



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 1908th meeting

Held at the Palais Wilson, Geneva, on Thursday, 4 September 2014, at 10 a.m.

Chairperson: Ms. Sandberg

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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 (*continued*) (CRC/C/MAR/3-4; CRC/C/MAR/Q/3-4 and Add.1)

Initial report of Morocco on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (*continued*) (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. **Mr. Kotrane** (Country Task Force) asked what action had been taken to implement the recommendations made by the Committee following the State party's presentation of its initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. He wished to know whether Moroccan legislation reproduced the definition of prohibited acts found in the Optional Protocol, whether trafficking for the purpose of adoption was classified as the sale of children and whether legislation on sex tourism had been amended to guarantee full compliance with the Optional Protocol. He asked whether the State party had established the criminal liability of legal persons for the offences covered by the Optional Protocol and requested more information on the penalties imposed for violations of the Optional Protocol. He also asked whether forced child labour was treated as the sale of children.
3. **Mr. Cardona Llorens** asked what steps the State party had taken to protect the rights of children living in the Western Saharan refugee camps, in particular the right to health and the right to education.
4. **Mr. Gastaud** requested details of the programmes in place to ensure that children in rural and remote areas had access to leisure and cultural activities and asked whether those activities were free of charge. He requested more information about the results achieved by the strategies for street children.
5. **Mr. El Haiba** (Morocco) said that the new migration policy was underpinned by human rights, the international instruments ratified by Morocco and the provisions of the new Constitution, which guaranteed the rights of foreigners, regardless of their situation. In that connection, an operation had recently been carried out to regularize the status of asylum seekers and persons recognized as refugees or registered with the Office of the United Nations High Commissioner for Refugees (UNHCR) in Rabat. The status of minors had been regularized as of right under the regularization process of their parents. A second one-off regularization exercise, launched on 2 January 2014, was aimed at regularizing the administrative status of the foreign spouses of Moroccans and other aliens in an irregular situation in Morocco and their children. Around 8 per cent of applications involved persons under 20 years of age.
6. As part of improvements to its legal and institutional framework on migration, Morocco had drafted three bills, which related in particular to trafficking and the protection of victims and to asylum and refugees. Article 29 of Act No. 02-03 of 2003 on the entry and residence of foreign nationals in Morocco already prohibited the removal of a pregnant woman or a foreign minor. He recalled that allegations that five foreign children had been escorted back to the border with Algeria were not based on any concrete evidence. An investigation by the competent authorities could only be opened upon submission of hard evidence. Although legislation provided for the establishment of detention centres, there were currently none in Morocco.

7. He said that offences committed abroad by a foreign national were not subject to Moroccan law, with the exception of offences prejudicial to the national interests of the Kingdom of Morocco. The principle of territoriality prohibited the prosecution and punishment of the citizens of another State who had come to Morocco after committing an offence abroad, except as provided in order to protect national interests. Moroccan nationals could be prosecuted and convicted on their return to Morocco for an offence committed abroad if they had not already been convicted and served a sentence abroad for the offence in question.

8. **Mr. Kotrane** (Country Task Force) recalled that international law went beyond the principle of territoriality when children's rights were involved and that it provided for the prosecution of offences committed abroad, without the requirement of dual criminality.

9. **Mr. El Haiba** (Morocco) said that Morocco had an open policy when it came to international cooperation in combating offences committed against children. It had signed the Rome Statute of the International Criminal Court, and under the new Constitution crimes against humanity, genocide and all serious and systematic violations of human rights were punishable by law.

10. **Mr. Abdelali** (Morocco) said that members of the Ministry of Defence and the Royal Armed Forces routinely received training in international humanitarian law, whether stationed in Morocco or abroad. Between 2007 and 2013, more than 200 officers and non-commissioned officers had taken part in approximately ten training sessions in Morocco, and 15 senior officers of the Royal Armed Forces had been trained in international humanitarian law in different countries between 2012 and 2014. He said that military schools and training centres were secondary schools like any other educational establishments, except that their operating budgets and equipment were provided by the National Defence Administration. After passing the baccalaureate, students from those institutions were free to choose their university studies. If they wished to join a military academy, they had to pass the entrance examination, like any other student who had passed the baccalaureate. The investigation conducted into the actions of the Moroccan contingent in Côte d'Ivoire in 2007 had found that the allegations had been substantiated for only 4 of the 14 soldiers concerned. The Permanent Military Tribunal of the Royal Armed Forces had sentenced them to penalties of up to 2 years' imprisonment and expelled them from the Royal Armed Forces.

11. **Mr. Tahiri** (Morocco) said that any application to join the Royal Armed Forces must contain a certified copy of the national identity card and an original copy of the birth certificate. The Ministry of Justice and Freedoms had drafted a bill prohibiting the recruitment of minors.

12. **Mr. Karraky** (Morocco) said that articles 497 to 504 of the Criminal Code concerned corruption of a minor and prostitution. Any person who promoted or facilitated the debauchery or prostitution of minors under 18 years of age was liable to a prison term of 2 to 10 years and a fine of between 20,000 and 200,000 dirhams. A prison term of 1 to 5 years and a fine of 5,000 to 1 million dirhams were imposed on any person who knowingly abetted the prostitution of others or hampered efforts to rehabilitate child victims, unless there were aggravating circumstances, in which case the perpetrator was liable to a prison term of 10 years. The same punishment was envisaged for anyone who produced, distributed, published, imported, exported, exhibited, sold or possessed pornographic material. He said that any adoption performed outside the law resulted in a criminal prosecution and a specific law on the sale of children would be adopted in the near future.

13. **Mr. Alami** (Morocco), giving details of amendments to the Criminal Code, said that forced labour was henceforth a criminal offence, as was the sale of children, which was defined as the act of a person or a group of persons transferring a child to another person or

group of persons for remuneration. The offence carried a penalty of 10 years' imprisonment, even for a first offence. The Code of Criminal Procedure stated that international treaties ratified by Morocco took precedence over national laws and could provide the basis for extradition. Sex tourism was not prevalent in Morocco, but a few isolated cases had occurred and had resulted in arrests. Recently, a sentence of 30 years' imprisonment had been imposed on a foreign national who had raped several minors in Morocco. Specialized police units — including units within the tourist police — had been trained to deal with child victims.

14. **Mr. El Atifi** (Morocco) said the number of children who left school to work as domestic workers had fallen sharply. Under the 2004 Labour Code, children were not allowed to work before 15 years of age. Any person who employed a child under 15 was liable to a fine and, in the event of a repeated offence, a prison sentence. Similarly, offering a minor of working age a salary lower than the salary earned by adults for the same work was punishable by law. Female minors were also entitled to maternity and breastfeeding leave. Minors also benefited from certain special protection measures: for example, in order to work, they had to sign a contract and obtain the written consent of their parents or legal guardians and they were strictly forbidden from carrying out any of the tasks mentioned in the list of hazardous work.

15. **The Chairperson**, speaking as a member of the Committee, asked whether there were plans to raise the legal age for admission to employment.

16. **Mr. El Atifi** (Morocco) replied that some non-governmental organizations were calling for the legal age of employment to be raised, but there were no plans to do so in the immediate future. As a first step, the bill on domestic work, which was currently under consideration, guaranteed domestic workers legal protections similar to those for other workers. It would take time to bring labour legislation into line with international standards.

17. **Ms. Hakkaoui** (Morocco) said that the bill sought, among other things, to discourage the recruitment of minors as domestic workers and provided in particular for the prohibition of their employment in hazardous work and the obligation to allow them to continue their education.

18. **Mr. Kotrane** (Country Task Force) said that children who worked in private homes as domestic workers were in a situation of extreme vulnerability, which exposed them to all kinds of abuse. It would be better, therefore, to set the minimum age for this type of work at 16 years instead of 15. He urged the Moroccan authorities to take account of his comment when considering the bill in question. He also urged them to increase the number of labour inspectors and to empower them to carry out checks at the homes of people who employed domestic workers.

19. **Ms. Hakkaoui** (Morocco) said that the authorities were aware of the risks of domestic work. The right of all persons to respect for their private lives hampered monitoring in that sector. However, anyone who suspected that abuses were taking place in a third party's home was required to notify the social services. With regard to the recruitment of children into the security services, she said that neither the civil service nor the national security forces employed minors. A private security company which did so would be prosecuted.

20. **Mr. Alami** (Morocco) said that *kafala* was a system designed to ensure the stability of a child's status and which operated under the supervision of a judge. A child was usually entrusted to two *kafils* (sponsors) — a father and a mother — who would be legally responsible for raising the child as their own and therefore entitled to the same allowances and other benefits that they would have received if they had been the child's biological parents. An unmarried man could not become a *kafil*. There had been no cases recorded of couples abandoning children after taking them into their care under the *kafala* system. In

the event the *kafil* couple proved incapable of fulfilling their responsibilities towards the child, the judge would be able to intervene in the best interests of the child.

21. **The Chairperson**, speaking as a member of the Committee, requested more information on what would happen to the child if the *kafils* separated or if a judge removed him or her from their care.

22. **Mr. Alami** (Morocco) said that, should *kafils* divorce, which rarely happened, the guardianship judge would intervene. If children were abandoned or removed from the care of the *kafils*, they would regain their prior status. Children aged 12 and over could be placed in a foster home or a centre run by a non-governmental organization.

23. **The Chairperson**, speaking as a member of the Committee, asked whether children cared for under the *kafala* system were stigmatized.

24. **Ms. Hakkaoui** (Morocco) said that, in Moroccan society, parents were not those who brought children into the world but those who raised them. Children who were not raised by their biological parents were therefore considered and treated as any other child.

25. **Mr. Alami** (Morocco) said that *kafils* who had taken a very young child into their care were the parents in the eyes of teachers and the entire community, even if the child kept his or her own surname. Medical care was guaranteed to all children on an equal footing.

26. **Ms. Hakkaoui** (Morocco) acknowledged that, in the case of a child born out of wedlock, the information that must be given on the identity card could in principle be stigmatizing. The delegation had taken due note of the Committee's comments and would transmit them to the competent authorities, asking them to ensure that identity cards did not differentiate between children according to their birth status.

27. **Mr. Kotrane** (Country Task Force) welcomed the constructive discussions with the State party. He observed that in his country, Tunisia, children of unknown parentage had the right to take the name of the family with whom they lived.

The meeting was suspended at 11.35 a.m. and resumed at 11.55 a.m.

28. **Ms. Oviedo Fierro** (Country Task Force) enquired about the kinds of support offered to single and teenage mothers to ensure that they and their children were not stigmatized. She expressed surprise that military personnel convicted of raping minors had been sentenced to only 2 years' imprisonment and asked what compensation their victims had received.

29. **Mr. Kotrane** (Country Task Force) asked whether the authorities had put any preventive measures in place to stop minors recruited by jihadist groups from going off to fight in Syria.

30. **Mr. El Haiba** (Morocco) said that the study by the central anti-corruption authority had initially focused on corruption in the health-care and transport sectors, but would subsequently focus on other sectors. The study's authors had proposed 60 corrective measures for health service provision. The Government ensured that people in all its provinces enjoyed the same rights on an equal footing. The provision of health services was actually better in the southern provinces than in the rest of the country. Although some minority groups were calling for the secession of the southern part of the national territory, the authorities respected and ensured respect for human rights throughout Morocco. Various expert papers provided evidence of that fact, for example the reports of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on trafficking in persons, especially in women and children, and the Working Group on Enforced or Involuntary Disappearances.

31. **Mr. Cardona Llorens** said the Committee was concerned about the violence suffered by children in the Western Sahara, where, according to reliable sources, some had even died. He therefore wished to know what steps the State party had taken to ensure the safety of children in the region, which was under its jurisdiction. Given that children in refugee camps rarely continued their education beyond primary school because of a lack of appropriate facilities, he requested more information on the matter.

32. **Ms. Hakkaoui** (Morocco) said that Moroccan children enjoyed equal rights, irrespective of whether they lived in the north or the south of the country. There were no longer any refugee camps in the southern territories, as the one that had been established there had been temporary. That said, there was a camp across the border in Algeria, in Tindouf. Morocco called on the international community to condemn the presence of children in camps, wherever they were located, given that they offered little in the way of educational services. She reiterated her concern that Moroccan children were being detained abroad, including on the other side of the Atlantic, which was a real problem.

33. **Mr. El Adnani** (Morocco) said that, as part of efforts to prevent corporal punishment, the National Committee to Combat Violence in Schools organized regular meetings with students, parents, teachers and management to raise awareness of the issue. In 2011, 27 court cases had been brought against teachers for acts of violence. As part of the fight against child abuse, new mechanisms had been created, including counselling and mediation centres in schools, support units for children in courts and hospitals, units to combat cybercrime and units providing protection to child victims of police violence. The hotline run by the National Observatory on the Rights of the Child had received 4,000 calls in 2013 and 2,820 calls in 2014. Prevention efforts also included campaigns to combat violence against children and combat the use of young girls as domestic workers and the publication of guides, in particular on violence in schools and on the rights guaranteed by international instruments. A whole range of diagnostic, information and psychological, medical and legal support mechanisms had been put in place for child and women victims of violence, and steps had been taken to facilitate their reintegration into society. A nationwide integrated child protection system brought together municipalities, government bodies and civil society.

34. Ninety per cent of the 294 street children identified in Casablanca were boys who had dropped out of school and had family problems. Most of them were aged between 15 and 18 years and supported themselves by begging or shining shoes. Care homes had responsibility for their welfare. The emergency social service (*SAMU social*) provided on-the-ground care for street children.

35. **Ms. Hakkaoui** (Morocco) said that the Moroccan Government was fully aware that a child's place was at school and in the family. However, it was difficult to reunite street children with their families or place them back in care homes in the long term, as they usually left after a few days. In order to make them more self-sufficient and prevent them from engaging in begging, street children aged 17 had been given bicycles to enable them to take on delivery tasks, but most had sold them.

36. **Mr. Oujour** (Morocco) said that the Moroccan Government attached great importance to leisure and extracurricular activities, which mostly took place in summer camps, sports centres and youth centres. Six million children currently took part in such activities in the 330 centres set up in towns and cities and the 274 centres located in rural areas. The national "Holidays for All" programme launched by the Ministry of Youth and Sports had already benefited 210,000 children and the long-term goal was to have 1 million participants. Campaigns promoting various sports such as athletics had been carried out, including in villages.

37. **Ms. Hakkaoui** (Morocco) said that the Family Code, which had entered into force in 2004, had greatly improved the situation of women and children. With the adoption of the Code, Morocco had moved from a patriarchal system to one guaranteeing equality between the father and mother in parenting. The Code enabled daughters to inherit from their parents in the same way as boys, which had not been the case previously. It allowed women to file for divorce and stated that mothers had priority in obtaining custody of the children. In addition, the Family Code governed polygamy, permitting it in only a few special cases and subject to a court decision. Society seemed to be turning away from the practice — given that polygamy accounted for only 0.26 per cent of marriages in 2013, compared to 0.34 per cent in 2005 — although it did not appear to be quite ready for polygamy to be officially abolished. The reform of the Labour Code and the Nationality Code had also extended the rights of women, which had helped raise public awareness of the issue of equality.

38. **Mr. Abdelali** (Morocco) said that the persons who had sexually abused children during the peacekeeping mission in Côte d'Ivoire were ordinary soldiers, not officers. He would provide the Committee with additional written information on the compensation paid out in connection with the case.

39. **Ms. Aldoseri** (Country Task Force and Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict) thanked the Moroccan delegation for the oral responses it had provided to the Committee and reminded it of the points that should be submitted to Parliament for consideration, in particular the marriage age and the minimum age for admission to employment. She expressed the hope that the State party would make every effort to implement the concluding observations that the Committee would shortly draft.

40. **Ms. Oviedo Fierro** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict) welcomed the spirit of openness shown by the Moroccan delegation during the dialogue and reiterated the need for the State party to incorporate into domestic law the provisions of the Optional Protocol on the involvement of children in armed conflict. She urged the State party to provide assistance to unaccompanied refugee children in Morocco, who badly needed its support.

41. **Ms. Hakkaoui** (Morocco) thanked the members of the Committee for the fruitful discussions, which had given the delegation a different view of the situation of Moroccan children. Recognizing the need to urgently address certain issues such as domestic workers or refugees, she assured the Committee that Morocco would spare no effort in promoting the cause of children and would pay utmost attention to the Committee's recommendations.

The meeting rose at 1 p.m.