



Convention on the Rights of the Child

Distr.: General
3 November 2014

Original: English

Committee on the Rights of the Child Sixty-seventh session

Summary record of the 1906th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 3 September 2014, at 10 a.m.

Chairperson: Ms. Sandberg.

Contents

Consideration of reports by States parties (*continued*)

Combined third and fourth periodic reports of Morocco

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-15548 (E) 221014 031114



* 1 4 1 5 5 4 8 *

Please recycle 



The meeting was called to order at 10.05 a.m.

Consideration of reports by States parties (*continued*)

Combined third and fourth periodic reports of Morocco (CRC/C/MAR/3-4; CRC/C/MAR/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Morocco took places at the Committee table.*
2. **Ms. Hakkaoui** (Morocco), introducing the combined third and fourth periodic reports of Morocco (CRC/C/MAR/3-4), said that Morocco had achieved substantial human rights advances in the period under review. Its transitional justice model had been singled out as an example of best practice and well-defined reparation programmes had been developed which accorded special attention to women and child victims. An in-depth assessment of the country's development over the past 50 years had analysed the obstacles encountered and provided the bases for new poverty reduction and social inclusion policies. Legislative advances had included amendments to the Criminal Code, the recognition of equal inheritance rights for male and female grandchildren in the Family Code, the recognition of Moroccan citizenship for children born to a Moroccan mother and a non-national father in article 6 of the Nationality Code, and a ban on the employment of children under 15 years of age in the Labour Code. In public health, advances had included reductions in maternal and neonatal mortality, improved access to reproductive and antenatal health care, an increase in assisted childbirth, more effective control of contagious diseases, and free universal immunization for children. In education, indicators had shown a rise in the nationwide primary enrolment rate to over 96 per cent in the 2011/12 school year, with secondary enrolment in rural areas moving above 50 per cent for the first time.
3. Strengthening child protection through enhanced legal protection, outreach structures, prevention programmes and awareness-raising campaigns had been a particular government priority. The fruit of its efforts was a burgeoning new generation of services that encompassed counselling for women and children involved in court proceedings, integrated care units for victims of violence in hospitals, psychological support units in police facilities, anti-cybercrime initiatives, mediation mechanisms in educational institutions, and a family support fund to assist children during divorce. The social care system was undergoing review and a new integrated migration policy should ensure access to social and educational services for all immigrant children. Furthermore, protection against violence, non-discrimination, equal access to services and equal enjoyment of rights were all central elements of the Government's 2012–2016 "Ikram" plan for the empowerment of women and girls.
4. The Government of Morocco was particularly proud of its progress towards guaranteeing children's right to participate. The Children's Parliament, established in 1999, provided a vehicle for young people to learn about democracy, citizenship and active participation; children had been actively involved in the formulation of the National Plan of Action for Children 2006–2015, drawn up in accordance with the Declaration and Plan of Action for creating a world fit for children adopted at the special session of the United Nations General Assembly in May 2002; and a special ministerial commission on children, created under the National Plan of Action, worked to mainstream children's issues in all policy areas.
5. The National Plan of Action's efficacy in promoting children's rights had been reviewed in 2008 and 2011. Various stakeholders, including NGOs, the private sector, media representatives and children themselves, had contributed to the discussions. The second review had identified a need to prioritize child protection, prompting the organization, in April 2014, of a national conference to draft an integrated public policy,

with support from the United Nations Children's Fund (UNICEF). The resultant policy would seek to ensure effective government mechanisms to protect children against all forms of violence, aggression, neglect and exploitation, including sexual exploitation, pursuant to the new Constitution, duly ratified international treaties and the objectives set forth in the government programme for 2012–2016.

6. The Government of Morocco had signed the third Optional Protocol to the Convention of the Rights of the Child in 2012 and was firmly committed to harmonious interaction with all human rights treaty bodies. The Interministerial Delegation on Human Rights, established in 2011 in line with recommendations made in the context of the treaty body strengthening process, was developing a comprehensive strategy for following up on the recommendations of treaty bodies, including those relating to women and children. Three Council of Europe conventions directly related to children's rights had also been ratified recently: the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; the European Convention on the Exercise of Children's Rights; and the Convention on Contact concerning Children.

7. The new Constitution, adopted in 2011, represented a qualitative leap forward in consolidating the legislative framework, driving progress, fostering sustainability, combating discrimination, moving towards gender parity and building institutional capacity for the protection and promotion of human rights, including, notably, through the National Human Rights Council and the Ombudsman's Office. It also paved the way for reforms of the Criminal Code and the family and juvenile justice systems to achieve greater compliance with international human rights standards, and accorded new roles and responsibilities to NGOs, reflecting the State's commitment to strengthening participatory democracy.

8. **Ms. Aldoseri** (Coordinator, Country Task Force), expressing concern about the disparities between urban and rural areas in Morocco, the chasm that separated the wealthiest from the poorest families, and the discrimination suffered by girls, children born outside of wedlock and other especially vulnerable children, asked what the State party was doing to ensure that the principle of the best interests of the child was incorporated in all laws, policies and programmes and that respect for the principle was duly enforced. She would like to know what was being done to raise awareness of the amendment to article 6 of the Nationality Code and whether the State party would grant Moroccan nationality retroactively to all children concerned. Clarification as to the legal residence status of children born out of wedlock would be appreciated.

9. She would like to know what specific administrative and other measures had been adopted to prevent corporal punishment and protect children from violence, and how effective the measures had been. She welcomed the amendment of article 475 of the Criminal Code, which had previously allowed rapists to escape prosecution if they married their underage victims. However, because the girls concerned continued to view themselves as guilty parties rather than victims, practical measures were needed to support the reform, prevent double victimization and ensure due punishment for aggressors. Similarly, although the decision to raise the minimum age of marriage to 18 years for boys and girls alike was welcome, reports of over 3,000 underage marriages in the past year showed that practice was not yet in line with the law. What was being done to ensure full respect of the new legislation, and how successful was that action?

10. Lastly, expressing concern about the approximately 65,000 underage girls working in domestic service, where they lacked social protection and health insurance and were vulnerable to physical abuse, she asked whether the State party envisaged introducing penalties for employers of minors and bringing its regulations in line with the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

11. **Ms. Jesús De Oviedo Fierro** (Country Task Force), noting that there were at least three bodies involved in developing and overseeing policies and plans for children in Morocco (the Ministry for Solidarity, the special ministerial commission on children and the committee tasked with drafting the integrated child protection policy), asked the delegation to clarify the roles and duties of each, the financial, human and technical resources allocated to them and how their respective activities were coordinated at the national, regional and local levels. She also sought details of the body responsible for overseeing application of the Convention, including the law governing its operation.

12. More information about the conclusions drawn from the reviews of the National Plan of Action for Children conducted in 2008 and 2011 and about the integrated child protection policy developed following the second review would be appreciated. Was the integrated policy an offshoot of the Plan of Action, or a discrete plan that would replace the latter upon its expiry in 2015? She would like to know how the seeming plethora of plans, policies and bodies fitted together. She would also like assurance that specific provision was made for especially vulnerable groups of children and that social and geographical disparities were addressed, as well as clarification regarding the body responsible for receiving and processing reports of abuse.

13. Acknowledging the increased funding allocated to health, education and other areas, she asked whether universal health coverage had been achieved, whether any cost-benefit exercise had been conducted to assess the impact of the investments in new services, whether the budget allocations had been designed to channel greater resources towards those most in need, and whether data related to the investments were disaggregated to show how much was being spent specifically on children. Recalling that, in its concluding observations on the second periodic report (CRC/C/15/Add.211), the Committee had called for a number of improvements to the State party's data collection and monitoring systems, she asked whether adequate funds had been made available to close the information gap and guarantee the availability of pertinent, harmonized statistics.

14. Although the importance of cooperation with civil society was widely acknowledged, funding for the NGO sector remained insufficient. In addition, training and other activities undertaken to raise awareness of the Convention among professionals working with children and the public in general were too limited in their scope. In the private sector, and in tourism in particular, there was an urgent need to raise awareness of the potentially grave impact of development on the rights of the child. In that connection, she would like to know whether the legal responsibilities of private enterprises in respect of children were clearly defined in national legislation, whether compliance was monitored, and whether corporate codes of conducts had been introduced.

15. Lastly, she invited the delegation to clarify the differences between the Children's Parliament and the municipal children's councils, whether children had a voice on school councils, what mechanisms were in place to ensure children's right to be heard in family settings and, more generally, what was being done to challenge entrenched social views about the importance of children's right to participate.

16. **Mr. Kotrane** (Country Task Force) sought an update on progress towards ratification of the optional protocols to a number of key United Nations human rights treaties, and also towards withdrawal of the State party's reservation to article 14 of the Convention on the Rights of the Child. With regard to the latter, he noted with concern that press freedom and freedom of expression appeared to exist in principle only.

17. He asked whether there were plans to repeal provisions of the Family Code that discriminated against children born outside of wedlock, particularly given that new methods of proving paternity such as DNA testing were available.

The meeting was suspended at 11 a.m. and resumed at 11.20 a.m.

18. **Ms. Hakkaoui** (Morocco) said that the Ministry for Solidarity, Women, the Family and Social Development had 4,000 staff and was responsible for coordinating the Government's work, including plans and policies for children developed by all ministries. The different ministries also formulated local plans and policies that were implemented with the help of civil society. The special ministerial commission on children, chaired by the Prime Minister, was tasked with implementing the Convention.

19. Morocco was committed to addressing disparities between rural and urban populations and between the richest and the poorest in society and discrimination against women and children to ensure that all citizens enjoyed their full rights as enshrined in the Constitution. The disparities were partly due to cultural attitudes developed over centuries, which both the Government and civil society were trying to change. In addition, a number of bills were before Parliament, including on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on domestic workers and on limiting the discretionary powers of judges to waive the statutory minimum marriage age.

20. **Mr. El Haiba** (Morocco) said that progress was being made towards ratification of the optional protocols of the core international human rights instruments. Morocco had already ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities, ratification of the First Optional Protocol to the International Covenant on Civil and Political Rights was currently under consideration and bills on the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women were almost ready for submission. The Government, aware that the ratification of optional protocols was not enough and that there was a need to provide a conducive environment for implementation and to foster a human rights culture, had launched an open public dialogue on the issue 15 years' previously. Two clear indicators of a growing human rights culture in Morocco were the effective interaction between governmental institutions and civil society and the success of the Children's Parliament.

21. The Children's Parliament ensured that children's voices were heard and that the Government was held accountable for all matters pertaining to children's rights. The Children's Parliament existed at local and regional levels, with 90 members selected on the basis of excellence in proposals submitted for development projects, especially local projects for deprived areas. Children with special needs and from deprived areas and abandoned children were encouraged to apply for selection.

22. The official body responsible for overseeing the implementation of the Convention was the National Human Rights Council, which had been established in accordance with the Paris Principles, and comprised members from professional associations and civil society organizations. The Government was looking into ways and means by which the Council could follow up treaty body recommendations. The Council had an important role in handling complaints of human rights violations, including violations of children's rights. Indeed, all government sectors had a complaints focal point within the National Human Rights Council and a three-month deadline had been set for responding to complaints lodged. The Interministerial Delegation on Human Rights, established in line with recommendations made in the context of the treaty body strengthening process, would be responsible for coordinating the human rights activities of all ministries.

23. It was true that further efforts must be deployed to raise awareness of the Convention and its two optional protocols. In addition to a number of national and local programmes, the National Observatory on the Rights of the Child was making efforts to disseminate the Convention in both Arabic and French and the Government was also

looking into publishing it in the Amazigh language, which was an official language recognized in the Constitution.

24. **Ms. Hakkaoui** (Morocco), explaining the relationship between the Children's Parliament and the municipal children's councils, said that all councils came under the supervision of the Supreme Council. The municipal children's councils had been established by the Children's Parliament and served as official councils, thus strengthening Morocco's institutional framework and ensuring children's access to governmental institutions.

25. **Mr. Ait Aazizi** (Morocco) said that the National Plan of Action for Children 2006–2015 had been established in response to the Declaration and Plan of Action for creating a world fit for children adopted at the special session of the United Nations General Assembly in 2002 and the recommendations made by the Committee in 2003 in connection with the State party's second periodic report. The special ministerial commission on children served as a follow-up mechanism. The midterm reviews of the Plan of Action had highlighted positive achievements in education, health and children's participation, but shortcomings in child protection, particularly in meeting the needs of children from vulnerable groups. As a result, the integrated child protection policy had been devised which introduced approaches to protection in line with international conventions on children's rights. Under the policy, national and local programmes addressed issues raised during the midterm review such as protecting children subject to violence and children living in difficult situations, especially in poor families. It also responded to the recommendations made on cross-cutting issues raised by government partners, including children's associations and civil society organizations.

26. With regard to government funding allocated to children, recent legislation on budget reform provided for the establishment of indicators with a view to making appropriate budget allocations. The Government would draw on its experience of social sector budgets and use relevant tools and techniques to establish a budget specifically for children, with the ultimate goal of identifying the precise amount allocated for the implementation of individual conventions, projects, programmes and public policies. Currently, each ministry had its own budget, from which it allocated funding for children.

27. Concerning improvements to data collection, various indicators were being established on children based on information collected from the national census and by the health, social protection and education sectors. Data on the protection of child victims of violence was available but had not yet been compiled. Plans were under way to process the data and develop an integrated system based on the statistics collated and information provided by the education and health sectors.

28. Recognizing the importance of civil society organizations as partners in implementing policies, the Government had allocated specific funds to them. Over 1,000 civil society organizations received 100 million dirhams from the different ministerial budgets.

29. **Mr. Alami** (Morocco) said that underage marriages accounted for around only 10 per cent of all marriages. Minors involved must give their consent and undergo a medical test to ensure that they were mentally and physically able to enter into marriage. Steps taken to raise awareness among judges responsible for authorizing marriages in an effort to reduce the practice had resulted in underage marriages falling by 10 per cent in 2012–2013. Over 6,000 marriage licence applications had been rejected in 2013 and 70 per cent of marriages involved people aged 17 years and above. The bill before Parliament to limit the discretionary powers of judges to waive the statutory minimum marriage age would lead to amendments to the Family Code and the Personal Status Code in accordance with international instruments.

30. The Government was making efforts to register the birth of all children, irrespective of whether or not they were born out of wedlock. Nationwide awareness-raising campaigns, including in remote areas, had led to 90 per cent of births being registered.
31. The amendment to the Nationality Code was retroactive and applied to all children born before the legislation came into force. Under article 158 of the Family Code, it was possible to use modern methods to prove paternity, irrespective of whether or not the birth took place out of wedlock.
32. A definition of violence against women and children had been established and guidelines had been drawn up in line with international standards, with the assistance of UNICEF. Around 72 special units had been set up in Morocco to receive complaints about violence against children, on the basis of which investigations and legal proceedings could be launched.
33. With regard to incorporating the best interests of the child in laws, policies and programmes, one objective of the guidelines on combating violence against women and children had been a reform of the legal framework. Procedures and legislation had been introduced to protect children and ensure that the perpetrators of offences such as enforced child prostitution, child pornography and child begging were prosecuted. Furthermore, ongoing training was provided for members of the judiciary, inter alia, to ensure that they were fully conversant with the Convention.
34. **Mr. Oujour** (Morocco) said that the primary school enrolment rate for 2012 had been 99.6 per cent (99.1 per cent for girls), compared to 91 per cent (89 per cent for girls) for 2007–2008. Considerable efforts had been made to combat corporal punishment in schools, including by allocating significant budget funds, involving civil society and creating public awareness centres to spread the message that corporal punishment was prohibited and punishable. Efforts had also been focused on children from vulnerable groups, with funding set aside to provide extra tuition to prevent school failure and dropouts.
35. **Ms. Hakkaoui** (Morocco) said that the delegation wished to provide more information on corporal punishment.
36. **Mr. Oujour** (Morocco) said that corporal punishment was forbidden in schools and that a number of teachers had been prosecuted.
37. **Ms. Hakkaoui** (Morocco) said that a study on corporal punishment in schools had been carried out and its conclusions had led to better identification of the problem and implementation of measures to curb it. Corporal punishment was, however, rare in schools and children's institutions. The Government supported civil society in combating marginalization and poverty and was present in remote areas. Special services for the needy and support for establishments responsible for implementation had been established.
38. **Ms. Brahmi** (Morocco) said that projects had been launched in many areas, including health care and education for children, as part of the National Human Development Initiative.
39. **Ms. Hakkaoui** (Morocco) said that details and statistics regarding the projects would be provided at a later date.
40. **Mr. El Haiba** (Morocco) said that the Constitution protected all beliefs through the values of tolerance and openness. The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred constituting incitement to discrimination, hostility or violence had been launched two years previously, protecting children against all forms of discrimination. There was a telephone hotline and centre where children could report acts of violence committed against them; children's rights were monitored and addressed in

remote regions by different units and the local branches of the National Human Rights Council. Morocco was now a country of destination for foreign workers and needed to confront problems linked to immigration and culture; to that end it had initiated reforms and drafted a large number of bills.

41. **Ms. Hakkaoui** (Morocco) said that all children were dealt with according to the same rules and principles. Moroccan legislation drew on Islamic law, which distinguished between “natural” children and those born out of wedlock but did not discriminate between the two categories; all children enjoyed the same rights.

42. **Ms. Herczog** (Country Task Force) asked whether there were programmes to prevent child neglect and abuse, inform parents about children’s developmental needs and provide support for parenting difficulties. She wished to know what services were available to prevent the abandonment, neglect and abuse of children and to provide early intervention and support, rather than institutionalization. She asked whether the increasing rate of institutionalization of children was due to the failure of family strengthening programmes, and if so, how such programmes could be bolstered. There was a lack of kinship and foster care provisions for children in institutions; moreover, early childhood services seemed very limited, especially in rural areas, thereby hindering children’s development and preventing mothers from working. She requested information on monitoring quality and standards in the child protection system. The Committee had received information that corporal punishment was legal in alternative care settings and she asked in which circumstances it was carried out and whether there was a complaint mechanism for children in such settings.

43. Turning to the differences between urban and rural areas in terms of health-care services and access, she asked how they could be improved and how services for older children could be developed. She requested clarification on whether children received reproductive health education and what programmes were in place to provide information on illegal abortions and abortion pills, which were often used by girls.

44. She sought information on addiction-prevention programmes for children and rehabilitation and treatment for children and family members addicted to drugs. She asked why there were so few baby-friendly hospitals, how the State party intended to educate pregnant women and mothers on the importance of breastfeeding and what efforts had been made to prevent violations of the International Code of Marketing of Breast-milk Substitutes. Noting the surprisingly high number of children with disabilities in Morocco, she asked whether research had been conducted into the causes of disabilities and possible preventive measures. The frequent abandonment, institutionalization and low school enrolment rate of children with disabilities were cause for concern. Lastly, she requested information on conditions for children living in prison with their mothers, the services provided for them and possible alternative measures to imprisonment for mothers with young children.

45. **Ms. Aldoseri** asked whether measures would be adopted to raise awareness among adolescents of the means of transmission of HIV/AIDS. She commended the progress made in the area of education but was concerned about the State’s capacity to adopt comprehensive, practical strategies to deal with access to education for vulnerable children; obstacles to girls’ enrolment in secondary education, particularly in rural areas; the increasing dropout rate, especially at the secondary level; the lack of preschool education facilities and transparency in managing education resources. To what extent did the delegation believe that private education affected social disparities and children’s right to a good education?

46. **Mr. Kotrane** said that, despite the delegation’s claims that children did not suffer discrimination, Moroccan law treated children under the custody and guardianship systems differently. The Committee had concerns regarding the practice of *kafala* (foster care) and

he asked what steps the State party intended to take to ensure greater stability for children under the *kafala* system in the event of the death of their guardian, for example. The right of children to an alternative family environment should be guaranteed. While commending the State party's review of its child labour legislation, he noted that the review seemed to have been ineffective, given that the practice remained widespread. He asked what measures were envisaged to combat child labour, especially among vulnerable groups and in sectors that were detrimental to children's health, and to eradicate domestic work among children. Did the State party intend to ratify the ILO Domestic Workers Convention, 2011 (No. 189)?

47. Some problems persisted regarding the treatment of children in reception centres for asylum seekers, such as violence and lack of schooling. What steps would be taken to treat those children in accordance with international regulations? Lastly, he drew attention to several shortcomings in the juvenile justice system, including a lack of units and judges specializing in cases relating to children; the absence of guarantees at the investigation, trial and appeal stages and with regard to children's detention; and the fact that children in pretrial detention were held under the same conditions as adults. He asked whether there were any complaints mechanisms for children deprived of their liberty and whether they were heard in cases of corporal punishment or violence. There did not seem to be any rehabilitation and reintegration programmes for children leaving detention centres. What was the State party's position on bringing juvenile justice into line with the Convention on the Rights of the Child and other international instruments?

48. **Ms. De Jesús Oviedo Fierro** asked for information on the outcomes of the study into the effects of corruption on education and health care, the programme to promote transparency in the education system and the anti-corruption plan 2010–2012. She would also welcome specific examples of legal proceedings and appeals initiated by children and their impact on the justice system. What were the implications of the decision to allow 15-year olds to decide which parent should be granted custody of them?

49. She asked when the Higher Council on Women and Children had been created, whether it complemented or replaced other forums and what its role would be. Lastly, she asked whether funding for civil society had increased or decreased, and whether the National Plan of Action for Children 2006–2015 received funding.

The meeting rose at 1 p.m.