



Country Profile of Morocco

A Review of the Implementation of the UN Convention on the Rights of the Child
August 2011



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The Child Rights Governance Programme in Save the Children Sweden's Regional Office for the Middle East and North Africa implemented the activities of the Manara Network: A Civil Society for Child's Rights in the Middle East and North Africa Region.

Work on Child Rights Governance aims to build societies that fulfil children rights by establishing and strengthening the infrastructure necessary for states to effectively implement the United Nations Convention on the Rights of the Child and other child rights obligations. It seeks to support a vibrant civil society pushing children up the political agenda and holding states to account for what they have or haven't done to realise children's rights. It is an effective strategy for impacting at scale the lives of millions of children, resulting in structural and lasting change.

Our long-term vision is that far more children have their rights fulfilled because:

- All states meet their obligations to monitor and implement children's rights
- A strong civil society, including children, holds states and the international community to account for children's rights

To advance this vision the Child Rights Governance Programme will have significantly contributed to two key objectives:

- Strengthened State institutions and mechanisms for the implementation and monitoring of children's rights,
- Increased awareness and capacity among civil society and children to promote children's rights and hold duty bearers to account

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*Save the Children's vision is a world in which every child attains the
right to survival, protection, development and participation.*

*Save the Children's mission is to inspire breakthroughs in the way
the world treats children, and to achieve immediate and lasting
change in their lives.*

*The Manara Network is a regional network focused on coordinat-
ing and promoting information and action on children's rights in the
Middle East and North Africa. Based on the belief that civil soci-
ety can and should play a key role in the protection and promotion of
human rights in general and child rights in particular, Manara aims
to support civil society organizations and children in the MENA
region in their role as advocates and active development partners for
the rights of the child.*

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Foreword

The project “Manara Network: A Civil Society for Child’s Rights” was designed and has been implemented by Save the Children Sweden in a time when the Middle East has experienced an Arab spring.

Our partners, the International Bureau for Children’s Rights and Bayti Association, were key in producing this country report, a component of the Manara Network project.

The objective of this innovative project is to assure and contribute to effective development and implementation of policies, strategies and legislation in line with the Convention on the Rights of the Child at the national and regional levels in Middle East and North Africa countries. The overall project aim is to establish a regional child rights network of civil society organisations by supporting and strengthening the capacity of local organisations in four main components: analysis and reporting, coordination and networking, advocacy and child rights programme mainstreaming with a high degree of children’s participation. During the year, children across the region have been actively involved in the newly-developed child-led data collection. Based on their findings, the children developed their own animated movies for advocacy purposes, which can be found at www.manaracrc.org.

On behalf of Save the Children Sweden’s Regional Office for the Middle East and North Africa, I am happy to introduce you to one of the key components of the Manara project, the country profile, a report highlighting the commendable practices implemented by government, civil society (parents, non-governmental organisations, media, religious leaders, etc.) and the international com-

munity (United Nations agencies and international non-governmental organisations) towards compliance with the Convention on the Rights of the Child and its Optional Protocols.

The country profile component of the Manara project is a rigorous and exhaustive report on the status of the implementation of the Convention on the Rights of the Child. It aims to be a resource for identifying gaps and challenges on the status of the implementation of the Convention, to highlight the recommendations of the Committee on the Rights of the Child on specific matters, and to identify commendable practices implemented by the State, civil society and the international community in addressing these issues.

We encourage its use as an inspiration to neighbouring countries, since the exchange of experiences presented in the country profiles can only lead to positive changes in the promotion and protection of children’s rights in the region. I would also like to thank the Swedish International Development Cooperation Agency and their regional office in Cairo who believed in this idea and made the funding available.

Sanna Johnson
Regional Director, Save the Children Sweden

Regional Office for the Middle East and North Africa



Acronyms

ACCD	Arab Council for Childhood and Development	MENA	Middle East and North Africa
ACHR	Advisory Council on Human Rights	NGO	non-governmental organisation
ALCS	<i>Association de Lutte contre le SIDA</i> (Fight against AIDS Association)	MNE	Ministry of Education, Higher Education, Executive Training and Scientific Research
AMO	<i>Assurance Maladie Obligatoire</i>	NAPC	National Action Plan for Children
CSGE	Committee to Support Girls' Education	NIDH	National Initiative for Human Development
CSO	civil society organisation	NOCR	National Observatory for Child Rights <i>(Observatoire National des Droits de l'Enfant)</i>
ECOSOC	United Nations Economic and Social Council	UNDP	United Nations Development Programme
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes	UNESCO	United Nations Educational, Scientific and Cultural Organisation
ERC	Equity and Reconciliation Commission	UNFPA	United Nations Population Fund
GDP	Gross Domestic Product	UNHCR	United Nations High Commissioner for Refugees
HIV/AIDS	human immunodeficiency virus/ acquired immune deficiency syndrome	UNICEF	United Nations Children's Fund
IBCR	International Bureau for Children's Rights	UPE	<i>Unités de Protection de l'Enfance</i> (Child Welfare Units)
ILO	International Labour Organisation	USAID	United States Agency for International Development
INGO	international non-government organisation	WHO	World Health Organisation

Introduction

Bayti Association

This country profile was written by Bayti Association, a Moroccan organisation founded in 1995 for the promotion of children's rights. 'Bayti' in Arabic means 'my home' and the organisation of the same name began its work with children in the streets, expanding to serve children living in difficult circumstances.

Bayti Association has three main programmes that help these children by giving them the tools, with the support of educators, to establish a new life.

Since 2008, Bayti has had a Training and Expertise Department that shares its knowledge and expertise in the field of childhood development and support for children living in the streets and in difficult circumstances. Through this department, Bayti Association supports several Moroccan and foreign organisations working with children, training their educators and developing rights-based programmes.

The International Bureau for Children's Rights

Created in 1994 and based in Montreal, Canada, the International Bureau for Children's Rights (IBCR) is an international nongovernmental organisation (INGO) with special consultative status with the United Nations Economic and Social Council (ECOSOC). IBCR offers its expertise, particularly in the legal sector, for the protection and promotion of children's rights in conformity with the 1989 United Nations Convention on the Rights of the Child (CRC) and its Optional Protocols. IBCR is involved in projects around the world to facilitate the sharing of

knowledge and good practices and the development of tools and models to inspire implementation of children's rights. IBCR's expertise also lies in raising awareness about children's rights to persuade decision-makers to adopt laws and programmes that more effectively respect the rights of the child. In recent years, IBCR's main successes include its contribution to the elaboration of the Guidelines on Justice in Matters Involving Children Victims and Witnesses of Crime as well as their adoption by the United Nations Economic and Social Council. IBCR worked with Save the Children Sweden and the various country partners to produce the following country profile.

Save the Children Sweden

Save the Children Sweden was established in 1919 as an independent rights-based non-governmental organisation (NGO) with no religious or political affiliations. The basis of its work is the United Nations Convention on the Rights of the Child (CRC) and the United Nations' Declaration on Human Rights. These build on the principles that all people are equal, children have special rights and everyone has a responsibility—but governments have a special obligation. We believe that children themselves can also fight for their rights, if they are given the chance to do so and if they receive support and encouragement.

Save the Children Sweden works both in Sweden and in eight regions around the world, carrying out its own programmes and in cooperation with other organisations. It is also part of Save the Children International, comprised of 27 Save the Children organisations. Save the Children's vision is a world in which every child attains the right to survival, protection, development and participation. Its mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.



About This Country Profile

All Middle East and North Africa (MENA) states have ratified the CRC since its adoption in 1989. Following ratification, MENA countries have enacted or proposed the enactment of laws to protect children from violence, abuse, neglect and exploitation. Some states have gone further, putting in place comprehensive mechanisms to prevent violations of children's rights, monitor the situation and ensure justice for victims of violations. However, despite these initiatives, the rights of children in the 17 countries of the region continue to face challenges.

In fact, child protection remains a sensitive issue in MENA countries, some of which have yet to comply fully with international standards. The nature and extent of child protection concerns varies from country to country, and includes issues such as violence against children, harmful practices (particularly female genital mutilation and early marriage), juvenile justice, exploitative child labour and birth registration. Children in Lebanon, Yemen, Iraq and the occupied Palestinian territories have been exposed to political violence and conflicts, and have been affected by the deteriorating humanitarian situation. In other countries around the region, children also face violence, abuse, neglect and discrimination. However, all children deserve the full enjoyment of their rights including the right to education, health, housing, and a basic standard of living, as well as the right to express their views, to be heard and to participate in matters concerning them.

About the Manara Network

Bearing in mind the importance of the role of civil society organisations (CSOs) in ensuring the respect, protection and fulfilment of children's rights, the project "Manara Network: A Civil Society for Child's Rights"¹ was

designed and implemented by Save the Children Sweden in collaboration with civil societies from the region.

This innovative project was made possible thanks to the funding of the Swedish International Development Agency.

The objective of the project is to contribute to the effective development and implementation of policies, strategies and legislation in line with the CRC in MENA countries but also at the regional level. The project aims to establish a regional child rights network of CSOs by supporting and strengthening the capacity of local organisations in four main components: analysis and reporting, coordination and networking, advocacy and child rights programming mainstreaming.

One of the components of the project is the production of a country profile. This report highlights commendable practices implemented by the government, civil society (including parents, local non-governmental organisations, media and religious leaders, among others) and the international community (both United Nations agencies and INGOs) to improve compliance with the CRC and, where applicable, its Optional Protocols.

The country profile component of the Manara project is two-fold: it includes the publication of a credible and exhaustive report on the status of implementation of the CRC in each country, but also involves strengthening the capacity of local CSOs in conducting research and analysis. To this end, the IBCR provided technical expertise and support to partners. During the project, a one-week training workshop on research methodology on children's rights was given on site to each partner, followed by a complementary training session a few weeks later. Throughout the project, the IBCR provided support

in drafting the report in order to ensure its credibility and reliability.

The country profiles were initiated by partners in Lebanon, Yemen and Morocco in July 2009. A second phase was implemented starting in July 2010 in the occupied Palestinian territory, Jordan and Iraq. During that second phase, partners from Lebanon, Morocco and Yemen also conducted an in-depth analysis of violence against children in schools. Based on a similar methodology to the country reports, this survey depicts the extent of the problem in the three countries, while also analysing initiatives implemented to prevent monitor and protect children from violence in schools. The sharing of information and experiences between countries with similar socioeconomic situations and cultures was a particularly valuable process.

Methodology Used

In order to paint a clear picture of the situation of children's rights in its respective country, each partner conducted an exhaustive literature review to identify existing reports and documents on all issues affecting the rights of children, followed by field research involving a series of interviews with identified stakeholders. Key respondents in relevant government ministries and institutions, local and INGOs, academics, unions and professional associations, media, religious authorities and United Nations agencies were contacted and interviewed. These interviews contributed to filling the gaps identified through the desk research. By meeting with relevant stakeholders, part-

“Child protection remains a sensitive issue in MENA countries, some of which have yet to comply fully with international standards.”



ners were able to gather information about the practices implemented by governmental and non-governmental actors following the recommendations of the Committee on the Rights of the Child in its latest Concluding Observations, as well as the challenges they faced.

The availability of respondents contacted in the course of the research for this project, and their willingness to share their experiences, allowed partners to identify praiseworthy initiatives implemented by a variety of stakeholders, at the same time as noting the gaps and overlaps that may prevent children from the full enjoyment and exercise of their rights. Therefore, the results of the research are based on responses given by a wide range of interlocutors in corroborating and completing data collected from secondary sources, so as to depict as accurately as possible the situation of children's rights in the country.

For the Morocco country profile, 28 interviews were conducted among governmental and non-governmental stakeholders involved in the promotion and protection of children's rights.

The project's main researcher was Yasmine Smires. But her work would not have been possible without the contribution of Saida Saghir, who collected the data at the field level, as well as that of intern Lydie Khoudja, who contributed to the data collection. Amina Lmalih and Yamna Taltit also were valuable contributors, mainly on juridical aspects that were not always easy to address. Finally, Bayti Association board members must be thanked for their contributions in accessing data, as well as their regular support and comments during the writing of this report. Information was pooled among the team members through regular meetings, and the country profile was explained and shared with other members of the organisation. The final draft was shared by email and then



discussed in a meeting of the report team and Bayti board members.

Constraints and Challenges

Besides the contextual challenges specific to each country, the writing of the country reports has faced some constraints. The lack of up-to-date statistical data or information was a challenge common to all partners. While each country has rather extensive expertise on children's rights, accessing remains a challenge as reports and studies conducted by experts and other stakeholders are not available to the public. Also, taboos and cultural considerations

sometimes prevented partners and respondents from having reliable and accurate data on issues that remain unspoken of, underreported and therefore, unaddressed. On the other hand, stakeholders were at times reluctant to share their experience on the initiatives implemented. Therefore, the report reflects only information that was corroborated by various stakeholders.

Most country profiles were written by January 2011. While some countries have undergone major changes following uprisings in the MENA area, these reports do not reflect legislative amendments or projects implemented in the first semester of 2011.



Two Moroccan girls participating in a Save the Children Spain Inclusive Education Project with local partner Espace Associatif. *Courtesy of Save the Children Spain*

In writing the country profile on Morocco, one of the main challenges faced by Bayti Association was the lack of data relevant to children's rights and the difficulty of meeting with stakeholders (some remained unavailable). Nevertheless, the experience of writing such a lengthy report was new to Bayti and provided the organisation with good experience and assets for the future such as strengthening skills in data collection and conducting interviews.

Country Overview

1. Demographic and Geographic Presentation

Located in North Africa, Morocco's capital is Rabat. It is included in several overlapping geographical areas: Africa, the Greater Arab Maghreb, and the MENA region. Bordered in the north by the Strait of Gibraltar which separates it from Europe, by Algeria to the east and by Mauritania to the south, Morocco has two sea fronts: the Atlantic Ocean and the Mediterranean Sea.

Geographically, Morocco has the broadest plains and the highest mountains in North Africa. Four main peaks characterise the country's topography: the Rif, the Middle Atlas, the High Atlas and the Anti Atlas.

Morocco has a total area of 446,550 sq. km.¹³ Its population growth is in decline, down from 2.04% in 1982 to 1.4% in 2004.¹⁴ The country accounts for over 30 million people with more than 11 million children (those under 18 years old).¹⁵ It is estimated that more than 40% of the population in Morocco is Berber, and in some rural areas 'Berberophones' represent between 80% to 100% of the local population.¹⁶ The rest of the population is comprised of Arabs. Islam is the official religion and 98.7% of the population are Sunni Muslims, 1.1% Christian and 0.2% are Jewish.¹⁷

2. Historic Overview

Morocco's history dates to 110 BC with the Berber, Carthaginian and Roman dynasties. In the seventh century AD, the Arab conquest came to Morocco, bringing with it

the Arabic language and Islam. The Alaouite Dynasty rose to power in 1666 and remains in power today.

Morocco's geographical position as a gateway to Africa, yet very close to the Mediterranean and the Atlantic, made it a target for foreign interests, particularly from Europe. From 1902, Morocco experienced a number of economic and military interventions, which were later replaced by French and Spanish protectorates between 1912 and 1956.

The Kingdom of Morocco gained independence in 1956. His Majesty King Mohammed V assumed power until 1961 when his son, His Royal Highness Hassan II, succeeded him. Morocco annexed the Western Sahara during the 1970s after demanding its reintegration from Spain since independence.

Since 1999, His Royal Highness Mohammed VI has led the country, his reign marked by a number of reform projects, particularly in the realm of human rights and human development.¹⁸

3. National Political System

Morocco is a "constitutional, democratic and social monarchy"¹⁹ governed by a Constitution dated 9 October 1972. The Constitution dictates the separation of legislative, executive and judiciary powers, although articles 19 to 35 of the Constitution grant the King absolute powers.

Since 1972, the Constitution has been revised three times: in May 1980, in September 1992 and in November 1996 when a bicameral Parliament was introduced. The House of Representatives, the only body to be elected by direct universal suffrage for a period of five years, and the House of Councillors, whose members are indirectly elected for a nine-year period, make up the Parliament.



In recent years, changes were undertaken in the electoral system. The last parliamentary elections were held in 2007 and were seen by international observers to be largely free and fair. Transparency Maroc's report on the local elections of June 2009 outlined some deficiencies but called the local elections' legal administration and handling "overall adequate". The report went on to say that "recent

changes to the electoral code have brought improvements to the process of registering voters and introduced new mechanisms to achieve a better representation of women in local councils."²⁰

In Morocco, the executive power is exercised by the King, who appoints the Prime Minister as well as the cabinet. The King is in charge of key departments such as Interior,

General Statistics on Morocco

Official Name	Kingdom of Morocco	Date of Admission to the United Nations	11 December 1956
Capital	Rabat	Human Development Index (/177), 2010	114 ²
Official/National Languages	Arabic	Total Population, 2009	31,992 592 ³
Other Languages	Moroccan Arabic or Darija, Berber or Tamazight, French	Youth (under 18), 2009	10,997,000 ⁴
Type of Political Regime	Constitutional monarchy	Children (under 5), 2009	3,079,000 ⁵
Date of Independence/Foundation	<ul style="list-style-type: none"> • 2 March 1956 (for the French zone) • 7 April 1959 (for the Spanish Protectorate of Morocco) • 30 June 1969 for the enclave of Ifni • 14 November 1975 for the northern two-thirds of Western Sahara (disputed) • 14 August 1979 to reclaim Oued Eddahab (disputed) 	Density, 2008	70.8/sq. km ⁶
		Urban Population (%), 2009	58% ⁷
		Life Expectancy (2005-2010)	Male: 73.4 years ⁸ Female: 69.0 years
		Fertility Rate, 2005-2010	2.4 ⁹
		Literacy Rate (adults aged 15 and above), 2009	58.2% ¹⁰
		People Living on Less than USD 1.25/day (%)	2.5% ¹¹
		Average Annual Growth of GDP per Capita (%), 1990-2009	2.3% ¹²

Foreign Affairs, Defence, and Religious Affairs. He may also intervene in other sectors by royal decree or *dahir*. The government meanwhile ensures law enforcement and is in charge of the administrative process. It is headed by the Prime Minister, who coordinates the government's activities, submitting decrees and programmes to the Parliament.

4. Social and Economic Conditions

Recognised as one of the most diversified economies in the MENA region, Morocco has experienced an economic upturn since 2008, its growth rate increasing from 2.7% in 2007 (when low growth followed a severe drought) to 6.2% in 2008.²¹ Agriculture is one of the most important sectors, employing 40% of the total population and 80% of the rural population. It comprises 13% to 20% of the Gross Domestic Product (GDP), as well as 12% of total exports.²²

Seeking to reduce its dependence on weather-dependent agriculture, Morocco has recently sought to diversify its economy by targeting eight other sectors: off-shoring²³, automotives, the airline industry, electronics, food processing, fishing, textiles and handicrafts. These priorities were identified under the "Emergence Plan" launched in 2005 and further extrapolated by the 2006 "Take-off Plan", which included three additional sectors: microelectronics, biotechnologies and nanotechnologies. The recent economic recovery is mainly attributable, however, to growth in telecommunications, financial services and public works construction.

Mining also remains a major sector in the Moroccan economy, as the mining and para-mining sector, which provides more than 35,500 jobs, has an annual turnover of about USD2.3 billion and contributes to up to 6% of the GDP.²⁴

“Poverty affected 17.8% of the population in 2000 and 2001 (23.1% in rural areas and 6.3% in urban areas where 30% of the population continued to live in substandard housing).”



Morocco has undergone numerous reforms in recent years, mainly due to the free trade agreements signed with the European Union in 1996 and with the United States in 2004. Although these agreements had a positive impact on the country's adverse balance of trade (thanks in particular to an increased volume of exports), the loss of tariff protection will result in direct competition for Moroccan products, a major challenge for the private sector and for the Moroccan economy in general.

Despite an encouraging growth rate coupled with a growing GDP, poverty remains. In the 1990s, low but sustained growth helped improve the average household income and the living conditions of specific population groups. This accelerated growth widened disparities, however, mainly in vulnerable rural areas and among urban and peri-urban populations (specifically youth and young graduates).²⁵ Moreover, gender inequalities remain striking with the literacy rate for girls (between 15 and 24 years) at 68% in the period 2003 to 2007, while it stood at 85% for boys of the same age.²⁶

Poverty affected 17.8% of the population in 2000 and 2001 (23.1% in rural areas and 6.3% in urban areas where 30% of the population continued to live in substandard housing).²⁷ One-quarter of the population remained economically vulnerable.²⁸ In 2007, half the population was under 25 years old and the rate of unemployment among youth was 17.1% to 18.2% among males and 16.1% among females.²⁹ According to United Nations Develop-



ment Programme (UNDP) data for 2000-2008, multidimensional poverty affects 28.5% of the population.³⁰

These gaps in development are reflected in the national priorities given to policies and social programmes. Basic services such as health and welfare are weak or nonexistent. For example, only legally-declared employees have access to mandatory health insurance (*Assurance Maladie Obligatoire* or AMO). Social networks in place only cover those working in the public and private sectors, allowing them health coverage for maternity, disability, old age and paying benefits upon death.³¹ Basic services for the poor or vulnerable are weak or nonexistent.

5. General Human Rights Conditions

Morocco's Constitution includes clauses protecting citizens' rights and freedoms. The preamble to the 1996 Constitution asserts Morocco's commitment to universal human rights. Article 9 guarantees citizens the freedom of movement and settlement in all parts of the territory, freedom of opinion, freedom of expression, freedom of assembly and freedom of association and membership to any union or political association. Only legislation can limit the exercise of these freedoms. When published in the Official Gazette³², international conventions prevail over national legislation in case of conflict between the two laws.

Nevertheless, human rights groups observe that human rights abuses remain common in Morocco. The Moroccan Observatory of Civil Liberties reported that violations of the right to hold public gatherings represent nearly two-thirds of overall violations recorded in the year 2007.³³ In some situations, the group found that government authorities requested documents not required by law, delayed the process, or arbitrarily forbade meetings.³⁴

In 2009, Human Rights Watch said that, despite a "lively civil society and an independent press", the government "used repressive legislation to punish and imprison peaceful opponents; especially those who violate taboos, such as criticising the King or the monarchy, questioning the 'Moroccanness' of Western Sahara, or 'denigrating' Islam."³⁵

Since 2008 and 2009, reforms have been undertaken in the Family Code, the Criminal Procedure Code, the Code of Liberalisation of Audio-visual Channels, the Code of Criminalisation of Torture and the Nationality Code. In addition to these reforms, the Equity and Reconciliation Commission (hereafter referred to "The Commission") and the Advisory Council on Human Rights were established as decision-making bodies.

Despite the recommendations of The Commission, Morocco has yet to harmonise its laws with international instruments or abolish the death penalty. In 2000, however, it signed the Rome Statute establishing the International Criminal Court.

The Children of Morocco

Children in Morocco have very limited room for expression and participation. The community and family often believe that children do not have the ‘intellectual’ background and maturity to make decisions about their lives and to give their opinion.

In recent years, however, various social reforms implemented by the government and with strong support from civil society have created new spheres of expression for children. A National Action Plan dedicated to childhood was launched and a National Observatory for Child Rights put in place. Likewise, a Child Parliament was created and Protection Units for children in difficult circumstances were opened in several cities in the country. Local NGOs have invested in campaigns to make children aware of their rights.

These local NGOs are also supporting children and their families through various economic, social and administrative programmes.

1. The Convention on the Rights of the Child and its Optional Protocols

i. General Overview

Morocco signed the CRC on 26 June 1990 and ratified it in 1993. The first Protocol on the involvement of children in armed conflict was ratified on 22 May 2002 (by being published in the Official Gazette) and the second Protocol on the sale of children, child prostitution and child

pornography was ratified on 4 March 2004 through the same means.

In addition to the State Periodic Report submitted by Morocco in 2003, two alternative reports have been submitted. One report submitted by Espace Associatif (a network of associations) was reviewed on 19 June 2003 during the 33rd session of the Committee. The other report for the Optional Protocol on the sale of children, child prostitution and child pornography was submitted by Terre des hommes and reviewed on 27 January 2006, during the 41st session.

Since its last State Report and the Committee on the Rights of the Child’s latest Concluding Observations, Morocco has implemented a number of actions and strategies in line with the recommendations made by the Committee. Morocco has worked to strengthen the “coordination of actions in the area of the rights of children through partnerships developed with civil society institutions”.³⁶ Many institutions promoting children’s rights were established, such as the National Observatory for Child Rights (Observatoire National des Droits de l’Enfant, hereafter NOCR), as well as the Child, Family and Elderly Division. These changes have led to profound changes in the institutional and legislative spheres.

The CRC was published 21 November 1996 in the Official Gazette.³⁷ In addition to informing people about the Convention, this action resulted in the precedence of the international legal instrument over national legislation.

“In recent years, various social reforms implemented by the government and with strong support from civil society have created new spheres of expression for children.”



ii. Ratification and Reporting to the Committee on the Rights of the Child by Morocco and Relevant Alternative Report Submissions

	REPORT NUMBER	TYPE OF REPORT	DUE DATE	DATE OF SUBMISSION OR RELEVANT CRC SESSION	CODE OR NAME OF ORGANISATION
Convention on the Rights of the Child Ratified 26 June 1993	1	State report	27 July 1995	27 July 1995	CRC/C/28/Add.1
	1	Concluding Observations		30 October 1996	CRC/C/15/Add.60
	2	State report	19 July 2000	04 September 2000	CRC/C/93/Add.3
	2	Alternative report		CRC Session 33, 19 May—6 June 2003	Espace Associatif
	2	Concluding Observations		10 July 2003	CRC/C/15/Add.211
	3.4	State report	20 January 2009	Not yet received	
Optional Protocol to the CRC on the involvement of children in armed conflicts Ratified 22 May 2002	1	State report	22 June 2004	Not yet submitted	

Optional Protocol to the CRC on the sale of children, child prostitution and child pornography Ratified 2 October 2001	1	State report	18 January 2004	28 June 2004	CRC/C/OPSA/MOR/1
	1	Alternative report		CRC Session 41, 9—27 January 2006	Fondation Terre des Hommes—Lausanne
	1	Concluding Observations		17 March 2006	CRC/C/OPSC/MAR/CO/1

iii. Reservations

When ratifying the CRC, Morocco expressed reservations concerning the provisions of Article 14, which notes children’s right to freedom of thought, conscience and religion. The Moroccan government removed this sole reservation in 2005,³⁸ although some judges and lawyers working with children were not aware that the reservation was removed.³⁹

iv. Punctuality/Quality of State Reports

Initial reports submitted by the Kingdom of Morocco were written in the time frames required under the Convention. The last periodic report due on 20 January 2009 is still being drafted, however.

Reporting is carried out in consultation with and the participation of civil society organisations and the NOCR. These reports are usually written by a consultant whose

terms of reference are developed by the Ministry of Social Development, Family and Solidarity, with the support of UNICEF. The consultant then arranges meetings with various stakeholders working in the field of children’s rights after establishing a situation analysis.

While the reports address the major issues of the CRC, they do not fully present the challenges of implementing strategies and programmes related to children’s rights in Morocco.

v. The Committee’s Concluding Observations

Positive Aspects and Progress Highlighted in the Committee’s Concluding Observations Regarding the Implementation of the CRC and the Optional Protocols

The Concluding Observations of the Committee for the Rights of the Child that followed the Kingdom’s periodic report detailed many positive aspects about the imple-



mentation and enforcement of the CRC and its Optional Protocols.

The Committee expressed its satisfaction that the Kingdom had published the CRC in the Official Gazette⁴⁰ and ratified the two optional protocols relating to the CRC,⁴¹ as well as conventions Nos. 138 and 182 of the International Labour Organisation regarding the minimum age for admission to employment and immediate action to ban the worst forms of child labour.⁴² It also applauded the Kingdom for organizing international conferences related to child rights (among these the Arab-African Forum against Sexual Exploitation of Children, the Second World Congress against Commercial Sexual Exploitation of Children and Arab-African conferences to prepare for the Special Session of the General Assembly on Children).⁴³

Morocco was applauded for raising the age for compulsory recruitment into the armed forces to 20 years⁴⁴, revising the law on the protection of abandoned children⁴⁵



A Moroccan boy at a school in Taza. *Courtesy of Save the Children Spain*

and facilitating the Islamic *kafala* system, where a child is adopted while legally retaining his or her family name and ties. Legislation was changed to facilitate the registration of child births.⁴⁶

Child rights were facilitated in statutes through the adoption of a criminal law procedure containing a section devoted to juveniles in conflict with the law.⁴⁷ In addition, government officials developed programming to train police on the right not to be subjected to torture or other cruel, inhuman or degrading treatment.⁴⁸ The National Program for the Teaching of Human Rights was seen by the Committee as willingness on the part of the Kingdom to train professionals working with children in the principles and provisions of the CRC.⁴⁹

Other government activities praised by the Committee included the creation of a committee of experts to develop a strategy for fighting child abuse and child exploitation and a directive sent to all teaching professionals by the Ministry of Education to ask them not to administer corporal punishment.⁵⁰

Structures were adopted for the planning and programming of child rights policy through the creation of a ministerial committee within the Ministry of Human Rights in charge of harmonizing national legislation with international instruments on human rights, including the CRC.⁵¹ A position of Secretary of State for Family Affairs and Social Welfare was created, responsible for coordinating all initiatives regarding children.⁵² Officials adopted a national strategic plan to fight against the spread of HIV/AIDS⁵³, created the position of Secretary of State for Disabled Persons and adopted legislation for the social protection of persons with disabilities.

Where more information was needed in areas, the Government was lauded for pursuing additional research. Of-

ficials began a study on street children and commenced an evaluation of the 1992 Action Plan.⁵⁴ The Committee also noted the Kingdom's creation of a national bureau of statistical information to assist in developing more responsive policies, and the role of the National Observatory for Child Rights in assessing progress made on implementing the CRC.⁵⁵

The Committee praised the advancement of child participation through the creation of a Child Parliament and a model city council for children.⁵⁶ Gender-based discrimination was tackled through the National Action Plan⁵⁷, and efforts made to increase the school enrolment of girls.⁵⁸

vi. Main Factors and Difficulties Impeding the Implementation of the CRC and the Optional Protocols

In its observations, the Committee highlighted a number of issues of concern.⁵⁹ It critiqued the lack of harmony between national legislation and the CRC and other child rights instruments, the absence of independent monitoring structures with a mandate to receive and assess complaints about violations of child rights, and the absence of a national mechanism for collecting and analysing data on areas covered by the Convention.

Children at risk and minority groups were of particular concern. Persisting disparities between boys and girls were noted, along with discrimination against children born out of wedlock. The Committee also expressed its concern about the large number of children who do not enjoy their rights to an adequate standard of living, including children from poor families, children living in remote rural areas and street children. High rates of illiteracy, particularly among women, and high dropout and repetition rates

“Children at risk and minority groups were of particular concern. Persisting disparities between boys and girls were noted, along with discrimination against children born out of wedlock.”



in the education system need addressing, said the Committee. Too many children are institutionalized (often abandoned by their parents) in institutions with inadequate living conditions. In addition, the Committee expressed concern over the plight of children living in Western Sahara.⁶⁰ Children are often exploited economically as child labourers in the agricultural and handicrafts sectors.⁶¹ The Committee criticized the lack of policies and programmes to address a growing number of children living and working in the streets.⁶² Further, the Committee expressed concern over the status of child victims of sexual exploitation, who can be treated as offenders under current legislation.⁶³ Finally, children belonging to the minority Amazigh community cannot always exercise their right to their own culture.⁶⁴

Legal mechanisms need improvement, the Committee stated, and national family law revised to incorporate the principle of the best interest of the child. The Committee raised concerns about the lack of coordination between various health programmes, disparities between access to services in urban and rural areas, and the frequency of disorders caused by iodine deficiency and a decline in breastfeeding. Reduction in budgetary outlays for education, said the Committee, affects teachers' living conditions and alters the quality of teaching.

Finally, the Committee expressed concern that social attitudes prevented officials from taking seriously the Child Parliament and adopting its recommendations.



vii. Overview of the Response of the Government to the Committee

Morocco provided one response to the Committee's initial comments, and then only after submitting the second report. This response offered the Committee information on the education and health of children in the Moroccan Sahara. Indicators show that the status of economic, social and cultural rights of children in this region is well above the national average.

For example, "the number of children enrolled in the Saharan provinces rose from 76,377 students in 2002/2003 to 78,967 in 2003/2004 [meaning a] 3.4% increase in the southern provinces compared to the 0.3% national level" of schooling.⁶⁵ In addition, the response shows that meas-

ii. Relevant International and Regional Human Rights Conventions and Treaties and their Status of Ratification by Morocco

ures have been taken to protect maternal, newborn and child health.

2. Applicable International and Regional Human Rights Instruments

i. Overview

The Kingdom has ratified 11 of the 25 conventions, treaties and optional protocols addressing human rights, and has adhered to five more since 1993. Nonetheless, its accession to seven of these instruments is still suspended. The Moroccan government has ratified the majority of instruments related to children's rights.

INTERNATIONAL AND REGIONAL HUMAN RIGHTS CONVENTIONS/TREATIES	STATUS	LAST REPORT SUBMITTED BY STATE
Admission to the UN	12 November 1956	
Convention on the Rights of the Child	Signature 26 January 1990 Ratification/Adherence 21 June 1993	Submitted 20 July 2000
Optional Protocol to the CRC on Children in Armed Conflict	Ratification 22 May 2002	Due on 22 June 2004
Optional Protocol to the CRC on Prostitution and Pornography	Ratification 2 October 2001	Submitted 28 June 2004
International Convention on the Elimination of All Forms of Racial Discrimination	Ratification 18 December 1970	Submitted 1 December 2009
Convention on the Elimination of All Forms of Discrimination against Women	Accession 21 June 1993	Submitted 18 September 2006

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	No action	
International Covenant on Economic, Social and Cultural Rights	Ratification 3 May 1979	Submitted 27 October 2004
International Covenant on Civil and Political Rights	Ratification 3 May 1979	Submitted 3 October 2004
Optional Protocol to the International Covenant on Civil and Political Rights	No action	
Second Optional Protocol to the International Covenant on Civil and Political Rights	No action	
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ratification 21 June 1993	Submitted 27 April 2009
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	No action	
Convention on the Rights of Persons with Disabilities	Ratification 8 April 2009	
Optional Protocol to the Convention on the Rights of Persons with Disabilities	Accession 8 April 2009	
Convention for the Protection of All Persons from Enforced Disappearance	Signature 6 February 2007	
Convention related to the Status of Refugees	Succession 7 November 1956	
Protocol relating to the Status of Refugees	Accession 20 April 1971	
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Ratification 21 June 1993	Due on 7 January 2004
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Accession 17 August 1973	
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	No action	

Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages	No action	
Convention concerning the Minimum Age for Admission to Employment (C-138)	Ratification 6 January 2000	
Convention concerning the Elimination of the Worst Forms of Child Labour (C-182)	Ratification 26 January 2001	
Rome Statute of the International Criminal Court	Signature 8 September 2000	
African Charter on the Rights and Welfare of the Child (or any other regional convention relevant)	No action	

3. National Legal Framework and Practices Affecting Children's Rights

i. The National Legal Framework

Since the last Committee's 2003 Concluding Observations, Morocco's progress on child rights can be grouped into three main categories: legislative, institutional and programmatic.

In legislation, amendments have been undertaken in the Personal Status Code increasing the legal age of marriage (Article 209); recognising children born out of wedlock (Article 147) and reforming the Labour Code by increasing the legal working age from 12 to 15 (Article 130).

At the institutional level, Morocco has established a National Action Plan for Children (NAPC) for 2006 to 2015, entitled "Morocco Fit for Its Children", adopted by the Council of State.⁶⁶ This document was subject to an initial assessment two years after its launch (NAPC+2). The evaluation of the NAPC was performed by a technical committee under the Ministry of Social Development,

Family and Solidarity and then endorsed by the Ministerial Committee for Children, chaired by the Prime Minister. It was also to have been reviewed in 2010 (NAPC+4) but the results were not available at the time of this writing.

Since the last Concluding Observations, several new ministries were added, including that of a Ministry of Social Development, Family and Solidarity (in charge of implementing the NAPC through a division in charge of Family, Children and Elderly issues). This institution has a special division for children and tracks and implements various projects and programmes.

The Ministry of Social Development, Family and Solidarity has introduced several new programmes since its inception, including the *Indimaj* project ("integration" in Arabic) that rehabilitates children living and working in the streets, and *Inqad* ("to rescue" in Arabic), which fights the domestic labour of young girls. New institutions for vulnerable Moroccans and those living in the streets have emerged, including "SAMU Social" in Casablanca for homeless people and adults in difficult circumstances and Unités de Protection de l'Enfance (Child Welfare Units or UPEs) in

Casablanca, Marrakesh and Agadir specifically for children living in the streets. Since the last State Report, Morocco has also established counselling and vocational guidance centres through the Department of Health and a toll free hotline for children has been set up by the National Observatory for Child Rights.

ii. The Main Stakeholders on Children's Rights Issues

a. *Government Bodies*

Numerous departments have an impact on childhood and youth. The main departments working in this area and having a division or branch within the government are the Ministry of Social Development; Family and Solidarity (Childhood Division); the Ministry of Youth and Sport (Division of Youth, Children and Women Affairs); the Ministry of Justice; the Ministry of Interior; the Ministry of Education, Higher Education, Executive Training and Scientific Research (MNE); the Ministry of Employment and Vocational Training and the Ministry of Health.

The work of these ministerial bodies is coordinated by the Inter-Ministerial Commission for Children, chaired by the Prime Minister, which monitors progress made in implementing the NAPC. Each of the above-mentioned departments is responsible for a specific aspect of the objectives of the NAPC. The Childhood Division in the Ministry of Social Development, Family and Solidarity capitalises on initiatives and efforts of other organisations and strengthens programmes targeting poor households by providing and implementing integrated family policies. The Division for Youth, Children and Women's Affairs under the Ministry of Justice is responsible for three main areas: child protection, children's clubs and summer camps, especially for poor children. The Children Rescue

Centres (social and educational institutions that receive, by court ruling, children who have committed crimes and criminal offenses) are administered by this division. The Department of Justice is responsible for prosecuting and sentencing juvenile offenders and assuming custody of juveniles in prison. Its Criminal Affairs and Pardons Division is responsible, among other things, for monitoring cases of children in conflict with the law. It also includes a juvenile delinquency service in the Special Criminal Division. The Ministry of Interior (through the police and gendarmerie) has reinforced a special "youth task force" by creating Juvenile Liaison Officers in charge of protecting minors; this initiative depends on the General Directorate of National Security.⁶⁷

The Government has created a non-ministerial decision-making body under its control. The National Observatory for Child Rights is chaired by Her Royal Highness Lalla Meryem, the sister of His Majesty King Mohammed VI. This Observatory has undertaken the monitoring of the implementation of the CRC. It is a coordination and support tool among stakeholders that can assess actions implemented for children nationally, regionally and locally.⁶⁸

b. *National Councils and Independent Human Rights Institutions*

The Supreme Commission for Neglected Children and Supervised Education, and the Permanent Council for Neglected Children and Supervised Education, both created in 1959, have been phased out. They were replaced by the Advisory Council on Human Rights (ACHR), a national institution working in the field of protection and promotion of human rights. The ACHR was created by His Majesty King Hassan II on 20 April 1990 in accordance with the provisions of *Dahir* No. 1-90-12. It was mandated to propose and promote issues related to hu-



man rights in the country⁶⁹ and can prosecute perpetrators suspected of violating human rights or child rights.

The ACHR is managed by a Board with a Chairman and a maximum of 44 members. The Prime Minister is a member of the ACHR by for a six-year, renewable term.⁷⁰ The ACHR's mandate was expanded by the *Dahir* of 2001, whose provisions were drafted in accordance with the United Nations' "Paris Principles".⁷¹ Among the recommendations of the ACHR was the establishment of the Equity and Reconciliation Commission (ERC), whose bylaws were published in the Official Gazette on 12 April 2004. This committee specializes in non-judicial settlement of severe violations of human rights carried out during the "Years of Lead", a dark period in the history of Morocco characterized by the repression of political opponents during the reign of Hassan II. "The Commission is particularly concerned with gross human rights violations of a systematic and/or massive nature, including forced disappearances and arbitrary detentions," reads the ERC's official charter.⁷²

c. Local Civil Society Organisations and Networks

Among the nearly 40,000 organisations working on the ground, there are over a hundred advocacy groups for the defence and the promotion of children rights.⁷³

Moroccan civil society has grown with the country's liberalisation and democratisation, giving rise to a vibrant civil society.⁷⁴ These associations are largely "structured around objectives primarily linked to the environment of their neighbourhoods—communities are getting together to assume the functions of collective interest long neglected by the public."⁷⁵ Reform of the Law on Freedom of Association has simplified procedures for declaring an association, deleting severe restrictions established in 1973 that provided for the suspension or dissolution of

any association whose activities are likely to disrupt public order.⁷⁶ Any association inciting violence remains liable to a penalty of annulment and dissolution.

Still, many grey areas remain regarding the legal rights of association. Ostensibly, organisations are given a provisional receipt after registering and before final approval. In practice, however, this receipt is not always transmitted⁷⁷, placing more power in the hands of officials.⁷⁸ Some groups face other difficulties such as bureaucratic challenges, prohibition on meeting and political intimidation.⁷⁹

Along with the status of association, organisations can benefit from what is called "recognition of public interest", i.e. acknowledgement from the government that the group's goals are in line with national or local interests.⁸⁰ According to the General Secretariat, only 182 associations are recognised as being of public interest. Many human rights organisations have denounced the criteria for selection⁸¹ and procedures for obtaining this special status. According to Amina Bouayach, president of the Moroccan Organisation of Human Rights, "This status is now granted to associations not based on the quality of their work or their presence on the national territory, but rather for purely political reasons. It is true that amendments have been introduced in recent years in the law regulating associations, but they remain insufficient. We need to identify non-biased criteria more clearly."⁸²

The National Human Development Initiative (INDH in French) was launched in 2005. This initiative provides for financial support and capacity-building of stakeholders working against insecurity, exclusion and poverty. It also contains a major component on the protection and promotion of children's rights.

d. Media

In 2002, the Press Act underwent major reforms (Act Release No. 77.00 promulgated by *Dahir*No. 1-02-207 of 3 October 2002).⁸³ The changes recognized the right to information and removed the government's right to ban a publication for any reason. On the other hand, courts continue to be able to stop publication of media deemed harmful to the monarch, Islam, or the state's "territorial integrity".⁸⁴ While Section 9 of the Constitution guarantees "freedom of conscience, freedom of expression in all its forms", Section 23 stipulates that "the King's person is inviolable and sacred".

Many independent newspapers have been shut down, taken to court and their journalists imprisoned.⁸⁵ In its annual report, the Moroccan Association of Human Rights noted rights violation against Internet users and bloggers such as Fouad Mohamed and Raji Mortada, both charged and tried for violating 'sacred values'. In another case, two newspapers were taken to court for publishing official statements made before the ERC.⁸⁶

Thus, despite the presence of independent publications that deal with taboo subjects like sexuality and religion, Reporters Without Borders states that independence of the press is in jeopardy.⁸⁷ In its 2010 world ranking of press freedom, the group ranked Morocco 135th out of 175 countries, a decline of seven points over the previous year.⁸⁸

The media is integrated into various national action plans and strategies for addressing children's rights. Still coverage remains low. To illustrate, the International Day of Children's Rights, on 20 November, is not extensively covered in the media.

e. Donors and the Diplomatic Community

Programming in Morocco is funded by two major sources. First, international institutions such as the European Union or the World Bank fund programmes through ministries, governmental agencies and/or NGOs. These institutions, for example, are funding the National Human Development Initiative programme launched by Morocco in 2005⁸⁹ and the UPEs.

Second, private donors provide funding for projects run usually by local NGOs, many of them religiously affiliated. These donations are often made anonymously and *ad hoc*, making this type of funding less sustainable over the long term. The local NGO sector is, as a result, developing donor relationships with the private sector, which allows more opportunities for long-term sustainability.

f. Parents and Guardians

In the new Family Code, wherever the term "parent" is used in the legislation, the term refers to both spouses. The family is, by virtue of Section 4, under the "leadership of both spouses".⁹⁰ Thus, all "rights and duties are reciprocal between both spouses". Section 51 lists six areas where this equality is in fact a reality.⁹¹ In addition, Section 25, which provided for matrimonial guardianship, was abolished. Thus, "upon reaching the age of majority, a woman—or man—bears the legal capacity to contract marriage."⁹²

g. Children and Youth

In 2009, children represented approximately 30% of the total population.⁹³ Only recently, however, have efforts been made to increase their awareness of the CRC and its provisions. The Ministry of Education, Higher Education and Scientific Research now includes legal awareness



modules in school textbooks. The Children's Parliament, which held its first conference in 1999, allows debate and discussion between 357 children. Its mission is to promote dialogue and establish visibility for the issue of child rights. Initiated by the National Observatory for Child Rights, the Parliament has been criticized for not adequately representing poor segments of Moroccan society.⁹⁴

Some NGOs are working to inform children about the CRC and child rights through clubs like the Human Rights Education Club at the Ibn Tahir High School for orphans.⁹⁵

h. United Nations Agencies

United Nations agencies such as UNICEF, the United Nations Development Programme (UNDP), the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) are working to promote child rights in Morocco. These agencies carry out activities in collaboration with the government and support government initiatives related to the CRC, social development, fighting poverty and promoting education. Some UN partnerships exist with local NGOs, but they are rare.

i. International Civil Society Organisations

International civil society organisations are involved in the technical and financial support of local NGOs, as well as assessing child rights and advocacy. Many of the organisations have been working in Morocco from the beginning of the 1990s, while others, such as Terre des hommes, have been involved since the 1960s. They include:

- ▶ **Handicap International** works with people living with disabilities, with a specific component for children;
- ▶ **Terre des hommes** has implemented several health programmes supporting children, adolescents and women;
- ▶ **Aide et Action** has implemented programmes supporting access to education;
- ▶ **Acting for Life/Groupe Développement**, supports local NGOs in programming related to street children and sexual exploitation;
- ▶ **Care International** has supported local actors in improving school conditions in rural areas;
- ▶ **Fondation d'Auteuil (Auteuil Foundation)** implements educational programming, youth training and projects specific to children living in the streets;
- ▶ **Agrisud International** develops programmes related to sustainable tourism, agriculture and injecting young people into the labour force;
- ▶ **Drosos Foundation** works with several local NGOs addressing the issue of street children and single mothers; and
- ▶ **Save the Children Spain** has worked programming related to protection against sexual abuse, education and child participation.

This list is certainly not exhaustive, but touches upon the most visible international organisations in Morocco in the field of children's rights.

j. Regional Bodies

Since Morocco is located between two geographic areas, Africa and the Middle East, the regional bodies at work in its sphere include the African Union, the Arab Maghreb Union and the Arab League.

Morocco is not part of the African Union and the Arab Maghreb Union is currently experiencing difficulties threatening its operations. The Arab League, to which Morocco does belong, has no real involvement in the issue of child rights. Morocco does participate actively in activities organised by the NOCR⁹⁶ and the Arab Council for Childhood and Development (ACCD).

4. Identifying Child Rights Commendable Practices in light of the CRC's Main Principles

i. The Right to Non-Discrimination (Article 2)

The Family Code revised in 2004 addressed the issue of non-discrimination as recommended by the Committee in its last Concluding Observations. The Family Code uses the term “child”—meaning boys and girls—and has revised text where gender discrimination persisted before.

The age of marriage (Section 19) is now 18 years for both boys and girls. The age of majority (Section 209) is now the same for both genders. Moreover, the Family Code now provides for the transmission of Moroccan citizenship to any child born of a Moroccan mother and a foreign national father, an issue that had been criticized by the Committee.

a. Gender

Girls' enrolment rate in primary and secondary school has visibly improved in recent years, going from 61.8% in 1997/98 to 90.1% in 2005/2006. The number of girls enrolled in primary school in urban areas has gone from 81.5% to 92.9% and from 44.6% to 87.6% in rural areas over the same period.⁹⁷ However, enrolment rates for girls in secondary school are only 44% total: 37.6% in rural areas and 47.15% in urban areas.

Several government initiatives have been established to address the glaring lack of schooling for girls. Among them is an initiative started by the United States Agency for International Development (USAID) in collaboration with the Committee to Support Girls' Education (CSGE), which aims at providing scholarships for girls in rural areas to continue their schooling. With the support of a scholarship programme, “*Une bourse pour réussir*” (“Scholarship for Success”), the CSGE created rural education centres where young girls are provided with the means to continue their studies. Between 1999 and 2010, 2,133 girls received these scholarships.⁹⁸

b. Birth Out of Wedlock

The number of births outside of wedlock is increasing; although exact figures have yet to be published, the subject being taboo in Morocco. This issue was raised by the Committee in response to the government's second periodic report, stating that “any discrimination based on gender and birth in all fields of civil, economic, political, social and cultural life” should be removed.⁹⁹

Trends in civil society are to recognise births out of wedlock, thereby allowing the child to be de facto recognised, even if the father is unknown. In fact, through the Family Code reform of 2004, the law now recognises filiation

through the mother (Art 146). This is established “by the fact of giving birth, admission by the mother, juridical decision” and “is legitimized in the case where it results from a marriage, a relation by mistake or a rape” (Art 147).¹⁰⁰

A procedure has been established through the revised Family Code that allows the child to bear the name of the mother if her own father (the child’s grandfather) agrees. If the father does not agree, a government official selects a family name for the child from an official names list.

c. Rural/Urban Areas

There are many disparities between urban and rural areas. About 70% of the urban population is connected to a public sewer system (the remaining 30% use autonomous systems). In rural areas, however, 32% of households use an autonomous sanitation system, while only 0.4% are connected to the public sewer system.¹⁰¹ Others have no access at all to these systems, and use whatever available resources are available.

In 2009, 3.8% of children died before reaching the age of five years old, with these numbers doubling in rural areas.¹⁰² Maternal mortality in 2007 was also lower in urban areas at 187 per 100,000 live births, compared with 267 per 100,000 live births in rural areas.¹⁰³

The Committee recommended that the State develop a system of data collection and indicators consistent with the Convention, emphasizing the particularly vulnerable.¹⁰⁴ In addition, it recommended policies be developed to address the rural/urban disparity in health, sanitation and education.¹⁰⁵

Among initiatives implemented in this field, the National Initiative for Human Development (NIDH), launched by

Morocco in 2005, aims at reducing the disparities between rural and urban areas by fighting poverty in rural areas.¹⁰⁶ In this context, 3,742 projects were implemented in 2008 under the programme, reaching 938,000 people. These projects include the development of schools and health centres.¹⁰⁷

d. The Status of Refugees, Migrants and Internally Displaced People

A major domestic issue is that of unaccompanied migrant children commonly called *barragas* (children who seek to migrate to Spain, France, Italy, etc.). These Moroccan children come from several regions of the county, but very little information about them is available. The United Nations High Commissioner for Refugees (UNHCR) says it has registered 30 unaccompanied Moroccan minors.¹⁰⁸

The Committee recommends that the State take all necessary measures to prevent unaccompanied children from migrating to other countries, including offering them opportunities for education.¹⁰⁹ The Committee is also concerned that migrant children, once they are back on the territory of the State party, do not receive adequate protection or assistance and remain unmonitored.¹¹⁰

In response to these recommendations, the Government adopted mechanisms to allow repatriation, along with financial measures to facilitate children’s reintegration. An ad hoc committee was set up to assess the accommodations of these children.¹¹¹ However, no evaluation on the effectiveness of these mechanisms has been performed.

The UNHCR reports 222 refugee children in Morocco, 74 of them less than four years old¹¹² and most of them originating from Sub-Saharan countries.¹¹³

“A major domestic issue is that of unaccompanied migrant children commonly called *har-ragas* (children who seek to migrate to Spain, France, Italy, etc.)”



programme provides a combination of information-sharing, vocational training and school reintegration.¹¹⁴

The Orient-Occident Foundation has a programme dedicated to refugees that offers vocational training and education. It also holds educational activities for children and provides access to Moroccan *darija* classes so they can integrate the formal education system.¹¹⁵

e. Ethnicity or Religion

Although Islam is the official religion (practiced by over 90% of the population), Moroccans are allowed to practice other faiths. Article 6 of the Constitution stipulates that Islam is the religion of the State but guarantees the free exercise of worship to all. Article 39 guarantees that no member of the Parliament can be prosecuted, arrested, detained or judged for his/her positions while in office, unless any of these challenge the monarchy, Islam or the respect due to the King. According to Article 106, the monarchic nature of the State as well as its dispositions related to Islam cannot be the object of constitutional review.

An interesting initiative put in place between 2008 and 2010 is a project carried out by the International Organisation for Migrations, in partnership with National Mutual Aid. The “Salem Project”, funded by the Italian Cooperation, aims to prevent irregular migration, especially of minors in the Province of Khouribga. The pro-

gramme provides a combination of information-sharing, vocational training and school reintegration.¹¹⁴

Though Morocco had previously expressed a sole reservation against Section 14 of the CRC (that recognising the child’s right to freedom of religion), the government lifted it in 2005. Sources say anecdotally, however, that restrictions are still in force vis-à-vis this section.

f. Disabilities

In September 2004, over 1.5 million people living with disabilities were reported, comprising 5.12% of the population and 15.5% of children (9.4% of boys and 6.1% girls) under 16 years of age. Only approximately 30% of children living with a disability aged between four and 15 years old attend school. School enrolment for the disabled is three times lower than that of children without a disability.¹¹⁶

The Committee, in its latest Concluding Observations, recommended that the Government “review the situation of these children in terms of their access to suitable health care, education services and employment opportunities and allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field.”¹¹⁷ It also called for the State party to ensure proper data collection on children with disabilities.

While children living with physical disabilities are taken into account in legislation such as Law No. 14-05 on conditions for opening and managing welfare institutions, disabled children do not adequately benefit from health coverage. In recent years, through the NIDH and other programmes, special centres and schools have been established, but their services are generally not affordable to most families.

Civil society is very active in providing services to children living with disabilities. The Moroccan Friendship for the



Disabled is an organisation working to promote the rights of people living with disabilities and contribute to their professional and social integration. Besides holding awareness-raising activities, this organisation also launched in October 2010, with the support of Handicap International, training for teachers and educators within the “Social Integration Classes” programme. Three beneficiary schools have been identified, and the pedagogic programme that will be delivered has been approved by the Ministry of Education. Trainings are to begin this year, in 2011.¹¹⁸

Also, L’Association Nationale pour l’Avenir des Inadaptés Scolaires¹¹⁹ works with disabled children, launching their first pilot project in 1995.¹²⁰ In 2009 and 2010, 106 children benefitted from their classes.¹²¹

g. HIV/AIDS

The number of people living with HIV/AIDS continues to increase in Morocco, from 14,500 in 2003 to 22,300 in 2007.¹²² HIV prevalence levels remain very low, however, at 0.08% among pregnant women in 2007, a level almost constant since 2000.¹²³



A girl in a school in Taza, where Save the Children Spain sponsored an Inclusive Education Project with partner Espace Associatif. *Courtesy of Save the Children Spain*

In its Concluding Observations of 2003, the Committee welcomed the adoption of a National Strategic Plan to Fight AIDS, but remained “extremely concerned” at the increasing prevalence of HIV/AIDS among adults and children¹²⁴ and recommended that the State seek technical assistance in preventing HIV/AIDS from international agencies.¹²⁵

In response, the Government renewed its National Plan, developing prevention programmes but also giving patients universal comprehensive access to health care, and developing plans for psychological and social support.

The Association de Lutte contre le SIDA—Fight against AIDS Association (ALCS) based in Casablanca provides a screening service for the general public and organises many awareness raising campaigns for youth, among them a popular annual festival.¹²⁶ According to the ALCS research, less than two-thirds of boys and only one-third of the girls are aware condom use can prevent infection of HIV/AIDS, and over 26% of reported symptomatic AIDS cases set in between 15- and 29-year-olds.¹²⁷

ii. The Best Interests of the Child (Article 3)

In its Concluding Observations of 2003, the Committee recommended that the State take into consideration the concept of the “best interest of the child” when reviewing legislation and administration.¹²⁸

The new Family Code reform of 2003 sought to take into account the principle of the best interests of the child. Indeed, 22 sections in this Code refer to the principle of “interest of the child”.¹²⁹

However, the Committee specifically expressed concern over the question of child custody, which is determined by the age of the child and not by the interests of the child. Although a positive achievement was made allowing the child to decide guardianship at a certain age,¹³⁰ the new Family Code provides, through sections 231 and 236, that “the legal representation of minors be exercised by the father, and is only exercised by the mother in the father’s absence or following the loss of the ability of the latter”.¹³¹ Not only do these clauses reflect gender discrimination, they do not promote consideration of the best interest of the child in assigning their legal representation.

iii. The Right to Life, Survival and Development (Article 6)

The right to child development is mentioned numerous times in national legislation. Articles 54 and 510 of the Penal Code, for example, state that parents and custodial parents must ensure the protection and the right to the child to develop properly.

a. Health

As discussed earlier, studies show that the health system is highly unequal between urban and rural areas. In 2002, the number of Primary Health Structures in Morocco had increased to 2,400¹³² from 2,138 in 1999¹³³. Nevertheless, more than 25% of the population remains more than 10 kilometres away from a health facility.¹³⁴ This is reflected in the distribution of both public and private services. Indeed, 96% of private health facilities are located in urban areas.¹³⁵

In 2005, crude birth rates were 20.4 births per 1,000 inhabitants with a crude mortality rate of 5.5 deaths per 1,000 inhabitants.¹³⁶ The Total Fertility Rate is 2.4 children per woman, with a lower fertility rate among urban women (2.1) than for rural women (3.0). This has gradually declined from the early 1980s when it was 5.9 children per woman.¹³⁷ This decrease can be explained by a rise in the age of marriage and an increased use of contraception.

The mortality rate for children under five remains relatively high despite dropping from 76% in 1982 to 47% in 2004. The risk of a child dying before the age of one year has been reduced from 149 in every 1,000 births in the 1960s to 48 deaths for every 1,000 births in 2004. Still, nearly five in every 100 children die before reaching the age of five.¹³⁸

Also, the maternal mortality rate remains high at 227 deaths per 100,000 living births (186 deaths in urban areas, 267 deaths in rural areas).¹³⁹ These rates are the highest in the North Africa & Middle East region.¹⁴⁰

Disparities in vaccination coverage are visible between urban and rural areas, as well as between poor and wealthy citizens. Vaccination coverage was found to be 94% in urban areas and 84% in rural areas, and from 80.7% in the poorest settings to 97.4% in the wealthiest environments.¹⁴¹

Rural children are twice more at risk of death than children in urban areas.¹⁴² This can be explained by diminished access to health care facilities, gaps in vaccination protection and the persistence of malnutrition. These phenomena combine to make rural areas an ideal place for deadly early childhood disease to develop.

In its Concluding Observations, the Committee called on the State to allocate resources and develop policies that would improve health conditions for children, particularly in rural regions.¹⁴³ It also recommended reductions in maternal, child and infant mortality, the prevention of iodine deficiency disorders, and the promotion of proper breastfeeding practices.¹⁴⁴

Between 2000 and 2005, the need for change brought about several reforms:¹⁴⁵ a law on regionalisation, hospital reform, and improvement of management and financial resources through the new strategy of the Ministry of Health.¹⁴⁶ Under these reforms, compulsory health insurance was established, allowing all employees to have basic medical coverage.

Recent years have seen an improvement in the provision of health services, with 5.3% of the GDP allocated to health spending in 2007.¹⁴⁷ The number of hospitals

increased from 107 in 1997 to 133 in 2006. Staff being trained in public health care increased from 1,949 to 2,592 between 1997 and 2006.

In 2007, the Ministry of Health and the United Nations Population Fund (UNFPA) launched the seventh round of a four-year programme to improve school health services, reproductive health, teenage and youth health, as well as access to basic medical care.¹⁴⁸ In 2004, the UNFPA and the Ministry of Health launched a mutual insurance programme in rural areas to support the most underprivileged people, mainly women.¹⁴⁹ Through a contribution of USD30 a year, subscribers are ensured access to drugs and emergency health care.¹⁵⁰

In 2005, UNICEF and its partners created “*Dar Al-Oumouma*” (“Mother’s House”) to support pregnant women close to term to help them give birth in a safe environment, free of charge.¹⁵¹ These houses were first launched in the district of Ourika and have served approximately 2,700 women every year since opening. The pilot project is under study to be extended to other provinces (Chefchaouen, Ouarzazate and Zagora). The initiative also acted to improve women’s reproductive health by developing standards and carrying out training in obstetrics.¹⁵²

Another project of the Ministry of Health and UNFPA sought to address the health needs of teenagers and youth. The programme was launched in five regions in Morocco, in urban and suburban areas, paying specific attention to girls. “Health Spaces” provided access to management and training manuals on youth health in 12 provinces.¹⁵³ “Health Clubs” were established in 200 secondary and high schools and the Ministry of Sport and Youth put in place activities for youth in 60 “Youth Houses”.¹⁵⁴

A survey on school health was carried out, although the results were not available at the writing of this report.¹⁵⁵ The Ministry of Health has a department fully dedicated to school health.¹⁵⁶ The National Programme for School and University Hygiene was launched in 2006 with the mobilisation of health centres and doctors to ensure systematic medical visits and a medical school booklet for every child. The initiative sought to fight visual deficiencies and transmissible ophtalmia, promote oral health, prevent transmissible diseases, supervise summer camps, control hygiene conditions and develop education in sanitation.¹⁵⁷ Since schools are more numerous than health centres, the MNE and UNICEF launched a pilot project using voluntary instructors to ensure the role of health auxiliaries in 61 rural schools (in Chefchaouen, Essaouira, Ouarzazate, Zagora and Al-Haouz). These auxiliaries conducted awareness classes, ensured first aid, contributed to the management of medical files and referred sick students to the nearest health centre.¹⁵⁸

Finally, in 2008, a child psychiatry unit at Ibn Rushd Hospital of Casablanca was opened. This unit is an important advance in the field, but obviously cannot meet the current national demand.¹⁵⁹

b. Nutrition

Hunger in Morocco decreased from 4.6% in 1990 to 0.9% in 2008¹⁶⁰; this success, however, masked another problem: “hidden hunger” or malnutrition. In fact, almost one-third of the population suffers from malnutrition due to a lack of micronutrient intake, i.e. the lack of vitamins and minerals. Malnutrition is responsible for half of the cases of child and adolescent mortality.¹⁶¹ While chronic malnutrition has declined from 28% to 18% between 1997 and 2003/2004, acute malnutrition has tripled from 3% to 9.3%, even reaching 11.1% in some rural areas. This malnutrition, which affects primarily women and chil-

dren, has been at the core of several regional campaigns promoting foods rich in micronutrients and iron and vitamin-enriched flour. One in three children, one in three women and one in five men suffer from iron deficiency.¹⁶² This deficiency costs the country USD250 million per year—5% of the GDP.¹⁶³

In 2004, the Ministry of Health developed a national strategy for the promotion of breastfeeding and good practices in infant feeding, in accordance with the global strategy of infant and child nutrition launched that same year by the World Health Organisation (WHO) and UNICEF. The strategy emphasized four components: supplementation, nutrition education, food fortification and capacity-building.

c. Reproductive Health

The use of contraceptives by married women (15 to 49 years) has increased significantly from 42% in 1990 to 63% in 2004. However, a gap remains between regions with 65.5% of women in urban areas using contraceptives compared with 59.7% of women in rural areas. Family planning in Morocco is oriented towards the use of modern contraceptive methods including the combined oral contraceptive pill, the most common method used by women. The birth control pill, although originally issued by prescription, is now available without prescription in most pharmacies, along with the “morning after pill” and condoms.

In its Concluding Observations of 2003, the Committee was concerned that insufficient attention had been given to adolescent health issues, including developmental, mental and reproductive health concerns. The Committee was also concerned at the high percentage of early pregnancies, which can have a negative impact on girls’ health and education. The Committee recommended that

the Kingdom undertake a comprehensive study involving children to assess the nature and extent of adolescent health problems, and use this information to develop programming, strengthening sexual and reproductive health education and mental health and adolescent-sensitive counselling services.¹⁶⁴

d. Education

Public education in Morocco encompasses 93% of the sector.¹⁶⁵ Private schools are either Moroccan or under foreign cultural missions, mainly French, American and Spanish.

Otherwise, the Moroccan education system is divided into four levels: pre-school, primary, secondary and high school, and is now compulsory for six- to 15-year-olds.¹⁶⁶ Therefore, education is compulsory until students finish secondary school. Only 59.7% of children four to five years of age are pre-schooled and 80% of these children are pre-schooled in *kouttabs*, schools that combine Koranic teaching with early childhood learning.¹⁶⁷ Net enrolment in primary schools for the school year 2007/2008 stood at 93.5%. However, the net enrolment in secondary schools that year was only 47.4%.¹⁶⁸ This indicates that the majority of students do not reach the end of primary school and/or do not continue to secondary school.

Morocco's educational system has received much attention during the last decade, as two national reforms of the educational system were undertaken through the MNE. The 1999 Charter for National Education and Training¹⁶⁹ was followed in 2009 by an Emergency Plan to accelerate the reforms.

Despite these efforts, widespread education has not yet been achieved, school dropouts are numerous, and the quality of education the subject of great criticism.¹⁷⁰ The

financial resources of the education sector remain limited, well below what is needed to enable a quality education.¹⁷¹ Indeed, according to a recent UNESCO study, the strategic framework to develop the education system was put in place only five years after the launch of the reform and was not supported by the necessary budget.¹⁷²

Even though enrolments rates are more or less high, completion and repeater rates are low. Indeed, for the school year 2007/2008, the rate of those repeating a grade was 12.6%, and the completion rate was 73%. In secondary schools, these statistics were even more negative: 16.4% were repeating a grade and 48% completed school.¹⁷³

To try to strengthen educational participation, since 1996, the Government has promoted an alternative programme giving children between the ages of eight and 16 who have never been sent to school or who have dropped out of school the opportunity to return.¹⁷⁴

In its last Concluding Observations, the Committee recommended that the State party ensure equal access to boys and girls from rural and urban areas to education, allocate adequate resources to support educational programming, introduce the issue of human rights and child rights in school curriculum¹⁷⁵, and work to encourage child enrolment.¹⁷⁶

To answer to these recommendations,¹⁷⁷ the State launched in 2009 the "Emergency Plan" or "NAJAH". The plan includes 23 projects and focuses on four themes: to make effective the obligation of education until age 15; to stimulate initiative and excellence in high school and college; to confront all issues facing the education system; and to provide the means to success. Little information evaluating the plan and its progress was available at this writing. In 2010, the Government increased the budget

exposed to violence.¹⁹⁰ This same survey found that 10% of the 22,940 girls identified (under 18 years of age) were victims of violence.¹⁹¹

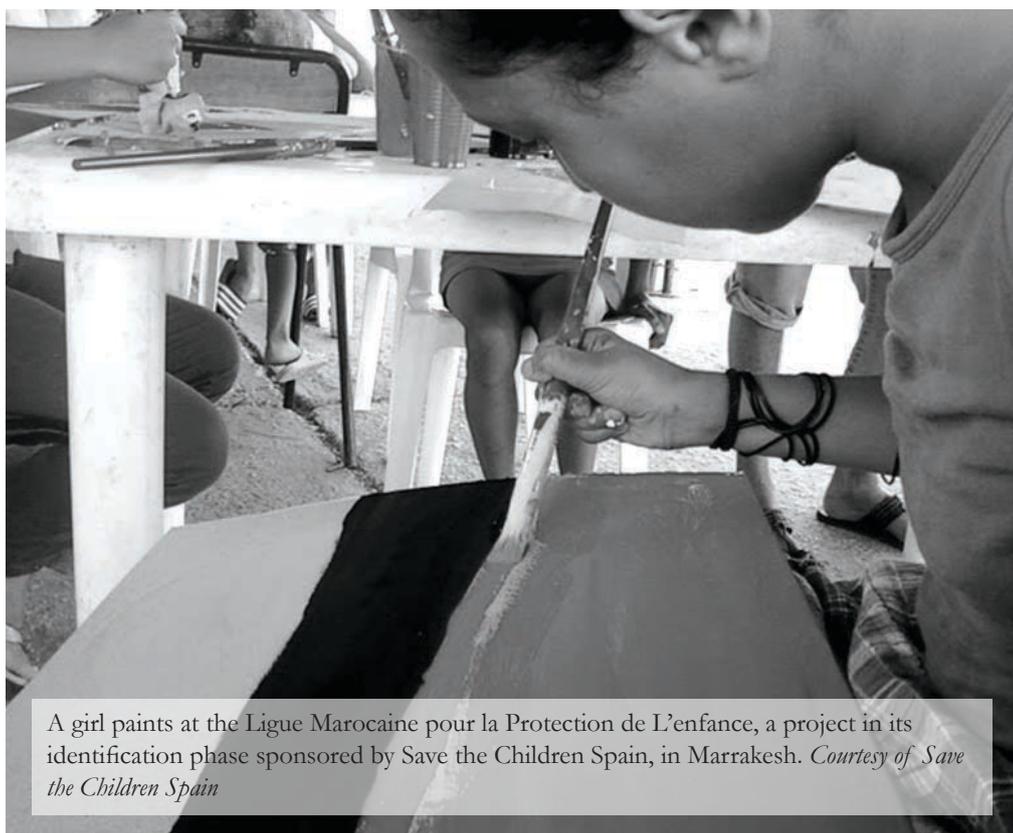
In its Concluding Observations, the Committee recommended the Kingdom conduct a study to assess the root causes, nature and extent of ill-treatment and abuse of children, and design policies and programmes to prevent and combat it. Legislation should prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and institutions and abolish the age limit where violence is allowed. Policies should establish effective procedures to

receive, monitor and investigate complaints and investigate and prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected. Training should be provided to those who work with children in handling abuse cases.¹⁹²

Under the National Action Plan for Kids (2006-2015: “Morocco Fits For Its Children”), Morocco has implemented new institutions and programmes to protect children such as the programme *Inqad*, which aims to end the exploitation of child maids, along with child protection units, which provide a permanent home and create a listening ground for children

victims of violence, guide them with their guardians, towards the relevant professionals (doctors, judges, etc.), to provide medical, psychological, legal and social assistance and help them in all their proceedings, with ongoing monitoring.

The Ministry of Social Development, Family Affairs and Solidarity launched UPEs that provide a resource for children victims of violence and guide them, with their guardians, towards professionals (doctors, judges, etc.) that can provide medical, psychological, legal and social assistance. No data was



A girl paints at the Ligue Marocaine pour la Protection de L'enfance, a project in its identification phase sponsored by Save the Children Spain, in Marrakesh. *Courtesy of Save the Children Spain*

available on the number of children supported by the UPE since their launch.

The Government also undertook legislative reforms in November 2003, raising the age of protection of children victims of violence from 12 to 15 years of age (Article 408). Moreover, new infractions were integrated into the penal code through Law 24-03 of 2003 that made it illegal to force children to work (Article 467-2), to sexually exploit children (Article 497-499) and to make child pornography (Article 503-2).¹⁹³

Finally, new support for children victims of violence in hospital offers medical, psychological, and legal support to victims. The initial project was launched in 2006, establishing a manual on support for child victims, and has since been implemented in four other units (Marrakesh, Kalaa, Essaouira and Beni Mellal). Trainings were provided based on this manual to judges, policemen, doctors and other stakeholders working with children.¹⁹⁴

The ACHR collaborated with UNICEF on a 2008 study on mechanisms for receiving, prosecuting and following up on violations of children's rights.¹⁹⁵ The main goal of this study was to present the international framework and propose initiatives that could be put in place in Morocco and to shine the light on existing national mechanisms for promoting and protecting children's rights.¹⁹⁶ The study's findings showed that national mechanisms should be a part of already-existing structures, such as the NOCR.¹⁹⁷ However, it also showed that these national mechanisms should be implemented in all regions of the country to guarantee that they are available for all children.¹⁹⁸

The Advisory Council for Human Rights held on the 20th Anniversary for the CRC and the 60th anniversary of the Advisory Council a seminar in February 2009 on child protection. This seminar was held with the participation

of government institutions, members of the Advisory Council and NGOs to recall the importance of integrating human rights and child rights into public policies.¹⁹⁹

Also supporting NGOs networking in the field of child protection, UNICEF published in 2006, in partnership with the National Mutual Aid, a guide to NGOs working in the field of children's rights in the city of Marrakesh. This guide provides organisational contacts and an overview of the organisation's activities in the field of child protection.²⁰⁰

f. Sexual Exploitation and Abuse

According to End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), the number of child victims of sexual exploitation in the major urban centres of Morocco is estimated at over 10,000. Young girls labouring as domestic workers are said to be the most vulnerable, with UNICEF estimating that nearly 13,500 girls under 15 are employed as domestic workers in Casablanca.²⁰¹

Although official data is lacking on the topic, among the thousands of calls received by the NODS helpline, 75% of calls involve sexual assault.²⁰² A 2003 study conducted by UNICEF on the sexual exploitation of children in Marrakesh showed that out of a sample of 100 minors, 61% were aged between 16 and 18 years old; 32% between 14 to 15 years old and 7% between 10 and 13 years.²⁰³ This same study found that a minor's family background was another key factor: 61% of children victims of sexual exploitation reported being ill-treated at home. The study also showed that 62% came from a poor background.²⁰⁴

In order to harmonise national legislation with the CRC and other international conventions, the Government

took many steps, including reform of the Penal Code during the period the Committee was reviewing the State report. The reform of the Penal Code introduced three new offenses: the sale and purchase of children, forced labour and child pornography. Nevertheless, the Committee expressed concern that various legislation differs as to the age children are protected from sexual exploitation and that some child victims of sexual exploitation may be treated as offenders.²⁰⁵

Later in 2003, when the Penal Code entered into the force of law through Law 24-03, sexual exploitation of children (Art 497-499) and child pornography became offences.

Some initiatives have been undertaken since 2003. “We must take care of our children” is the catch phrase of the first Government-sponsored awareness campaign dedicated to the cause of child sexual exploitation. The campaign was the result of a partnership between the National Observatory for Child Rights and the Agency Communication Consulting Klem Euro RSCG.²⁰⁶

Between 2006 and 2007, child sexual abuse increased in Morocco, found a study by *Touche pas à mon enfant* (or Don't Touch My Child).²⁰⁷ There are two reasons for this increase.²⁰⁸ First, the tsunami that struck Southeast Asia in 2004 made the area less ‘attractive’ for sexual tourism because of the destruction of infrastructure. Second, paedophiles elsewhere are increasingly hunted, whereas in Morocco, according to the study, there are few prosecutions of sexual abuse perpetrators.

g. *Child Trafficking*

Each year in Morocco, children are sold or leased for commercial or sexual exploitation. Morocco is a transit country for human trafficking, i.e. where victims of trafficking either settle or depart from. Two main types

of child trafficking take precedence: internally girls from rural areas are sent to cities to work as maids and internationally.

Morocco, through its Penal Code, prohibits all forms of trafficking, such as forcing a child to work (Art 467), sexual exploitation of children (Art 497 to 499) and the sale and purchase of children (Art 467 to 461).²⁰⁹ Also, the Law of 2003 related to immigration allows the pursuit of anyone responsible for trafficking a child. Laws make prostitution illegal and criminalise the abduction of married women and girls.²¹⁰ The Penal Code also prohibits the kidnapping of minors, through the articles 471 to 478.

In its Concluding Observations, the Committee notes the revisions of the Penal Code.²¹¹ However, the Committee remains concerned about the enforcement of these laws.²¹²

In November 2003, His Majesty King Mohammed VI announced the establishment of two new institutions to fight human trafficking: Migration and Border Surveillance and the Migration Observatory.²¹³ The mandate of Migration and Border Surveillance is to analyse networks of trafficking of migrants at the national and international level, as well as to support operational borders surveillance. On the other hand, the Observatory's mission is to federate all actors around a multidisciplinary action on the issue of migrations. Through this Observatory, a national database on migrants is expected to be developed.²¹⁴

NGOs are also active on the issue of child trafficking. For instance, the Moroccan League of Child Welfare has set up a club of children who are sensitised to the dangers of drugs, ill-treatment, sexual abuse and sexual exploitation. Also, the Ennakhil Association in Marrakesh works with child victims of sexual exploitation aged eight to 16 years old. Bayti is dedicated to the social reintegration of

children in difficult circumstances, through which child victims of trafficking can be supported.

*b. Children Associated
with Armed Forces and Armed Groups*

The conflict between Morocco and the Polisario Front over the independence of the Sahara territory has lasted for over 30 years. The Polisario Front depends mainly on the recruitment of volunteers, although the minimum age for enrolment and military training is 18 years old.

Morocco, on the other hand, has revised its age of compulsory recruitment to age 20.

The Committee, in its Concluding Observations of 2003, recommended that the Government “take all feasible measures to ensure full protection and care of children who are affected by the armed conflict taking place in Western Sahara.”²¹⁵

According to the Coalition to Stop the Use of Child Soldiers, there have been no reports of children under the age of 18 enlisted in the Royal Armed Forces of Morocco nor within the People’s Liberation Army, the armed wing of Polisario.

In October 2007, Morocco endorsed the Paris Commitments to Protect Children from Unlawful Recruitment as well as the Paris Principles and guidelines on children associated with armed forces or armed groups.²¹⁶

i. Landmines and Small Arms

Morocco is not considered an area affected by landmines, with the exception of the “controlled” territory in Western Sahara, which could be contaminated by landmines and explosive remnants of war.²¹⁷ It was reported that

Morocco placed landmines around the three-meter wall it constructed in the Western Sahara region²¹⁸, but the exact extent of contamination is unknown. Landmine and Cluster Munition Monitor says that the Western Sahara may have the highest number of landmines in the world.²¹⁹ Morocco reported three or four cases of persons injured by landmines in 2007.²²⁰ A new victim was identified by the Landmine Monitor in Morocco in 2007: a 12-year-old girl who was wounded by an unidentified explosive device in Assa (just outside the Western Sahara territory). In 2003, the Committee had no comments or recommendations on this issue.

Landmine and Cluster Monitor reports that after the death of a Moroccan official in a landmine in January 2007, Morocco embarked on a major demining effort.²²¹ Specific actions promoting the protection of children could not be found.

j. Orphaned, Separated and Unaccompanied Children

The number of children deprived from a home environment is growing in Morocco. Between 2002 and 2004, the number of children living in institutions increased from 29,304 to 46,500.²²² These children have often been placed in these institutions by poor parents and are subsequently subject to insufficient supervision, violence and abuse.²²³

The 2002 Act on the Kafala makes the Islamic form of adoption subject to a court decision where the rights and duties of parties are regulated. The Act also allows the adopted father to give his name to the child in a process called the “unification of the family name”.²²⁴ However, according to several families engaged in the *kafala* process, this procedure is very complicated and can take a long time.



“It is estimated that there are between 4,000 and 5,000 children living and working in the streets in Casablanca alone. These children face abuse, violence and sexual abuse.”

.....

Without access to accurate figures and statistics, it appears that thousands of unaccompanied migrant children from Africa, including Morocco, are deported back to their countries without any consideration for the best interest of the child as required by the CRC.²²⁵

In its concluding Observations, the Committee expressed concern about conditions for deported Moroccan children²²⁶, particularly those in the Spanish cities of Ceuta and Melilla where there have been allegations of police brutality against these children. It recommended that unaccompanied children be prevented from migrating, that when they are repatriated from Spain to Morocco, they are returned to family or an agency willing to care for them, and that reports of abuse are investigated.²²⁷

The Committee also expressed its concern about the large number of children placed in institutions where they can be neglected, as well as the growing number of children abandoned by their parents.²²⁸

In response, the State party undertook reforms of legislation providing for child support institutions, such as Law 14-05 related to the opening and management of social protection centres.²²⁹ This law has been in effect since 2006 and regulates the living standards of children in the centres, as well as the centres' finances.²³⁰

k. Birth Registration

Birth registration helps protect the child's right to his or her identity. In Morocco, the Registry Office determines the civilian identity and nationality of a child. Today, the non-registration of children is considered a crime punishable by law, but no penalty is enforced in this case.²³¹

In its Concluding Observations, the Committee stressed the importance of awareness-raising campaigns emphasizing the importance of birth registration in order that the birth registration rate reach 100% by May 2008.²³²

Since 2004, such campaigns have been conducted in rural areas; the results remain mixed and many children are still not officially registered.²³³ According to the Ministry of Interior, in 25 provinces of the Kingdom, more than 213,000 people are not registered at the Registry Office. In 11 provinces, about 8,500 hold no marriage certificate, which has consequences for registering children at birth.²³⁴

In 2009, the General Directorate of Local Districts launched a national campaign targeting 69 provinces and districts with 208,169 people not registered, among them 53,430 families without marriage certificates and 154,799 people who missed the registration deadline.²³⁵

l. Children Living/Working in the Streets

Children living and working in the streets are mostly from families living in poor neighbourhoods or shanty towns. Some of them have left their families in rural areas, hoping to find a job or better living conditions in the city. These children drop out of school at an early age and are largely illiterate. It has been reported that 80% of these children smoke tobacco and 30% abuse substances (organic glue or hashish.)²³⁶

Some children were abandoned because of parental divorce, desertion by one spouse or after being born to single mothers. Even though Article 147 recognises filiation through the mother, children born out of wedlock are outcasts in Moroccan society, facing economic and social marginalisation.²³⁷

To date, information on children living in the streets is based on the fieldwork of CSOs. No major study has yet to be carried out.²³⁸ It is estimated that there are between 4,000 and 5,000 children living and working in the streets in Casablanca alone. These children face abuse, violence and sexual abuse. According to a study on violence against children, for example, “street children and children in conflict with the law are the main victims of torture and other cruel, inhuman or degrading treatment in Morocco. When they are ‘rounded up’, they face being kicked, hit with a club, or burned with cigarettes inside the police precinct.”²³⁹

In its Concluding Observations, the Committee recommended the Kingdom establish a comprehensive strategy to address the large and increasing number of street children with the aim of protecting street children and of preventing and reducing this phenomenon. The Committee called on

the State to provide these children with basic services, including vocational and life-skills training, and protection and reintegration services when they are subject to abuse.²⁴⁰

Many activities have been implemented by the Government and NGOs since the launch of the National Action Plan for childhood in 2005. Unfortunately, the work lacks coordination.²⁴¹ The Government in 2010 launched the *Indimaj* program, aimed at eradicating the phenomenon of children living or working in the streets. Child Protection Units provide emergency assistance.



A happy bunch at a child support institution in Agadir participating in activities associated with a Save the Children Spain Child Protection Project carried out with local partner Bayt al Hikma. *Courtesy of Save the Children Spain*

m. Child Labour

The number of working children in Morocco numbers as many as 366,943 of which 65.5% are boys. Nearly 73% of children involved in work are located in rural areas.²⁴²

Generally speaking, besides the extremely difficult working conditions that these children face, the latter are barely paid, and the money is usually used by the family. Child labour is linked to parental poverty, high drop-out rates, the absence of legal protection and a permissive cultural environment.²⁴³

Morocco, in reforming the Labour Code in 2003, increased the minimum legal age of working children from 12 to 14 years old. Despite this law, children continue working at a young age; those who break the law usually incur no penalty from the authorities. In 2004, official estimates showed that nearly 1.5 million children of school age were not attending school.²⁴⁴

In its Concluding Observations of 2003, the Committee recommended Morocco to continue its fight against the economic exploitation of children; bring all laws in line with ILO conventions Nos. 138 and 182; provide rehabilitation and educational reintegration for exploited children; end the practice of children working as domestic servants; and address the root causes of the phenomenon.²⁴⁵

One initiative seeking to address these concerns is the circus school launched in 1999 by l'Association Marocaine d'Aide aux Enfants en Situation Précaire in Sale. Boys and girls in the school have access to classical education as well as circus activities.²⁴⁶

n. Juvenile Justice

The 1959 Code of Criminal Procedure established juvenile courts²⁴⁷ and set-up a specific procedure for the trial of minors. In 1974, a reform of the judiciary structure abolished special courts for minors. The new Code of Criminal Procedure, which entered into force on 1 October 2003, reinstated these specialised courts. It also provides for special compliance and rehabilitation measures (access to education, psycho-social support and medical support when needed).

Placing a minor in prison is, according to the Penal Code, an exceptional measure. The 1999 law on the organisation and operation of prisons requires any penal institution receiving juveniles, or those under the age of 20, to have independent cells or at least be in cells separate from adults.²⁴⁸

In its Concluding Observations of 2003, the Committee recommended that the State effectively implement the new Penal Code in line with the CRC and other United Nations standards.²⁴⁹

In addition, the Committee recommended that the State establish a sufficient number of juvenile courts and train continue training juvenile judges; institutionalize children as a measure of last resort; protect the rights of children in detention; and strengthen rehabilitation and reintegration programmes.²⁵⁰

iv. The Right to Be Heard/Child Participation (Article 12)

A survey conducted by UNICEF and the State, with several partners in Fez, Marrakesh and Tangier, found that parents take little consideration of the views of their children, even for decisions regarding the child.²⁵¹ Thus,

only 17.6% of those surveyed felt it was necessary to involve children under 18 years of age in the decision-making process. Also, “families with limited income are less favourable to asking the child’s opinion in the event of a decision to be taken by the household.”²⁵² On some issues concerning the household, for example purchases and friends’ selection, parents appear more favourable towards consulting girls.²⁵³

Moreover, the involvement of children in educational affairs has been a real challenge for Moroccan authorities who have undertaken changes intended to improve in this area.²⁵⁴ No targeted studies have been carried out on this issue. Pilots developed and tested by UNICEF helped to improve the quality of children and parents’ participation in school governance, the evaluation of school programmes and the development of regional and local programmes.²⁵⁵

Child participation considerations led to the adoption of the National Charter of Education and Training developed in 1999. This charter lays down the competence and the structure of educational establishments in Morocco, expressing a desire for change and action in the education system based on active learning, cooperation, discussion and collective effort to ensure the representation of children on school boards.

A new school management model was developed in 2004 aiming to establish a system of collegial governance of schools bringing together the local population, municipal officials, faculty, administration and children. This initiative enabled children to participate actively in the decision-making and evaluation process of the schools. In addition, co-op elementary schools that elect classroom representatives were created in 2004.²⁵⁶ Several Youth Clubs, managed through peer-to-peer education, were started in 2006

in secondary schools in cities. In addition, new curricula include the principle of child participation.²⁵⁷

Initiatives were also established to boost child participation in the community. Officials established Communal Councils for children in several cities, as a tool to help local institutions take into account children’s issues when developing programmes and development plans.²⁵⁸ Little information is available about the kind of recommendations that have been made.

The child’s right to participate in judicial or administrative proceedings affecting the child is recognized in Morocco by some legislation but not all.²⁵⁹ For example, the new Family Code in 2003 entitles a child over 15 years of age whose parents are separated the right to choose which parent will have legal custody. However, there is no explicit mention—in accordance with the CRC—of the “opportunity to invoke the courts, and taking into consideration the child’s opinion on all matters affecting the interested party”²⁶⁰. The Penal Code takes no account of the child’s right to express his or her views.

In regards to children’s access to information, the spread of Internet access in Morocco in recent years is a real breakthrough. No surveys or studies are available on children’s use of the Internet. However, national authorities have been engaged in a project aimed at integrating information and communication technology into the curriculum to further democratise children’s access to public information. On this basis, a roadmap for the implementation of activities focused on local e-governance was developed. Particular emphasis was given to children as stakeholders in the forum, to ensure a match between their needs and expectations and the national capacity to develop a local e-government.



Concluding Remarks and Way Forward

Since the last Concluding Observation, Morocco has carried out several steps for the improvement of child protection and the implementation of child rights. Several national programmes and plans of action were launched and completely or partially implemented. Most at this writing, however, were still being studied or their strategies being elaborated; fieldwork actions remain insufficient and insufficiently documented.

Initiatives to support children too often concentrate on immediate needs. These activities do not address the root causes, such as poverty or social conflict.

“Several national programmes and plans of action were launched and completely or partially implemented after the Committee’s Concluding Observations. Most at this writing, however, were still being studied.”

Also, while government and CSOs are developing similar or complementary programmes for children, too little collaboration is taking place, limiting the impact and outcomes of these activities. Nor is work in the field usually monitored or evaluated. One of the main challenges in conducting this research was the lack of data. Child trafficking, sexual exploitation and abuse are, for example, still taboo and ineffectively documented, as are initia-

tives to prevent or resolve such problems. The few studies that do exist are based on questionable methodology or

remain undisseminated, undermining the exchange of knowledge that could improve the protection of children’s rights in Morocco.

Endnotes

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