

Child Rights References in the Universal Periodic Review

Summary:

compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Morocco - 1st Session - 2008

Date of consideration: Tuesday 8 April 2008 - 3.00 p.m. - 6.00 p.m.

National report

- 11. The process of consultation was set in motion on 16 October 2007 at a briefing meeting on the universal periodic review mechanism. Since that date, four meetings have been held with ministerial departments, public agencies and institutions, and the Consultative Council on Human Rights with a view to gathering and supplementing the information needed to draw up the report; four meetings were also held with some 20 NGOs active in the area of human rights, in particular the rights of women, the rights of the child, prisoners' rights, human rights education and the rights of migrants.
- 16. The Kingdom's Constitution guarantees a range of rights, including the equality of all Moroccans before the law (art. 5); freedom of worship (art. 6); equality between men and women in the exercise of civil, political and trade union freedoms and rights (arts. 8 and 9); the right to education and work (arts. 12 and 13); the right to property and free enterprise without any discrimination (art. 15); and freedom of movement, freedom of opinion, freedom of all forms of expression and freedom of association (art. 9).
- 19. New legislation has been enacted and existing laws amended, for example to ensure equality between men and women and to safeguard the rights of the child (the law on legal foster care (kafala) for abandoned children, 2002; the Family Code, 2004; the Labour Code, 2003; the Civil Status Act, 2002; the Moroccan Nationality Code, 2007); to protect civil and individual liberties and to guarantee a fair trial (the Code of Criminal Procedure, 2003; the Organic Law on Parliamentary Immunity, 2004; the law abolishing the Special Court of Justice, 2004); to enhance protection of the physical and mental integrity of the person (amendment of the Criminal Code to include the crime of torture, 2006; amendment of the Criminal Code to make domestic violence and sexual harassment liable to prosecution, 2003).
- 21. Morocco is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child and its two optional protocols, and the Hague and Geneva conventions on international humanitarian law.
- 42. The Royal Institute of Amazigh Culture (IRCAM), which has been tasked since October 2001 with safeguarding and promoting all forms of expression of the Amazigh language and culture, assists in implementing the policies adopted with a view to introducing Amazigh into the education system and guaranteeing Amazigh influence socially, culturally and in the media at the national, regional and local levels.
- 43. Since its establishment a few years ago, the Institute has helped to enhance the status of the Amazigh language and culture by introducing the Tifinagh script and permitting its use for writings in Amazigh, by facilitating the inclusion of Amazigh in the educational curriculum and by promoting broadcasts in the Amazigh language in the audio-visual media.
- 48. In addition to the above-mentioned bodies, action to promote human rights is also taken by institutions dealing with specific categories of rights, such as the National Observatory on the Rights of the Child, the Moroccan Centre for Information, Documentation and Research on Women, the National Observatory to Eliminate Violence against Women and the Human Rights Documentation, Training and Information Centre.

- 51. They include, in particular: the new Code of Criminal Procedure (2003), which consolidates the guarantees of a fair trial, reaffirms the presumption of innocence, establishes two-tier proceedings in criminal matters and first-instance investigations, and introduces improvements in juvenile justice; Act 79.03, which abolished the Special Court of Justice that handled cases involving corruption, and transferred its jurisdiction to the ordinary courts in order to guarantee a fair trial; amendments to the Criminal Code (from 2003 to 2007), including the provisions dealing with torture, sexual harassment, domestic violence, trafficking, child pornography and prostitution, organized crime, corruption, terrorism and money-laundering; the new Family Code (2004), which codifies rights and duties on the basis of the principle of equality between men and women, guarantees the rights of the child and provides for the maintenance of family cohesion; the new Labour Code (2003), which reaffirms gender equality in terms of working conditions, introduces provisions to protect women and children at work, and establishes the principle of trade union freedom and better protection for women in employment; prison legislation, which was reformed in 1999 with a view to making conditions of detention more humane and developing educational and training programmes that facilitate social reintegration; the new law on political parties (2006) and amendments to the Civil Liberties Code and the Press Code, which seek to modernize and reconfigure the political landscape and expand the scope of civil liberties; strengthening of the judiciary through the introduction of administrative appeal courts (2006) in order to improve access to justice and better guarantee the rights of the public vis-à-vis the administration; adoption of a new Communal Charter (2002) to promote local democracy, better organize relations between the State and local authorities, and improve public administration at the local level; and abolition (2006) of imprisonment in connection with contractual obligations.
- 54. The Commission's work resulted in recognition of the competence of the Committee authorized to receive and consider communications from individuals under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, and that of the Committee against Torture to receive and consider communications from individual victims of human rights violations (article 22 of the Convention), and withdrawal of the reservation concerning the competence of the Committee against Torture to conduct inquiries under article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and of the reservation to article 14 of the Convention on the Rights of the Child concerning choice of religion, which was replaced with an interpretative declaration. A note to that effect was submitted to the Secretary-General of the United Nations on 19 October 2006.
- 58. In the context of its cooperation with the special procedures, the Kingdom of Morocco received visits, in 2000 and 2003 respectively, from the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the human rights of migrants. Furthermore, in his statement to the Human Rights Council at its fourth session, following his visit to Morocco in 2006 at the invitation of the Government, the Special Rapporteur on the right to education expressed satisfaction with the cooperation that the Moroccan authorities had demonstrated and with the extremely constructive institutional and legislative measures that had been taken to achieve the right to education in particular and to protect human rights in general.
- 61. The Kingdom of Morocco has submitted the following periodic reports during the past five years: its second periodic report on implementation of the Convention on the Rights of the Child (reviewed in May 2003); its fifth periodic report on implementation of the International Covenant on Civil and Political Rights (reviewed in October 2004); its initial report on implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (reviewed in January 2006); its third periodic report on implementation of the International Covenant on Economic, Social and Cultural Rights (reviewed in May 2006), and its combined third and fourth periodic reports on implementation of the Convention on the Elimination of All Forms of Discrimination against Women, which were submitted in July 2006 and reviewed on 24 January 2008.
- 62. Furthermore, Morocco is currently preparing its combined seventeenth and eighteenth periodic reports on implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, its fourth periodic report on implementation of the Convention against Torture, its initial report on implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, its initial report on implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and, lastly, its second national communication on implementation of the United Nations Framework Convention on Climate Change, to be submitted in 2008. All these reports will shortly be submitted to the relevant United Nations bodies.
- 72. In partnership with the United Nations Development Fund for Women (UNIFEM), the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), the Government has drawn up a plan of action to build capacity and provide support for the family justice divisions, and to explore ways and means of establishing mechanisms such as a family solidarity fund for divorced women and their children, and mediation structures.
- 79. The Kingdom of Morocco, a country with a very young population, attaches great importance to children and allocates substantial resources to the youth sector. The promotion and protection of the rights of the child commands the attention of the public authorities and civil society, whose efforts are backed by wide-scale international cooperation with the United Nations system and other actors. Since domestic legislation embodies the provisions of the international conventions on children's rights to which the Kingdom has acceded, it offers an appropriate framework for action in this field.
- 80. As it explained during the presentation of its initial report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (11 January 2006), Morocco takes steps to prevent child abuse and the various forms of exploitation to which children may be subjected. The media campaign on this subject prompted the first real public debate on the very sensitive topic of sexual exploitation.
- 81. Indicators relating to children's rights have been improved by various actions undertaken in the youth sector as part of the preparations for a national strategy on children capable of offering a comprehensive, integrated response, remedying the imbalances between urban and rural areas, satisfying specific local needs and promoting local development. Morocco has drafted a national action

plan entitled "A Morocco fit for its children, 2006-2015", in accordance with the Declaration and Plan of Action adopted at the special session of the United Nations General Assembly on children.

- 96. There has been a marked rise in the number of children attending school, from 5,551,023 in 2005-2006 to 6,902,565 in 2007. In order to curb school dropout rates, especially among girls and children with special needs, social support and coaching are given to poor children (canteens, boarding arrangements, scholarships, transport, coaching or remedial teaching), especially in rural and peri-urban areas. Nevertheless, this sector is contending with substantial shortcomings, seriously constraining human development.
- 98. Various programmes run by many different partners have meant that the number of children receiving non-formal education rose to 190,941 in 2007, 58 per cent of whom were girls.
- 99. A fall in illiteracy from 43 per cent in 2004 to 38.4 per cent in 2006 has been recorded in the population aged 10 years or over. In 2006-2007, some 155,709 persons attended literacy courses.
- 100. The Government has set several targets, the most significant of which are: a reduction in school dropout rates; an expansion of child protection units, which coordinate all the providers of legal and psychological assistance to child victims of abuse, violence and exploitation; a 60 per cent drop in child labour; the elimination of domestic labour by little girls; and the combating of all forms of child exploitation. To this end, Morocco is taking on and extending pilot programmes on the elimination of child labour and the integration of former child workers in formal and/or non-formal education.
- 101. Programmes to stamp out child labour are supported by the International Programme for the Elimination of Child Labour (IPEC)-Morocco of the International Labour Office and the United Nations Children's Fund (UNICEF). A bill on domestic labour aimed at ending child labour and the economic exploitation of children was drafted by the Ministry of Employment in 2006 and has been submitted to the General Secretariat of the Government.
- 106. In 2001, curricula were reformed on the basis of the Charter to include human rights values and their universal principles in their reference framework. Following the introduction of a more liberal approach to the drafting of school textbooks, a teacher's guide was issued specifying that the pupil's copy of the textbook should respect the principles of equity, equality and non-violence, as well as the principles and rights recognized in the international human rights instruments ratified by the Kingdom of Morocco.
- 108. A values observatory has come into being to promote the values and principles of human rights in strategic planning, curricula, and school programmes and textbooks. These mechanisms have been strengthened by the founding of human rights clubs in schools and the establishment of committees to revise the content of textbooks in the light of human rights principles.
- 111. In an endeavour to preserve and promote the Amazigh language and culture, the Royal Institute of Amazigh Culture has actively contributed to the initiative to have the Tifinagh alphabet adopted for writing the Amazigh language and to the publication of textbooks and teaching guides for the inclusion of this language in the curriculum of some 300 primary schools in Morocco, prior to its introduction throughout the educational system. There are also plans to launch a public television channel in this language in the near future, in addition to the programmes now broadcast on radio and television. Although these are substantial achievements, they do, however, fall short of ambitions in this sphere.
- 118. Morocco's main achievements with regard to the right to health are vaccine independence, eradication of poliomyelitis, wider vaccination coverage of children and a reduction in child mortality. In addition, many efforts have been made to improve reproductive health indicators, to introduce universal compulsory health insurance and to step up the national programme to combat HIV/AIDS.
- 136. Challenges and constraints are many and various. It is necessary to launch and pursue a series of public policies to be implemented by the institutions set up for this purpose, while at the same time providing the most suitable legislative and structural framework. The espousal of human rights by citizens and those responsible for ensuring their respect and promotion is, however, a long-term undertaking. It would therefore be wise to underline that in Morocco, as in the developing countries, economic constraints are severely hampering the country's action in the field of human rights, despite the considerable efforts being made to remove these obstacles.
- 137. These difficulties explain the main shortcomings recorded by our country in the spheres of education, health, employment and child labour. Economic deficiencies exacerbated by drought are becoming systemic.
- 138. This situation, in which new forms of precarity and vulnerability are emerging, such as illegal migration or street children, is increasingly complex.
- 142. In order to put these rights into practice, the Government is joining national and international actors in a partnership to guarantee education for all and high-quality teaching, to ensure that children do not drop out of school, to secure equal opportunities and sexual equality, to remedy shortcomings in rural areas and among vulnerable groups, and to make sure that children with special needs have access to schools.
- 143. In its General Policy Statement, the present Government set itself a number of medium-term priorities to be achieved by 2012. They concern: the strengthening of programmes to address marginalization and social precarity through the setting up of a network of local services and facilities; the establishment of 800 local social centres; a reduction in school dropout rates; the expansion of child protection units; a 60-per-cent drop in child labour; a complete end to the employment of little girls as domestic workers; measures to reduce illiteracy; the battle against corruption; the fight against terrorism; an improvement of conditions of detention in prisons; an improvement in the situation of disabled persons and their integration; the monitoring of the implementation of the Equity and Reconciliation Commission's recommendations; stronger protection and promotion of human rights; the strengthening and consolidation of individual and collective freedoms; and measures to stop illegal migration.

Compilation of UN information

- 2. CEDAW welcomed the fact that Morocco acknowledged the precedence of international instruments over national legislation but remained concerned that the status of international instruments with respect to the Constitution and national law had not been clarified.28 CEDAW was also concerned that although the Constitution guarantees equality before the law, it does not contain an explicit definition of the principle of equality between women and men or of discrimination on the basis of sex.29 CRC welcomed the incorporation of CRC OP-SC into domestic law in March 2004.30
- 5. To implement the World Programme for Human Rights Education (2005-ongoing),
 Morocco established on 11 November 2004 a "Commission Centrale des Droits Humains et de la Citoyenneté", which coordinated a
 national strategy and plan of action on human rights education for the first phase of 2005-2007.37 CAT, CRC, CERD, and CESCR all
 expressed appreciation for Morocco's efforts to develop training and education in the area of human rights and to raise awareness among
 the public.38
- 6. Regarding efforts taken to combat the sexual exploitation of children, CRC welcomed a number of policy measures taken by Morocco, namely the launching of a campaign between 2003 and 2004 and the elaboration of a National Plan of Action for Children (PANE) for 2005 to 2015. PANE also aims at poverty reduction initiated in cooperation with the UNDP Morocco and the civil society. 39 CESCR encouraged Morocco to ensure that the PANE emphasized the reintegration of street children in society and tougher action against child abandonment.40
- 9. CAT, CESCR, CERD, CRC and CEDAW welcomed the frank, open and constructive dialogue with the delegation of Morocco during the consideration of its reports.51 CESCR and CRC also noted with appreciation the written replies to their list of issues. However, CAT noted that the report was not completely consistent with the general guidelines, notably because it did not devote a part to measures taken to comply with the conclusions and recommendations previously addressed.52 Morocco committed to act on the recommendations and concerns addressed in the previous CAT concluding observations.53
- 18. CEDAW expressed concern about the lack of specific legislation to eliminate violence against women and girls.73 The Committee urged Morocco to enact legislation in this regard, including on domestic violence and violence against domestic workers.74
- 22. The Special Rapporteur on the sale of children, child prostitution and child pornography jointly with the Special Rapporteur on Violence against women, its causes and consequences and the Special Rapporteur on trafficking in persons, especially in women and children, expressed concerns about abuse perpetrated against children working as domestic workers: the conditions of employment of these children fall far short of the minimum requirements; authorities rarely punish employers who abuse child domestics, and labour inspectors are not authorized to enter private homes.80
- 23. CRC expressed concerns about the difficult situation of certain groups of children, such as street children, working children, domestic maids, migrant and trafficked children, who are particularly vulnerable to all forms of exploitation.81 CRC urged Morocco to continue strengthening integrated strategy to fight all forms of economic exploitation of children and to bring existing laws into full compliance with ILO Conventions N°138 and 182.82 The HR Committee noted that child labour was still widespread, even though the new Labour Code prohibited work by children under the age of 15. 83
- 33. With regard to the right to education, CESCR noted with concern that Morocco had a two-speed education system with a striking difference in level between public and private education which denied equal opportunities to low-income sectors of society. The Committee was also concerned about the disparities in school enrolment rates between girls and boys and between rural and urban areas. 105 UNICEF informed that the goal of achieving universal preschool education by 2004 was not met, only 50.1 per cent was achieved and with important geographical and gender disparities. 106 A 2006 UNIFEM report informed that in rural areas illiteracy is more widespread, affecting three out four women. 107 CESCR also noted that primary and secondary education was provided in Arabic, whereas higher education in scientific subjects was available only in French. The Committee encouraged the State to take the necessary steps to ensure that higher education in scientific subjects was also available in Arabic. 108
- 35. CEDAW was concerned at the situation of migrants, refugees and asylum-seekers in Morocco, as this phenomenon has increased with the State becoming also a country of destination and not only of origin and transit of migrants. The Committee notably requested the State to continue to strengthen its cooperation with UNHCR, adopt a national refugee legislation, allow refugees and asylum-seekers to access public services, and ensure their right to security, especially for women and children.111
- 37. The Special Rapporteur on the human rights of migrants invited Morocco to ensure that the law does not allow the detention of unaccompanied migrant minors and that the detention of migrant children be authorized only as a last resort and only in the best interests of the child.114CESCR noted with concern the situation of unaccompanied migrant children who were repatriated, and recommended that repatriated children be adequately
- 49. In 2006, CRC encouraged Morocco to establish "Child Protection Units" and to continue its cooperation with United Nations specialized agencies such as the United Nations Children's Fund (UNICEF) and international non-governmental organizations in order to reform the relevant legislation and bring it into compliance with the CRC OP-SC.142

Summary of stakeholders' information

assisted, rehabilitated and protected.115

6. Selon l'Association Démocratique des Femmes du Maroc (ADFM), les nouvelles dispositions du code de la famille sont peu

effectives. Concernant le mariage des mineurs, il s'avère, d'après les statistiques du Ministère de la justice, que près de 89 per cent des demandes de mariage des mineurs, dont 97.5 per cent sont des filles, ont été autorisées par les juges. La polygamie a fait l'objet de conditions légales très restrictives. Toutefois, selon toujours les statistiques du Ministère de la justice, 43.5 per cent des demandes relatives à l'autorisation des mariages polygames ont été acceptées par les juges. La proportion des mariages polygames dans le nombre total d'actes de mariage enregistre même une petite progression entre 2005 et 2006 (respectivement 8.5 per cent et 9.7 per cent). L'accès des femmes aux nouvelles procédures de divorce et plus particulièrement au divorce pour discorde (Chikak), est souvent interprété par de nombreux juges comme un divorce pour préjudice, faisant ainsi obligation aux femmes de produire les preuves et les témoins de ce préjudice.8

- 13. Le phénomène d'abus envers les enfants a été remarqué ces dernières années. Ainsi, le Centre Marocain des Droits de l'Homme (CMDH) a enregistré un ensemble de cas d'abus sexuels sur les enfants, liés dans certains cas au tourisme sexuel via des réseaux constitués des Marocains et d'étrangers, exploitant les enfants en vue de produire des films pornographiques.20
- 14. Furthermore, Global Initiative to End All Corporal Punishment of Children (GIEACP), indicated that corporal punishment in schools was prohibited by Ministerial direction in 2000, but there is no explicit prohibition in law. In the penal system, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in penal institutions. In alternative care settings, there is no prohibition of corporal punishment in foster care.21
- 29. L'OMDH et la FIDH ont recommandé au Maroc de généraliser l'enseignement fondamental en assurant sa gratuité et sa qualité ; d'accorder une importance particulière à l'enseignement des jeunes filles notamment de la jeune fille rurale ; de lutter contre l'abandon scolaire en généralisant les cantines et les transports scolaires dans les régions où l'école est située loin du domicile des élèves et en mettant en place des aides aux parents nécessiteux (fournitures scolaires, bourses d'études) ; d'améliorer le taux de scolarisation dans le secondaire en développant davantage les filières scientifiques et techniques ; d'augmenter le taux de scolarisation dans l'enseignement supérieur (12% actuellement) tout en améliorant le taux de rendement interne et externe à travers le développement des filières porteuses sur le marché du travail.43
- 36. KHR a informé que des milliers de personnes soupçonnées d'être des immigrants clandestins, parmi lesquels des mineurs, avaient été interpellées et expulsées vers l'Algérie et la Mauritanie. Parmi les centaines de personnes renvoyées en décembre 2006 vers l'Algérie par exemple, figuraient au moins 10 réfugiés reconnus et 60 demandeurs d'asile enregistrés auprès du bureau du Haut Commissariat des Nations Unies pour les Réfugiés (HCR) à Rabat. Les personnes abandonnées à la frontière algérienne ou dans le Sahara occidental en plein désert ne disposaient ni d'eau ni de nourriture. L'une d'entre elles avait été découverte morte de déshydratation. Plusieurs immigrants expulsés avaient déclaré avoir subi des sévices sexuels de la part de membres des forces de sécurité algériennes et marocaines.54
- 42. AI is concerned at the high number of allegations of torture or ill-treatment of people arrested in Western Sahara in the context of demonstrations against Moroccan rule since 2005. Torture appears to be inflicted during the period of "garde à vue", before the detainee is brought to the judicial authorities, and intended to intimidate those arrested, punish them for their stance on self-determination or force them to sign "confessions." 62 In several cases, children and teenagers are not only charged for crimes, but tortured as well, as noted by STP. Torture is known to be very common in all police stations and military caserns.63 Another widespread measure of concern is clan custody: over and over again, family or clan members are detained in order to arrest persons wanted by the police, or they are used as leverage against the family. For instance, many fathers have been repeatedly arrested to prevent their children from participating in demonstrations against Moroccan rule. 64

Final Report

- With regard to accession to international human rights treaties, Morocco noted the withdrawal of its reservations to article 20 of CAT and 14 of the Convention on the Rights of the Child (CRC).
- Morocco paid special attention to the rights of persons with disabilities, as well as to children, including by establishing the Parliament of Child (Parlement de l'enfant) and the adoption of a national plan of action.
- (ii) Interactive dialogue and responses by the State under Review
- Noting that the majority of the Moroccan population are children, Palestine reminded that Morocco was a party to all relevant conventions including the Convention on the Rights of the Child.
- With reference to the National Plan on Childhood for the period 2006-2015, Kuwait requested further information on the objectives of this programme.
- In response to Kuwait's question on the situation of children, Morocco shared its hope to improve the situation of children for their full enjoyment of rights to access to education and protection. Morocco has made budgetary allocations to protect children under the National Plan of Action given the importance Morocco placed on human development. In conformity with its international obligations, it has amended its legislation on child labour and developed programmes to ensure that children do not stay on the street. A reference plan was also elaborated that would lead to a national strategy to ensure equality between girls and boys.
- Morocco believes that working through schools will help shape the society of the future. Thus, Morocco has optimised this platform with the participation of all stakeholders.
- Oman asked for further information on the initiative with Switzerland related to human rights education, and on local actions taken in this respect.

- Mali was in particular attentive to the rights of the child and found the reply to its questions on the content of the plan "Morocco Worthy of its Children", satisfactory.
- Bahrain, noting Morocco's adoption of the Convention on the Rights of the Child, asked about the steps Morocco has taken to adapt its national legislation to the Convention.
- The United Arab Emirates noted that Morocco attaches importance to international treaty mechanisms and cooperation with treaty bodies. It thanked Morocco for its efforts to improve the circumstances and provide a better standard of living for women and children.

- In response to various questions, Morocco provided the following answers. As for human rights education, human rights are now part of schools' curricula. In this respect, Morocco recalled its initiative in collaboration with Switzerland, which led to the adoption of the Human Rights Council resolution on human rights education.
- According to the Libyan Arab Jamahiriya, promotion and protection of human rights are cornerstones in Morocco. The Constitution protects various rights, including the right to education. It noted that the CCDH is a real accomplishment and that gender equality is a primary concern for the country as well as the issues of illiteracy and disability.
- Switzerland underscored the efforts of Morocco to harmonise its legislation with international norms. It referred to the joint programme with Morocco on human rights education.
- Morocco referred to amendments to its national legislation to comply with international human rights instruments with regard to the rights of the child.
Conclusion and Recommendations
There were no recommendations made relating to children's rights.