr. Hatem Kotrane, Ms. Amal Aldoseri, Ms. Maria Herczog and Ms. Sara Oviedo, the members of the Task force, welcomed the delegation and the number of reforms in particular as far as mechanisms and laws were concerned since the last review.

## **General Measures of Implementation**

### ***Legislation***

The Committee noted that the State party had ratified the 9 international conventions but had not ratified the Protocols on a communications procedure for the Convention on the Elimination of All Forms of Discrimination against Women, the Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). It asked what measures were being taken to ratify the Optional Protocols. The delegation responded that the State party had ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD) as well as the Optional Protocol to the CAT, and had recognised the competency of individual complaints for the Convention on the Elimination of All Forms of Racial Discrimination, the CAT and the CRPD. It added that the State party was looking at ratifying the first Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention for the Elimination of All Forms of Discrimination against Women.

The Committee enquired about the reservation made to Article 14 of the CRC and asked if it would be withdrawn. The delegation emphasised that the interpretative declaration to Article 14 protected all beliefs in the State party and reiterated that Islam is the State religion. It further said that children were not victim of faith based discrimination.

### ***Coordination and monitoring***

The Committee noted that there were three bodies in charge of coordination, the Ministry for Solidarity, Women, the Family and Social Development, the Ministerial Commission on Children and the National Observatory on the Rights of the Child. It asked if these bodies were complementary and if resources had been set aside to ensure coordination. The delegation explained that the Ministry for Solidarity, Women, the Family and Social Development was the coordinating body and also held the role of secretariat for the Ministerial Commission on Children.

The Committee enquired about the National Plan of Action for Children 2006–2015 and on the results of the reviews of 2007 and 2011. The delegation said that the reviews had pointed out that progress was ongoing for education and that the protection policy needed to be structured.

The Committee took note of the current legislative reform to provide a monitoring mechanism and asked at what stage was this process. The delegation explained that it was currently being considered to strengthen the National Human Rights Council (NHRC) in accordance with the Principles relating to the Status of National Institutions in order for it to be able to receive and process complaints. It added that the NHRC had branches in various localities and that there was a special helpline. The delegation further said that the aim was to have a focal point in every region with the capacity to deal with complaints within 3 months.

### ***Corruption***

The Committee spoke of the studies on corruption that had been undertaken and asked if the results had been publicised. The delegation responded that the studies had a constitutional

status and had focused only on the health and transport sectors. It added that more studies would be launched and said that 60 measures in the healthcare sector had been proposed in response to the findings of the study. There would also be awareness raising campaigns.

### ***Dissemination and training***

The Committee enquired about the dissemination of the CRC and trainings given to professionals. It noted that only 1,500 copies of the CRC in Arab and French had been distributed. The delegation explained that the Children's Parliament raised awareness on human rights. It further said that the National Observatory on the Rights of the Child aimed to distribute the CRC in Amazigh. The delegation added that educational guides on the CRC had been disseminated.

### ***Data collection***

The Committee asked if there was a system to coordinate various sources of information. The delegation answered that the State party was working with the Office of the High Commissioner for Human Rights to have better indicators. It added that work was being done to develop indicators on the implementation of international conventions. The delegation acknowledged that data collection was not systematised.

### ***Cooperation with civil society***

The Committee underlined that funding had not been made available to civil society organisations. The delegation highlighted that civil society organisations were an important partner and that there was a specific budgets for them. It gave as an example the Ministry for Solidarity, Women, the Family and Social Development which earmarked 60 per cent of its budget for civil society. The delegation also pointed out that the relationship with civil society was not about funding but about a true partnership.

### ***Budget***

The Committee noted the discrepancies in wealth distribution and enquired about the spending on children, in particular on those who are the most vulnerable. The delegation acknowledged the social gaps and pointed out that the King had spoken about the necessity of bridging them. It further added that a current reform would enable to identify indicators to ensure a result-based budget.

## **General Principles**

### ***Non – discrimination***

The Committee noted that children born out of wedlock were victims of discrimination and that they risked stigmatisation due to the presence of this information on their identity cards. It also underlined the disparities between rural and urban settings as well as discrimination based on gender. The delegation acknowledged that the birth status was present on identity cards and that this predicament was not discussed openly. It declared that it would communicate the Committee's recommendation to remove such a mention to the government. The delegation explained that the Family Code had brought a great deal of benefits and that there had been developments in the patriarchal system. It underlined that there were no more gender inequalities in relation to inheritance and that granddaughters could now inherit. The delegation also mentioned that there had been progress achieved for the economic and social autonomy of women with, for example, banks being encouraged to provide credit to women entrepreneurs.

### ***Best interests of the child***

The Committee noted that the Family Code recognised the best interest of the child and it asked if the principle had been implemented in all programmes and laws. It also welcomed the fact

that decisions on legal responsibility were based on the best interest of the child. The delegation responded that the government was putting efforts to reform the legal regime.

### ***Respect for the views of the child***

The Committee asked about the difference between the children's parliament and the children's community councils. It also enquired about the participation of the most vulnerable children and those living in remote areas. The delegation responded that the elections for the children's Parliament followed the same procedure as the National Assembly and that there were representatives from all localities. It reassured that the voices of children were being heard and gave the example of the situation of domestic workers being often referred to in the children's parliament.

## **Civil Rights and Freedoms**

### ***Corporal punishment***

The Committee asked about the measures to ban corporal punishment. The delegation said that corporal punishment was prohibited in schools and that, in 2007, 27 teachers were indicted. In 2011, 112 parents had also been indicted for inflicting corporal punishment. 72 units with the mandate to receive complaints and initiate legal proceedings existed in the country. It added that, with the collaboration of UNICEF, a definition of corporal punishment as well as a guide had been produced. Awareness raising campaigns were also conducted with the involvement of civil society.

### ***Child abuse***

The Committee welcomed the abrogation of Article 475 of the Criminal Code and asked what had been undertaken to support victims of abuse. The delegation explained that for any sexual relationship out of wedlock, the girl was considered to be a victim, even if there was consent. It added that the first paragraph of Article 475 could still be applied and the perpetrator could be imprisoned for up to 5 years. The delegation also mentioned that 6 awareness raising meetings on violence in schools had been realised. It said that new protection mechanisms had been set up, such as helplines, special court units and special units in all first line services. Child protection units had also been created, with 8 being established in 2014. The government's goal was to have a unit in every province by 2016.

### ***Birth registration***

The Committee noted that 14 per cent of children were not registered at birth. It asked what measures had been taken to register children in remote areas and to raise awareness about the transmission of nationality. The delegation answered that the government was making efforts and emphasised that all children should be registered regardless of their status.

## **Family Environment and Alternative Care**

### ***Family support***

The Committee noted that there were many cases of abandonment at birth and asked if there were family support programmes to prevent abuse and neglect. It further highlighted the link between a failing family support programme and the continued increase of institutionalised children. The delegation did not respond to this point.

The Committee took note of the fact that children of incarcerated mothers could remain with them until the age of 3. It asked if measures were taken to prevent the detention of mothers. The delegation explained that, since November 2003, a legislation provided that both parents could not be imprisoned at the same time.

The Committee underlined that early childhood services were not developed in particular in rural areas. The delegation did not respond to this point.

### ***Institutions and family-based care***

The Committee noted the lack of alternative care and the high number of children in institutions. The delegation responded that the Ministry for Solidarity, Women, the Family and Social Development was in charge of monitoring the establishment of institutions and that current ones had been submitted to a review with the involvement of all stakeholders.

### ***Adoption***

The Committee raised concerns about the kafalah and underlined that it was not always in the best interest of the child, especially in cases of international kafalah. The delegation specified that judges who resorted to kafalah had to carry out a family investigation and chose the best possible candidates, locally and nationally. It added that it was in the best interest of the child to maintain his identity of origin and that he could not have a dual identity.

The Committee further enquired about the provisions that existed if the kafil died or decided to interrupt his guardianship. The delegation explained that if the child had been mentioned in the will he would inherit like a biological child of the kafil. It further said that if a judge ended the kafalah, the child would be considered as abandoned and be returned to his previous status. If the child was above the age of 12 he could be placed in shelters or foster care.

The Committee asked if the kafalah was a stigma for the child. The delegation answered that parents who raised the children were considered to be the real parents rather than the biological ones.

## **Basic Health and Welfare**

### ***Health services***

The Committee welcomed the remarkable achievement in the reform of health services. It nonetheless underlined the gap between urban and rural areas. The delegation stated that the State party aimed to eliminate inequalities based on gender and geographic areas by 2015. It explained that the State party also aimed to reduce the current rate of 112 new-born deaths in every 100,000 births. The delegation presented a national healthcare plan which aimed to develop care in rural areas through mobile medical teams and the improvement of specialised teams. The mobile teams had undertaken 12,000 visits in 2013. The delegation further detailed the equipment that was being purchased and upgraded as well as the reduction of the price of medicine.

The Committee noted the contradiction between the high use of contraception, with 60 per cent of women using it, and the high level of abandonment of children. It further asked if there was a reproductive health programme and highlighted that many abortions were performed despite the legal ban. The delegation responded that the government was working with the World Health Organisation in further strengthening reproductive health. It added that sexual education was provided in schools and that pregnant women were protected.

### ***Breastfeeding***

The Committee was concerned about the dropping rate in breastfeeding and asked why there were only 43 baby friendly hospitals out of more than a 100. It also underlined the violations of the code for infant formula. The delegation explained that there was a national strategy for nutrition 2011-2019 which mobilised society as a whole.

### ***Children with disabilities***

The Committee noted that 4.9 per cent of boys and 6.1 per cent of girls were diagnosed with some form of disability. It asked if institutions hosting children with disabilities were monitored. The delegation answered that a study on children with disabilities was underway and would be finished in December 2014.

### ***HIV and AIDS***

The Committee highlighted that only two thirds of adolescents and one third of girls had some knowledge about HIV transmission. It asked about educational measures that were being taken. The delegation said that the government was undertaking exemplary measures to reach a zero per cent rate of death and recurrence. Among those, the National Programme to Prevent STI/AIDS that had reached 80,000 individuals, mainly girls and women. Cost free detection had been extended to all and was undertaken in medical centres.

### ***Drug and substance abuse***

The Committee was concerned about the use of drugs and enquired about prevention and rehabilitation programmes. It also asked if the root causes of drug abuse were being addressed. The delegation responded that there were 2 specialised centres for children addicted to drugs, as well as other alternative healthcare centres that used methadone treatment. It also mentioned that priority was given to children with mental health problems and that the Ministry of Health had earmarked 2 per cent of its budget for purchasing medication.

### ***Harmful practices***

The Committee underlined that in 2012 there had been more than 3,000 early marriages and asked what measures had been taken to tackle this issue. The delegation responded that early marriages only represented between 10 and 11 per cent of marriages. It explained that minors had to give their consent and that a medical test was necessary to ensure that they had the capacity to get married. The delegation added that 70 per cent of early marriages concerned 17 year olds children. It further said that there had been a debate and a proposal to reduce the age of marriages to 16. However, a legislative amendment had been adopted to withdraw the discretionary power of the judge for marriages under 16 and to make them illegal.

The Committee enquired about polygamy and asked if it was still legal. The delegation answered that there was no discrimination against women and that the right to polygamy did not lead to their stigmatisation. There had been a decrease in polygamy, but the government believed it would be controversial to abolish it.

## **Education, Leisure and Cultural Activities**

### ***Pre-school education***

The Committee underlined that pre-school education was practically non-existent. The delegation responded that there had been significant achievements with the incorporation of 3,391 classes in primary schools.

### ***Education***

The Committee commended the increase of the budget for education and the higher rates of enrolment. It also welcomed the initiative which allowed 403,000 families to receive assistance if they enrolled their children in school. The Committee nonetheless raised concerns about the capacity of the State party to deal with the access to education of children from rural areas and those in vulnerable situations, such as the access to secondary education for girls from rural areas. The delegation highlighted that the dropout rate went from 4 to 1 per cent and that it was higher for boys. The delegation added that there had been a number of secondary schools built in rural areas and that infrastructure had been improved. It noted that 35,000 pupils had

reintegrated schools since 2006. The delegation further highlighted that the education budget had doubled since 2003 and that the number of children receiving assistance had quadrupled.

The Committee underscored the growth of private education and raised concerns about its impact on the public sector. The delegation explained that private schools existed in urban areas only, and that the government aimed to increase the number of private schools from 12 to 20 per cent. It added that teachers could not teach in both public and private schools but had to choose after the first year of training. The delegation emphasised that private schools were controlled in the same way as public ones and that there was no plan to use them as a substitute for public education.

### ***Children with disabilities***

The Committee highlighted that only a third of children with disabilities attended schools. The delegation said that there were specialised institutions as well as units within the public school system which provided education for children with disabilities. It acknowledged that modifications to infrastructure were necessary and increasing every year. The delegation underlined that training was provided to social workers and all the school personnel working with children with disabilities.

### ***Leisure and cultural activities***

The Committee asked about leisure activities organised by the State party. The delegation explained that there were summer camps, sport facilities and youth centres which had reached 6 million children.

## **Special Protection Measures**

### ***Juvenile justice***

The Committee noted the revision of the Criminal Code but underlined the lack of implementation and the subsisting gaps. It highlighted the fact that a lawyer could not be present during the first interview of a child in conflict in the law. The Committee enquired about detention periods and asked about the safeguards and the complaint mechanisms available to children deprived of their liberty. The delegation explained that during the custody of a minor there had to be a police officer for juveniles and a guardian. It added that children were only detained in 25 per cent of the cases with 17 per cent being kept in open facilities. Education was ensured and social workers supervised the child's behaviour. The delegation also said that children who had been convicted attended educational establishments which were under the supervision of the Ministry of Youth and Sports. There were 20 establishments in the State party with 5 of them only for girls. The delegation further specified that there was a complaint mechanism and guidelines which had been established in collaboration with the United States of America. It acknowledged that currently, juveniles could not access a lawyer during custody but that a draft bill including this safeguard was under study. The delegation stated that the age of criminal responsibility was 12.

### ***Refugees and asylum seekers***

The Committee enquired about the conditions in immigration facilities. It welcomed the 2013 migration policy and asked if the principle of *non-refoulement* was respected. The delegation explained that the key aim of the policy was to ensure the regularisation of the status of refugees, asylum seekers and irregular migrants. It underlined that Article 29 of the Law 02-03 on the entry and residence of foreigners prohibited the *refoulement* of minors and pregnant women. The delegation further emphasised that there were no detention centres for migrants in the State party.

### ***Street children***

The Committee noted that there had been many initiatives in relation to street children but that there was no evidence of follow-up. The delegation explained that there were 18 support centres for these children and that 2,031 children were currently being housed. It underlined the challenges involved in reintegrating these children into their families or into vocational training, as they would often leave after a few days and go back to the street.

### ***Child labour***

The Committee emphasised the insufficient number of labour inspectors who did not have access to all settings. The delegation acknowledged that it was difficult to monitor and oversee when the work was happening in the privacy of the home. It insisted that the State party was trying to curtail sexual abuse and added that society as a whole should monitor such cases.

The Committee raised concerns about the predicament of domestic workers and asked if the State party was planning to ratify the ILO Convention concerning decent work for domestic workers No. 189. It also enquired about the possibility of raising the minimum age of work. The delegation explained that the Labour Code stipulated that children under the age of 15 were not allowed to work and that there was no plan to raise the minimum age. It further detailed a new bill on domestic workers which would provide protection measures such as a contract and the obligation to have a document recording the consent of the guardian or parent.

### ***Sale of children, child prostitution and child pornography***

The Committee asked if all the crimes defined in the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) were criminalised in the legal system. It also asked if the State party envisaged extraterritorial jurisdiction as well as extradition based on the OPSC. The delegation responded that the State party followed the principle of territoriality, though it had a principle of open penal cooperation internationally and that the OPSC could be used as a basis for extradition. It further specified that under the new Constitution all the crimes defined in the Rome statute had been criminalised. The delegation detailed the sanctions for crimes under the OPSC and highlighted that the chapters 497 to 504 of the Criminal Code dealt with them.

The Committee enquired about sexual tourism and the involvement of the private sector. It asked in particular if businesses were liable and if there was a code of conduct. The delegation answered that there was no sexual tourism in the State party. It added that there were special police units which included units from the tourist police.

The Committee asked if the use of intermediaries and illegal adoptions were qualified as cases of sale. The delegation explained that adoption outside the legal framework was criminalised and carried a sentence of 5 years. It further noted that the use of intermediaries was considered to be trafficking and was illegal.

## **Concluding Remarks**

Mr. Hatem Kotrane, Ms. Amal Aldoseri, Ms. Maria Herczog and Ms. Sara Oviedo, the member of the task force, commended the high level and multidisciplinary delegation. They highlighted their concerns about the lowering of the age of marriage and the need to increase the minimum age of employment, as well as on the situation of refugee children.

The delegation welcomed the fruitful and rich debate. It underlined the usefulness of having an external perspective. The delegation noted that there were challenges and areas where work was ongoing, such as refugee children and domestic workers. It concluded by reminding the desire of the State party to cooperate with all United Nations bodies.