



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-seventh session

### Summary record of the 1907th meeting

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

*Chairperson:* Ms. Sandberg

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*The meeting was called to order at 3 p.m.*

**Consideration of reports of States parties** *(continued)*

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

*Initial report of Morocco on the implementation of the Optional Protocol to the Convention on the Rights of the Child, regarding the involvement of children in armed conflict (CRC/C/OPAC/MAR/1; CRC/C/OPAC/MAR/Q/1 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Morocco took places at the Committee table.*
2. **Ms. Hakkaoui** (Morocco), in reply to questions asked at the previous meeting, said that the creation of the Family and Children's Advisory Council formed part of the progress envisaged by the Constitution but that the Council had not yet been set up. The main agency responsible for the issues covered in the Convention was currently the Ministry for Solidarity, Women's Affairs, the Family and Social Development, and more precisely its Directorate of Women's, Family, and Children's Affairs. The bill providing for the creation of the advisory council was being drafted but had not yet been submitted to parliament. Minors who were members of the youth parliament were elected by their peers by the same procedure as adult members of parliament.
3. The majority party in the government coalition had proposed that the minimum age of marriage should be lowered to 16, with no possibility of derogation, with the goal of limiting the discretionary power of judges, who could currently authorize marriage for persons under the current legal age of 18, as a result of which many girls married very young. Debates on this bill were still ongoing in parliament. Men and women had equal rights as far as the guardianship and custody of children were concerned, given that the Family Code stipulated that children's guardians should be their mother and father.
4. Civil society was well developed in Morocco; there were some 90,000 associations, most of them created since 2005. Those associations contributed actively to the development of various governmental projects. Hence, the relationship between the State and the associations was no longer that of funder and beneficiaries, but instead an authentic partnership.
5. **Mr. Ait Aazizi** (Morocco) added that most of the ministries collaborated with civil society. The Ministry of Education, the Ministry of Health, the Ministry of Justice, the Ministry of Youth and Sports, and the Ministry for Solidarity, Women, the Family and Social Development had all had their budgets significantly increased over the last few years.
6. **Ms. Tebbane** (Morocco) said that the authorities were aware of the disparities between urban and rural men and women, especially regarding health. An ambitious plan of action aimed at reducing maternal and infant mortality had therefore introduced many measures for improving health care services in rural areas. Similarly, the Government was implementing a national project aimed at improving health in rural areas and under its auspices, mobile medical teams had conducted approximately 12,000 general consultations and 100 specialized consultations in 2013. A programme for the development of emergency health care set up in the same year had made possible the purchase of 3 helicopters, 42 ambulances and various kinds of equipment for dispensaries, in addition to the creation of 2 centres in Marrakech and Rabat, specializing in the treatment of wounds and burns. So as to make medicines more affordable, a very significant reduction in the price of about 800 medicines had been enforced by decree. People with basic medical insurance accounted for 87 per cent of the population, and a regime of specific medical assistance had been set up for the most disadvantaged groups without health insurance. A second strategic plan aimed

at combating HIV/AIDS had been adopted for 2012–2016, through a partnership between the Ministry of Health, WHO and other United Nations specialized agencies. It aimed to attain a zero AIDS mortality rate through universal access to health care, awareness-raising activities about the importance of early HIV detection, and free HIV detection services for all persons. In parallel, the National Strategy for Reproductive Health was aimed at consolidating achievements in the area of family planning. It provided for sex-education courses in schools and followed the recommendations of the WHO document *Family Planning: a global handbook for providers*. It also aimed to make breast and cervical cancer screening available for all. It had been decided to make mental health a priority and to adopt a national mental health plan. Three psychiatric centres had been set up in Marrakech and 10 mental health institutions had opened around the country, and there were plans to set up 5 more. Morocco also had two centres for treatment, prevention, and research on addictions, which had made methadone substitution therapy available. Lastly, the encouragement of breast-feeding was an integral part of the National Nutrition Strategy (2011–2019). The Ministry of Health was endeavouring to promote respect for the International Code of Marketing of Breast-milk substitutes.

7. **The Chairperson** asked for further information on what the State party was actually doing to implement the International Code of Marketing of Breast-milk substitutes.

8. **Ms. Tebbane** (Morocco) said that the whole of Moroccan society was mobilized to encourage women to breast-feed, in particular medical centre staff, who were the first link in the chain.

9. **Mr. Oujour** (Morocco) said that his country's efforts over the past 10 years to develop better indicators concerning the education system and the very significant investments it had made in education (the budget for education had practically doubled between 2003 and 2014) were beginning to bear fruit. The school dropout rate and number of children not attending school were falling sharply at the primary, junior secondary, and senior high school levels. Efforts had focused on the building of schools in rural areas and on financial support for education. More and more and more families were eligible for allowances for schoolchildren, funding assistance for the purchase of school materials, grants or free school transport. Moreover, remedial programmes were set up in April and May of each year. Since 2006, those programmes, which mobilized local teachers and communities, had made it possible to bring 35,000 students who had dropped out of school back into the education system.

10. **Ms. Aldoseri** (Coordinator, Country Task Force) asked whether the State party planned to create preschool establishments in rural areas.

11. **Mr. Mezmur** asked about the effects of the adoption of the National Charter for Education and Training on the quality of private education and on school inspection, in particular at the primary level. He wished to know whether the increase in the number of private educational institutions, upon which the authorities seemed to look favourably, fostered discrimination between families based on their income.

12. **Mr. Oujour** (Morocco) said that the Ministry of Education had been working since 2009 to bring preschool education, which was largely informal, into primary schools. Private schools existed only in large cities. The National Charter for Education and Training provided for measures aiming to encourage the private sector. Baccalaureate results were currently higher among students who had been to public schools.

13. **Ms. Hakkaoui** (Morocco) explained that teachers were unable to teach in both public and private schools at the same time. They were subject to the same inspections in both kinds of school.

14. **Mr. Kotrane** pointed out that in practice, many teachers worked in both education systems, as figures from national education surveys showed.
15. **Ms. Hakkaoui** (Morocco) explained that a teacher could pass from one system to the other only after having undergone training.
16. **Mr. Ait Aazizi** (Morocco) said that the country had 1,500 social welfare institutions, some of them dealing specifically with street children, abandoned children, and children from rural areas, whose school enrolment they tried to encourage. Many measures had been taken to enable children to continue to live with their families, including the creation of a social cohesion fund to provide support for widows.
17. **The Chairperson** asked for further information about the monitoring body that conducted the inspections of those institutions, the number of children placed within them and the criteria used for placement.
18. **Mr. Mezmur** asked for what precise reasons many families turned to private education.
19. **Mr. Ait Aazizi** (Morocco) said that the social protection institutions were governed by the law on social protection institutions, and that they were under the control of the Ministry for Solidarity, Women, the Family and Social Development. A committee was responsible for monitoring their operation (number of children accommodated, financial resources, etc.).
20. **Ms. Hakkaoui** (Morocco) pointed out that the authorities did not want to replace public with private education and that all establishments were required to respect education legislation.
21. **Mr. El Haiba** (Morocco) said that private education was encouraged only so as to guarantee a multiplicity of services. Education remained a public service.
22. **Ms. Hakkaoui** (Morocco) pointed out that an initial study on children with disabilities had been conducted in 2006. The second such study had been conducted in 2013, and the Committee would be informed of its results, which would be published in December 2014. Specialized teaching units and associations provided assistance to children with severe disabilities who were unable to attend mainstream schools. The authorities were currently considering how to integrate that facility into the public education system.
23. **The Chairperson** asked whether there was a system of inclusion to enable children with disabilities to have access to all sectors, including leisure activities.
24. **Ms. Hakkaoui** (Morocco) said that a law to guarantee the exercise of all rights enshrined in the Convention on the Rights of Persons with Disabilities had recently been enacted. In 2013, a committee responsible for coordinating all sectors concerned had been set up to meet the needs of persons with disabilities. There was also a national solidarity fund, and part of its budget was allocated to children with disabilities.
25. **Mr. Cardona Llorens** asked whether the authorities planned to set up truly inclusive schools.
26. **Ms. Hakkaoui** (Morocco) said that the number of classes especially for children with disabilities was continually increasing and that the current policy was aimed at guaranteeing access to regular schools for all children with disabilities.
27. **The Chairperson** drew attention to the importance of teacher training for the success of inclusive education.

28. **Ms. Hakkaoui** (Morocco) said that Morocco was cooperating with international agencies and French organizations in order to train social workers in that area and raise their skill levels.

*The meeting was suspended at 4.40 p.m. and resumed at 5 p.m.*

29. **Mr. Alami** (Morocco) said that for minors, Moroccan criminal legislation provided for a system that drew on police officers, prosecutors, and judges who had undergone specialized training. Minors who had committed an offence were brought before a juvenile court judge, who would determine what measures were to be taken. The minors were returned to their families in approximately half of the cases. Those who were released under supervision were monitored by a court-appointed social worker or expert psychologist.

30. **Mr. Shaimi** (Morocco) said that the child protection centres came under the responsibility of the Ministry of Youth and Sports. They were social and educational establishments that took in young people between the ages of 12 and 18 in conflict with the law in order to foster their social reintegration. There were currently 20 such centres, 5 of them reserved for girls. They offered literacy classes and educational support classes, as well as vocational training in a number of areas, such as carpentry, sewing and hairdressing. In order to prevent violence and ill-treatment in those centres, the Moroccan Government, together with the United Nations Children's Fund (UNICEF), had set up a complaints mechanism and published a guide on the procedures to be followed in the event of violence.

31. **Mr. Cardona Llorens** asked whether it was true that child victims of crime, child beggars, or children with disabilities were sometimes placed in those centres. He wished to know whether the child's age determined the centre to which they were sent, or whether children of all ages might be sent to the same establishment.

32. **Mr. Kotrane** (Country Task Force) asked what was the maximum period of time that a person could be held in police custody and pretrial detention in the State party.

33. **Mr. Alami** (Morocco) said, regarding continuing education, that juvenile court judges and Prosecutors-General had access to the training programmes developed jointly by UNICEF and the Ministry of Justice. Children were kept in police custody in separate facilities. The initial period of custody was 24 hours, renewable once. The draft Code of Criminal Procedure stipulated that minors could receive assistance from a lawyer and from a parent or guardian for the duration of their custody. The age of criminal responsibility was 12 years, and children over 12 were covered by the juvenile justice system. Juvenile court hearings were held in camera and in the presence of a lawyer and the child's parent or guardian.

34. **Mr. Mechak** (Morocco) said that the placement of children in difficult circumstances in child protection centres was subject to a court decision.

35. **Mr. Alami** (Morocco) said that before placing a child in a family under the kafala system, the judge would conduct a social inquiry so as to ensure that the family was in a position to care for the child. Since 2011, prosecutors-general were required to monitor the placement of a child under the kafala system in order to ensure that the child was in fact well protected. This new procedure had not led to a drop in the number of placements.

36. Detainees who were breast-feeding had the right to keep their child with them in prison. In Morocco's large detention centres there were prison blocks set aside for them. Article 33 of the Code of Criminal Procedure, as amended in 2003, prohibited the simultaneous detention of both parents of a minor.

37. **The Chairperson** asked why a non-resident was not allowed to become a kafil (i.e. the person responsible for the makfoul, or child placed in kafala) and whether it was true that kafala was sometimes used to exploit children economically.

38. **Mr. Cardona Llorens** asked how the principle of the best interests of the child was upheld in cases of international kafala, given that the *makfoul* could not take up the nationality of his or her *kafil*.

39. **Mr. Kotrane** said that the Committee considered that the kafala system did not provide the child with adequate stability, in particular because the kafala relationship ended when the *kafil* died, and moreover the kafala system was not comparable to adoption. He would like to know whether the State party had established its international competence for offences covered by the Optional Protocol on the sale of children, child prostitution and child pornography, for situations in which such offences were committed abroad by a Moroccan, or a person normally residing in Morocco.

40. **Ms. Hakkaoui** (Morocco) said that kafala was recognized internationally and that it provided protection similar to that provided by adoption. The international community had to allow muslim children placed in kafala to enjoy the same rights as adopted children. The kafala system guaranteed the stability of the relationship because the relationship would end only when the *kafil* died. In keeping with the principle of the best interests of the child, the *makfoul*'s national identity at birth had to be maintained. Scientific research had shown that the possession of joint nationality could be destabilizing.

41. **Ms. Khazova** asked what the status of the *makfoul* within the family was, and what would happen to him or her when the *kafil* died or was unable to continue to look after him or her.

42. **Ms. Hakkaoui** (Morocco) said that a *kafil* could mention his or her *makfoul* in his will and bequeath a third of his possessions to him or her.

43. **The Chairperson** asked whether, after the *kafil*'s death, his spouse could continue to look after the child.

44. **Mr. Mezmur** asked whether the State party had ensured that the asylum bill provided for special procedures for unaccompanied minors and child asylum seekers, including the possibility of appointing a legal representative to defend their interests. He wished to know the extent to which the State party respected the principle of non-refoulement and ensured that children were not sent back to places where they risked persecution or violations of their rights. On that subject, he invited the delegation to comment on the issue of five children sent back to Algeria by being left just on the other side of the border, according to reliable sources.

45. **Ms. Aldoseri** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked how military authorities could know for sure that recruits had really reached the age of majority given that not all of them had birth certificates. She wished to know whether legislation prohibited and punished the recruitment of minors, including in cases where such recruitment was carried out by non-State armed groups. If so, she wished to know whether such recruitment was an ordinary offence or a war crime and, in that connection, whether the law had precise definitions of war crimes and crimes against humanity. She would also like to know which legislative provisions governed the care of children recruited by armed groups abroad when such children showed up at the border and, in particular whether those children were referred to rehabilitation centres. With regard to offences committed in 2007 by members of the Royal Armed Forces involved in peacekeeping operations in Côte d'Ivoire, some of which Morocco denied, she wished to know whether the State party was able to prove that the events denied by Morocco had indeed not taken place, and whether the penalties imposed on Moroccan soldiers who were proved guilty were in proportion to the seriousness of the offences.

46. **Ms. Oviedo Fierro** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked about the exact nature of the awareness-

raising and training programmes on the principles enshrined in the Optional Protocol on the involvement of children in armed conflict, targeting persons working with children, including teachers. She also wished to know whether military and law enforcement officers had participated in such training and awareness-raising, and what the outcome had been, what measures had been taken to promote a culture of peace and tolerance, and why the “military schools and training centres” did not provide teaching in military matters, given their name. She would like to know what measures had been taken in collaboration with UNICEF in order to give effect to the provisions of the Optional Protocol on the involvement of children in armed conflict. Having heard that the State party gave neither protection nor psychological support to refugee children who had been involved in armed conflicts abroad, and even sent them back to their countries of origin, she would like more information about the way such children were treated. Further information about the recruitment of children by private security firms would also be welcome.

47. **Mr. Kotrane** said that the fact that there were no non-State armed groups in Morocco and that legislation prohibited the recruitment of young people under the age of 18 into the Royal Armed Forces did not relieve the State party of its obligation to expressly prohibit and punish the use of children by armed groups other than the Royal Armed Forces in times of conflict. Moreover, the fact that the Optional Protocol took precedence over national legislation did not justify a State party’s failure to adopt a law specifically prohibiting the involvement of children in armed conflict. Lastly, he wished to know whether the State party had established its extraterritorial jurisdiction over the acts targeted by the Optional Protocol committed by Moroccans abroad or by persons usually residing in Morocco.

48. **The Chairperson** asked whether the State party planned to prohibit polygamy and end discrimination against girl children with regard to inheritance. She would appreciate the delegation’s comments on the issue of discrimination endured by children born out of wedlock, whose particular status was indicated on their identity cards with a special code. Finally, she would like the delegation to comment on the issue of adolescents who had children out of wedlock and could not pass their name on to their child without their father’s agreement.

*The meeting rose at 6 p.m.*