



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third and fourth periodic reports of Morocco*

I. Introduction

1. The Committee considered the combined third and fourth periodic reports of Morocco (CRC/C/MAR/3-4) at its 1906th and 1907th meetings (see CRC/C/SR. 1906 and 1907), held on 3 September 2014, and adopted, at its 1929th meeting, held on 19 September 2014, the following concluding observations.

2. The Committee welcomes the submission of the combined third and fourth periodic reports of the State party (CRC/C/MAR/3-4) and the written replies to its list of issues (CRC/C/MAR/Q/3-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party.

3. The Committee expresses appreciation for the very open and constructive dialogue held with the high-level and multisectoral delegation of the State party. The Committee notes as positive the assurances given by the delegation of the State party of its political willingness to undertake necessary reforms, address challenges related to children's rights and reinforce its cooperation with human rights bodies.

II. Follow-up measures undertaken and progress achieved by the State party

4. The Committee welcomes the adoption of the following legislative measures:

(a) The revision of article 6 of the Nationality Code (Act No. 62-06 of 23 March 2007) which allows children to obtain their mother's nationality;

(b) Act No. 14-05 of 2006 on the opening and administration of social welfare institutions;

(c) The reform of the Family Code, published in Official Gazette No. 5184 on 5 February 2004;

* Adopted by the Committee at its sixty-seventh session (1–19 September 2014).



- (d) The reform of the Penal Code and the Code of Criminal Procedure, which reinforces the protection of children in conflict with the law.
5. The Committee notes with appreciation the ratification of the:
- (a) Convention on the Rights of Persons with Disabilities, and its Optional Protocol, in April 2009;
- (b) International Convention for the Protection of All Persons from Enforced Disappearance, in May 2013;
- (c) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in April 2011;
- (d) Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), in 2013;
- (e) European Convention on the Exercise of Children's Rights, in 2013;
- (f) Council of Europe Convention on Contact concerning Children, in 2013.
6. The Committee welcomes the following institutional and policy measures:
- (a) The "Ikram" Government Plan for Gender Equality 2012–2016;
- (b) The 2009–2012 Education Emergency Programme;
- (c) The National Action Plan for Children (2006–2015);
- (d) The National Human Development Initiative, launched in 2005, and its specific component on the protection and promotion of children's rights.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)

The Committee's previous recommendations

7. **The Committee recommends that the State party take all necessary measures to address those recommendations that have not been implemented or not sufficiently implemented and, in particular, those related to data collection (para. 20) and training and dissemination (para. 22).**

Reservations

8. While welcoming the withdrawal of the State party's reservation to article 14, paragraph 1, of the Convention, the Committee regrets that this reservation has been replaced by an interpretative declaration, which continues to affect the implementation of the rights guaranteed in this article.

9. **The Committee, in line with its previous recommendations (CRC/C/15/Add.211 of 2003, para. 8) and in light of the 1993 Vienna Declaration and Programme of Action, encourages the State party to withdraw its interpretative declaration regarding article 14, paragraph 1, of the Convention.**

Legislation

10. The Committee notes with appreciation the recognition, through the new 2011 Constitution, of the supremacy of international conventions over domestic laws, as well as the significant legislative reforms undertaken during the reporting period to incorporate the rights and principles of the Convention into domestic legal order, as previously recommended. The Committee remains concerned, however, about:

(a) The lack of progress in adopting a comprehensive Children's Code, the elaboration of which was proposed in 2003;

(b) The numerous provisions of the Family Code that continue to discriminate against girls and to maintain severe gender discrimination;

(c) The lack of effective enforcement of existing legislation relating to children, due mainly to the lack of resources, capacities and supervision.

11. The Committee recommends that the State party continue and strengthen its efforts to bring all its legislation, especially its Family Code, into conformity with the Convention and to promptly repeal all provisions that discriminate against girls and women and negatively impact on all children, such as those related to inheritance and polygamy. The Committee encourages the State party to consider the development of a Children's Code covering all areas of the Convention and to ensure that the necessary human, financial and technical resources are effectively allocated for the implementation of child-related legislation.

Comprehensive policy and strategy

12. The Committee is concerned about various shortcomings of the National Action Plan for Children 2006–2015 and especially that no budget was allocated for its execution. The Committee also regrets that the evaluation of the Plan that was conducted in 2011 has not been given proper follow-up. While considering as positive the current developing of an Integrated Child Protection Policy, the Committee is concerned that this policy might not cover all areas under the Convention.

13. The Committee recommends that the State party ensure that the Integrated Policy on Children encompasses child protection and covers all areas under the Convention and all children, with special attention to those in the most vulnerable and disadvantaged situations. The Committee also recommends that the State party develop, on the basis of this policy and in partnership with civil society organizations, appropriate strategies for its implementation, and that it allocate sufficient human, technical and financial resources to this end.

Coordination

14. While noting the establishment of the Childhood Division within the Ministry for Solidarity, Women, the Family and Social Development, and the creation of synergies between public institutions working for children within the framework of "Pôle Social 4+4", the Committee remains concerned that the coordination of the implementation of the Convention remains inadequate, which leads to fragmented and often incoherent child policy planning. The Committee is also concerned at the insufficient human and technical capacities and the decreasing budget allocated to the coordination ministry, as well as the absence of designated coordination authorities at the regional and local levels.

15. The Committee recommends that the State party effectively and efficiently coordinate the implementation of all provisions of the Convention, including the Integrated Policy on Children, both among ministries and among national, regional and local authorities. The State party should ensure that the coordinating body is

provided with the necessary human, technical and financial resources for its effective operation and should establish regional and local authorities to this end.

Allocation of resources

16. The Committee notes as positive the significant public expenditure on education, as well as the significant increase of the health budget from 2007 to 2012. It is, however, concerned that:

(a) The State party has not yet set up a specific mechanism to ensure traceability of the funds allocated for the implementation of the Convention;

(b) The alleged fraudulent management of the National Fund for Social Security as well as the high levels of corruption negatively impact on the implementation of the Convention in the State party.

17. **In the light of its Day of General Discussion in 2007 on “Resources for the Rights of the Child — Responsibility of States” and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the State party:**

(a) **Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children throughout the budget. The State party should also use this tracking system for impact assessments on how investments in any sector may serve “the best interests of the child”, ensuring that the differential impact of such investment on girls and boys is measured;**

(b) **Conduct a comprehensive assessment of budget needs and establish transparent allocations to progressively address the disparities in indicators related to children’s rights;**

(c) **Ensure transparent and participatory budgeting through public dialogue, especially with children and for proper accountability of local authorities;**

(d) **Define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies; and**

(e) **Take immediate measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption.**

Independent monitoring

18. While noting the information given by the State party that a law has been drafted to reform the mandate of the National Human Rights Council with a view to creating an independent child-sensitive monitoring mechanism with a clear mandate to receive and address individual complaints of alleged violations of children’s rights, the Committee is concerned by the delay in creating such a mechanism.

19. **Taking into account the Committee’s general comment No. 2 (2002) on the role of independent national human rights institutions, the Committee recommends that the State party take measures to expeditiously adopt the law reforming the mandate of the National Human Rights Council in order to establish a specific mechanism for monitoring children’s rights that is able to receive, investigate and address complaints by children in a child-sensitive manner.**

Cooperation with civil society

20. The Committee notes as positive the reinforcement of partnerships between government agencies and non-governmental organizations working in the field of children's rights over the past few years. It is, however, concerned that civil society organizations are only consulted on an ad hoc basis. The Committee is also concerned that while these organizations continue to provide children in need or in marginalized and disadvantaged situations with a variety of services, the State party reduced its funding to them while its own capacity to respond to child protection needs remains inadequate. The Committee also regrets that the system of project funding prevents non-governmental organizations from undertaking sustainable actions for children.

21. **The Committee encourages the State party to reinforce its cooperation framework with children's rights organizations when elaborating, implementing and evaluating decisions and projects concerning children, in line with article 12, paragraph 3, of the Constitution and, to this end, consider the formal establishment of a cooperation framework with civil society organizations. The Committee also recommends that the State party, while strengthening its own capacity to respond to child protection needs, ensure that civil society organizations, which play an important role in this respect, continue to benefit from public financial support in a manner that enables coherent and sustainable actions for children.**

Children's rights and the business sector

22. The Committee is concerned that, while tourism constitutes one of the main pillars of the State party's economy, the State party has not yet adopted measures to protect children from violations of their rights arising from tourism activities.

23. **The Committee draws the State party's attention to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and especially recommends that the State party:**

(a) **Examine and adapt its legislative framework concerning legal accountability of business enterprises and their subsidiaries operating in or managed from the State party's territory, especially in the tourism industry;**

(b) **Establish monitoring mechanisms for the investigation and redress of violations of children's rights, with a view to improving accountability and transparency;**

(c) **Undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of child sex tourism and widely disseminate the charter of honour for tourism and the World Tourism Organization global code of ethics for tourism among travel agencies and in the tourism industry; and**

(d) **Strengthen its international cooperation against child sex tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.**

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

24. The Committee welcomes the statement by the State party's delegation that measures will promptly be taken in order for children not to be identified as born out of wedlock in their identity documents. The Committee is, however, concerned about:

- (a) De jure and de facto discrimination against girls and children born out of wedlock, including in areas relating to personal status (e.g. family name, inheritance);
- (b) The persistent disparities between different regions and between rural and urban areas;
- (c) Reports that the richest 20 per cent of families account for 30 per cent of the national income, while the poorest 20 per cent account for only 2 per cent of it;
- (d) The persistent discrimination against children with disabilities.

25. **The Committee urges the State party to:**

- (a) **Expedite the amendment, without delay, of article 16, paragraph 7, of Law No. 37-99 and remove from identity documents any mention that leads to the identification of children as born out of wedlock;**
- (b) **Repeal all legal provisions especially those contained in the Family Code that discriminate against girls and children born out of wedlock; and**
- (c) **Ensure that the Integrated Policy on Children currently being elaborated addresses as a matter of priority the situation of children in the most marginalized or disadvantaged situations, and especially the various types of discrimination suffered by girls, children with disabilities, and children living in rural and remote areas.**

Best interests of the child

26. While appreciating the inclusion in the Family Code of the right of the child to have his or her best interests taken as a primary consideration, the Committee regrets that the practice of early and forced child marriages, the placement of children in residential institutions, and the recourse to custodial measures for children in conflict with the law still contradict the best interests of many children. The Committee is also concerned that this right has not been incorporated in legislation concerning children and is therefore neither applied in all administrative and judicial proceedings, nor in policies and programmes relating to children.

27. **The Committee draws the State party's attention to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration and recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration.**

Respect for the views of the child

28. The Committee is concerned that the eligibility criteria in the Children's Parliament do not make the Parliament representative of all children, especially children in the most vulnerable and disadvantaged situations. It also regrets that insufficient efforts have been made by the State party to establish child municipal councils, as recommended by the Committee in 2003 (CRC/C/15/Add.211, para. 31). The Committee is further concerned that limited sustainable actions have been undertaken to change societal attitudes within the family, schools and the community at large that impede children from expressing themselves.

29. The Committee draws the State party's attention to its general comment No. 12 (2009) on the right of the child to be heard, and recommends that the State party:

(a) Review the eligibility criteria of the Children's Parliament in order to ensure that children are elected by their peers through a democratic process and that children from all segments of the society are effectively represented; and

(b) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within student council bodies, with particular attention to girls and children in vulnerable situations.

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration/Name and nationality

30. The Committee welcomes the recognition of filiation through the mother in the 2004 reform of article 6 of the Family Code. The Committee is, however, concerned that rural women often remain unaware of their right to transmit Moroccan nationality to their children. The Committee is also concerned that:

(a) Unmarried mothers can transmit their names to their children only if the father gives his consent to this transmission;

(b) Fourteen per cent of children remain unregistered in the State party, and a significant number of children abandoned at birth remain unregistered as recognized by the State party itself;

(c) Migrant and asylum-seeking parents face difficulties in obtaining official birth registration certificates for their children, as they cannot afford the medical fees to be paid before obtaining an *avis de naissance*;

31. The Committee urges the State party to:

(a) Adopt all the necessary measures for an effective implementation of the nationality law reform, and amend article 16, paragraph 7, of Law No. 37-99 in order for all mothers without discrimination to be able to transmit their family names to their children.

(b) Ensure that all children born on its territory, irrespective of their parents' status or their legal residence permits, are registered and provided with official birth certificates immediately, without any undue barriers;

(c) Abolish the fees imposed for obtaining a birth certificate, extend the short period of time (30 days) for the registration of newborns and facilitate the provision of birth certificates to all refugee children who still do not possess one; and

(d) Consider ratifying the 1961 Convention on the Reduction of Statelessness.

Right to know and be cared for by parents

32. The Committee is concerned that although thousands of children are born outside of wedlock every year, the legislation of the State party does not allow mothers and children to take action to establish paternity on the basis of DNA testing.

33. The Committee urges the State party to allow, by law, women and children to initiate action to establish paternity on the basis of DNA testing.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**Torture and other cruel or degrading treatment or punishment**

34. While welcoming Act No. 43-04 of 2006 defining and criminalizing torture and ill-treatment, the Committee expresses deep concern that many children are still reported to suffer ill-treatment in police stations, especially children in street situations.

35. The Committee reiterates its recommendation (CRC/C/15/Add.211, para. 43 (f)) that the State party 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. The State party should also provide adequate training to law enforcement officials on the norms and standards of treating children in contact or in conflict with the law, equip all child reception structures/detention centres with surveillance cameras to detect any abuses of children, and provide children with accessible and safe recourse mechanisms. All perpetrators should be held accountable and severely punished.

Corporal punishment

36. The Committee is concerned that in spite of the commitment made during the 2012 universal periodic review (A/HRC/21/3, para. 129.65), the State party has still not prohibited corporal punishment in the home, alternative care settings, day care and schools. The Committee is particularly concerned that corporal punishment still constitutes a widespread phenomenon, the vast majority of children having been subjected to violent forms of discipline including, in many instances, severe forms of punishment. The Committee is further concerned that in children's homes and other governmental child-care institutions, violence is the disciplinary measure used most often.

37. In the light of general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:

- (a) Unequivocally prohibit corporal punishment in all settings;**
- (b) Ensure that laws prohibiting corporal punishment are effectively implemented and that legal proceedings are systematically initiated against those responsible for mistreating children;**
- (c) Introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on both the physical and psychological harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment; and**
- (d) Ensure the involvement and participation of the whole society, including children, in the design and implementation of preventive strategies against corporal punishment of children.**

Violence against children, including abuse and neglect

38. The Committee welcomes the numerous initiatives of the State party to address violence in schools, as well as the child protection units in major cities, the regional counselling and guidance centres for child victims of violence in hospitals and the care units for women and children in tribunals. The Committee is, however, concerned that the lack of human, technical and financial resources allocated to these mechanisms greatly undermines their effectiveness and efficiency, and that tremendous efforts still need to be

undertaken to build a coherent and well-coordinated child protection system as recognized by the State party's delegation. The Committee expresses particular concern that:

(a) The State party has not adopted legislation criminalizing all forms of domestic violence, including marital rape, even though violence against women and girls in the home is pervasive in the State party;

(b) The age until which a child is entitled to specific protection under the 2004 Criminal Code has been raised to 15 years only;

(c) Child victims of violence, children in street situations, children removed from their family environment, children with disabilities and children in conflict with the law are often placed all together in *centres de sauvegarde*, where they are deprived of their liberty and are often subjected to living conditions that amount to ill-treatment;

(d) Child protection units are reported to be operational only in Casablanca and Essaouira and are not able to provide child victims of violence with the support and assistance they need;

(e) Insufficient support is allocated to non-governmental organizations that provide child victims of violence with support, shelter and rehabilitation services.

39. The Committee recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular develop, in close cooperation with civil society, a well-coordinated and well-funded child protection system. The State party should, in particular:

(a) **Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

(b) **Develop a comprehensive legal framework as well as a national coordinating framework to prevent, prohibit and sanction all forms of neglect, abuse and violence, including domestic violence, against all children until the age of 18 years;**

(c) **Take urgent measures to address the living conditions of children in *centres de sauvegarde*, remove from these centres without delay those in marginalized and disadvantaged situations and ensure that they benefit from kinship care and foster care programmes and are reunited with their families when this is in their best interests;**

(d) **Promptly establish child protection units and support units in hospitals and police stations in areas where they have not yet been established, especially in rural and remote areas, create recourse mechanisms in alternative care institutions and detention centres, and provide all these mechanisms with the necessary human, financial and technical resources to effectively protect children from all forms of violence;**

(e) **Further strengthen awareness-raising and educational programmes, including campaigns with the involvement of children, in order to inform children about the protection mechanisms they may access;**

(f) **Continue to provide grants to specialized non-governmental organizations that implement prevention and rehabilitation programmes for children who are at risk of or are victims of violence;**

(g) **Address the root causes of violence and abuse, and take concrete measures to change attitudes, traditions, customs and behavioural practices which often serve as a justification for domestic violence, especially against girls.**

Sexual exploitation and abuse

40. The Committee welcomes the abrogation in January 2014 of article 475 of the Criminal Code, which enabled perpetrators of rape to benefit from impunity if they married the girl they had abused. The Committee is, however, concerned that:

(a) No specific measures have been taken to remove girls from marriages that they were forced to enter into before the abrogation of this article, and who are reported to be still subjected to sexual abuse and violence;

(b) The criminalization of sexual relations outside of marriage leads girl victims of sexual abuse to be considered as offenders and dissuades them from lodging a complaint against their abusers;

(c) Sex tourism has been on the rise in the State party.

41. The Committee urges the State party to take all necessary measures to ensure that girls who were forced to marry their abuser before the abrogation of article 475 of the Criminal Code receive all the necessary support to escape abusive situations. The State party should also ensure that all children subject to any form of sexual exploitation and abuse are treated as victims and are never subject to criminal sanctions. The Committee urges the State party to conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest, and to ensure accessible, confidential, child-friendly and effective reporting channels for such violations.

Harmful practices

42. The Committee is concerned that, although the minimum marriage age for both girls and boys was fixed at 18 years by the 2004 Family Code, early marriage is on the rise in the State party, and thousands of girls, some of them as young as 13 years, are married every year as a result of the extensive use of derogations from the law by family judges. The Committee is also seriously concerned about the widespread practice of forced marriage and about girls committing suicide as a result of such marriages, the last reported cases having taken place in January and May 2014. In this context, the Committee is concerned that:

(a) The State party is considering lowering the minimum age of marriage to 16 years;

(b) Child marriage can be authorized by a judge in spite of the child's legal representative's refusal to allow the marriage.

43. The Committee draws the attention of the State party to the many negative consequences resulting from early marriages and urges it to refrain from lowering the minimum age of marriage to 16 years and to take active measures to put an end to the practice of early and forced marriages.

F. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20, 21, 25 and 27 (4))

Family environment

44. The Committee welcomes the provisions of the 2004 Family Code, which has placed the family under the joint responsibility of both spouses and has rescinded the wife's so-called "duty of obedience" to her husband. The Committee also welcomes the

recognition by the delegation of the State party of the negative effects of polygamy on children. The Committee is, however, concerned that:

(a) Despite certain restrictions introduced in the law and in spite of the low number of polygamous unions, polygamy remains permissible, a situation which is contrary to the dignity of women and girls entering these marriages and which negatively affects children;

(b) Although the State party ensures equal legal protection as well as social and moral consideration for all children, regardless of their family status, children born of a marriage between a Muslim woman and a non-Muslim man might not be legally recognized, a situation which may prevent them from enjoying all their rights in conditions of equality with other children.

45. The Committee urges the State party to revise the Interim Status Code Act and ensure that all provisions that discriminate against women and girls and negatively impact their children are repealed, such as those which authorize polygamy. It also urges the State party to eliminate any form of discrimination against children born of a marriage between a Muslim woman and a non-Muslim man, in line with its Constitution.

Children deprived of a family environment

46. The Committee is concerned about the consequences of the criminalization of sexual relations outside of marriages (art. 490 of the Criminal Code), which reportedly results in the abandonment of dozens of babies every day in the State party. The Committee is also deeply concerned at the social rejection and stigmatization of single mothers in the State party, one third of whom are adolescents, and at the serious consequences of their social rejection on their children.

47. The Committee urges the State party to repeal article 490 of the Criminal Code, to provide unmarried mothers with the necessary support to enable them to take care of their children, and to develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat and eliminate the stigma attached to out-of-wedlock pregnancy. Active measures should also be taken to foster responsible parenthood and sexual behaviour, with particular attention to awareness-raising among boys and men.

Alternative care

48. The Committee, while noting as positive the adoption of Act No. 14-05 of 2006 on the opening and administration of social welfare institutions, is concerned that this law has not been effectively implemented, as recognized by the State party itself. The Committee is particularly concerned that:

(a) The number of children deprived of a family environment is growing, as is evident from the number of institutions, which is reported to have doubled since 2005;

(b) Two thirds of children are placed in institutions on the sole basis of poverty;

(c) The financial resources provided by the National Mutual to the social protection establishments do not even cover the basic needs of the beneficiaries, and two thirds of abandoned children are being taken care of by associations;

(d) The insufficient number of well-trained personnel and the absence of monitoring in these institutions leads to limited supervision of the situation of children, who are increasingly subjected to violence and abuse;

(e) Children are moved from one centre to another every three to four years as these institutions are organized by age groups, exposing them to reliving the break repeatedly, aggravating attachment disorders and separating them from their siblings;

(f) Some abandoned children live in hospitals in extremely precarious situations.

49. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee urges the State party to:**

(a) **Ensure that financial and material poverty or conditions directly and uniquely attributable to such poverty are never the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration;**

(b) **Finalize the process of adoption of the bill on alternative care, giving priority to alternatives to institutions and notably to kinship care, foster care and family-strengthening programmes to prevent out-of-home placement;**

(c) **Reinforce mechanisms for the early detection of children in difficult circumstances and establish support programmes for parents and single mothers as well as community-based programmes with a view to promptly reducing the institutionalization of children;**

(d) **Support *Entraide Nationale*, entrusted with the implementation of Law No. 14-05, and allocate the necessary resources for the project to reform social protection institutions that was launched in 2012 in order to improve the living conditions of children placed in institutions;**

(e) **Ensure that all personnel working in institutions receive adequate training on children's rights, including on how to report cases of mistreatment, and provide all the human, technical and financial resources required for improving the situation of children;**

(f) **Thoroughly and periodically review placements of children in care institutions and establish mechanisms to receive and address complaints from the children;**

(g) **Take all necessary measures to reduce the length of children's stay in institutions, and to ensure that they are no longer separated from their siblings and moved from one centre to another and that they are provided with care in a stable environment that favours the creation and maintenance of positive relationships with adults and children;**

(h) **Where it is in the best interests of the child, facilitate contact between the child and her/his biological family to encourage and support reunification wherever possible;**

(i) **Urgently remove abandoned children from hospitals and ensure that they can benefit from family-type placement.**

Adoption/Kafalah

50. While noting the adoption of Act No. 15-01 of June 2002 on abandoned children, the Committee is concerned that the legal situation of children in Kafalah remains precarious. In particular, the Committee notes with concern that this law does not prescribe a psychological evaluation of applicants before Kafalah is granted, does not give priority to the extended family and does not entail any follow-up to the placement in Kafalah. The Committee is also concerned about information that, in some instances, the Kafalah system

is used to exploit girls in domestic labour or to place children from poor families. The Committee is further concerned about circular 40S/2 of 2012, which contradicts the best interests of the child by prohibiting non-residents from adopting children.

51. **The Committee recommends that the State party:**

- (a) **Amend its legislation regulating the Kafalah system in order to bring it into full compliance with the Convention;**
- (b) **Prevent the automatic placement of children born out of wedlock and children in poverty into Kafalah, by providing single mothers and/or parents with the necessary support to care for their children;**
- (c) **Ensure proper follow-up of children placed in Kafalah;**
- (d) **Take all the necessary measures to prevent and punish cases of exploitation of children via the Kafalah system; and**
- (e) **Repeal circular 40S/2 of 2012.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33)

Children with disabilities

52. The Committee welcomes the adoption of the National Action Plan for the Social Integration of Persons with Disabilities (2008–2017) and the increased number of children enrolled in integrated classes. The Committee is, however, concerned that the State party continues to apply the medical model of disability, which consists in integrating children with disabilities as long as their capacities permit this, instead of engaging in elimination of the physical, socioeconomic and cultural barriers that prevent the full inclusion of children with disability in schools and society and the full enjoyment of their rights. The Committee is particularly concerned that:

- (a) The State party has not engaged in building an inclusive system of education and continues to overrely on non-governmental organizations to provide specialized services to these children;
- (b) Only one third of children with disabilities attend schools, and those attending schools face rejection and stigmatization;
- (c) One fifth of children with disabilities never attend a health-care facility, as recognized by the State party;
- (d) The vast majority of children with disabilities do not benefit from adequate support, such as the presence of a multidisciplinary specialized team, social workers, and an individual follow-up process to ensure their effective inclusion in ordinary classes;
- (e) Social stigma, fears and misconceptions surrounding children with disabilities remain strong in society, leading to the marginalization and alienation of these children.

53. **In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:**

(a) Organize the collection of data on children with disabilities and develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities;

(b) Set up comprehensive measures to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes. To this end, the Committee urges the State party to urgently remove children with disabilities who have been placed in *centres de sauvegarde*;

(c) Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes;

(d) Train and assign specialized teachers and professionals in integrated classes providing individual support and all due attention to children with learning difficulties;

(e) Undertake awareness-raising campaigns aimed at the Government, the public and families to combat stigmatization and prejudice against children with disabilities and to promote a positive image of children and adults with disabilities.

Health and health services

54. The Committee, while welcoming the 20 per cent increase in the budget of the Ministry of Health between 2007 and 2012, is concerned that:

(a) Maternal and infant mortality rates remain high;

(b) Huge disparities in health status persist between children from urban areas and those from rural areas, with children living in rural areas reportedly being at twice the risk of death as children living in urban areas;

(c) The infant mortality risk is 2.5 times as high among children from the poorest quintile compared to those from the richest quintile;

(d) Forty-two per cent of the children living in the Migrant Reception Centre are underweight, and many are reported to present serious or contagious medical pathologies.

55. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:

(a) Ensure that sufficient resources are allocated for the health sector and are used effectively, and that it develop and implement comprehensive policies and programmes for improving the health situation of children and facilitating a greater and equal access to quality primary health services by mothers and children in all areas of the country in order to end the disparities in health-care access;

(b) Take more effective measures to address maternal and infant mortality and the nutritional status of young children;

(c) Seek financial and technical assistance from, among others, the United Nations Children's Fund (UNICEF) and the World Health Organization in this regard.

Adolescent health

56. The Committee notes with concern that, while the incidence of HIV remains very low in the State party, less than two thirds of boys and only one third of girls are reported to be aware that condom use can prevent infection with HIV/AIDS. It is also seriously

concerned that the criminalization of abortion leads to dozens of teenage girls every year undergoing illegal unsafe abortions, at the risk of their lives. The Committee is furthermore concerned about increased teenage drug addiction in the State party and, in particular, the young age of initial drug use, and the rise in the use of psychotropic substances and in levels of glue sniffing.

57. Referring to its general comment No. 4 (2003) on adolescent health and development, the Committee urges the State party to:

(a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum, with special attention to preventing early pregnancy and sexually transmitted infections;

(b) Decriminalize abortion and review its legislation with a view to guaranteeing the best interests of pregnant teenage girls, and ensure, by law and in practice, that the views of the child are always heard and respected in abortion decisions;

(c) Address the incidence of drug use by children and adolescents by, inter alia, providing them with accurate and objective information as well as life skills education to prevent substance abuse, including abuse of tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment and harm reduction services;

(d) Seek technical assistance from, among others, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.

Standard of living

58. The Committee welcomes the numerous measures taken by the State party to improve children's living standards, particularly the national programme for access to basic social services, such as safe drinking water, rural electrification, and reducing the isolation of rural areas, and the 2004 Cities without Slums programme. The Committee is, however, concerned that one fifth of Moroccan families live in poverty and that the accelerated economic growth in the State party has been accompanied by increasing disparities between the richest and the poorest families, as evidenced by various social indicators.

59. The Committee recommends that the State party take all necessary measures, including affirmative action policies, to address the economic disparities affecting rural regions and urban suburbs and leading children to unequal enjoyment of their rights. The State party should assess the impact of its social protection programmes and review them to ensure that they are sustainable and accessible to children in the most vulnerable and disadvantaged situations, and should consider holding targeted consultations with families, children, and children's rights civil society organizations on the issue of child poverty.

H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

60. The Committee welcomes the achievements of the State party in relation to school enrolment over the reporting period, the measures taken to achieve gender equality at primary level, the increased amounts of public resources allocated to the education sector, the various initiatives to address violence in schools, and the efforts to introduce human rights and gender issues into school curricula. The Committee is, however, concerned that the education system continues to face serious challenges. The Committee is particularly concerned that:

(a) A significant proportion of children living in rural areas, children with disabilities, children from poor households and working children are deprived of their right to education, and remain out of school;

(b) Girls still face difficulties in accessing secondary education;

(c) The lack of transparency and efficiency in the management of education resources reportedly leads to the effective use of only two thirds of the resources to improve the education system;

(d) Private education is developing very quickly, especially at primary level, without the necessary supervision regarding the conditions of enrolment and the quality of education provided, which has led to a reinforcement of inequalities in the enjoyment of the right to education as well as teachers increasingly engaging in private lessons in public schools and giving priority to the work they undertake in private schools;

(e) Although quality of education remains low and the school dropout level high, especially at secondary level, the second phase of the National Programme of Learning Achievement was not conducted;

(f) Pre-school education remains undeveloped and almost non-existent in rural areas.

61. The Committee recommends that the State party:

(a) Strengthen its efforts to ensure enrolment of all children in primary and secondary education by taking targeted measures to reach children deprived of education;

(b) Conduct a proper assessment of the shortcomings of the 2009–2012 Emergency Programme, and on the basis of the lessons learned, adopt all necessary measures to ensure an effective and efficient utilization and control of the financial resources allocated to the education system;

(c) Assess and address the consequences of the rapid development of private education in the State party and ensure that teachers from the public sector contribute to the improvement of education in Morocco rather than being used by the private sector, by effectively enforcing Ministerial Circular No. 109 of 3 September 2008;

(d) Take the necessary measures to improve the quality of education, notably by providing teachers with quality training, and develop and promote quality vocational training to enhance the skills of children and young people, especially those who drop out of school;

(e) Allocate sufficient financial resources for the development and expansion of early childhood education in rural areas, based on a comprehensive and holistic policy of early childhood care and development.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b-d), 38, 39 and 40)

Migrant, asylum-seeking and refugee children

62. The Committee welcomes the development of a new law on asylum, the reopening of the *Bureau des Réfugés et des Apatrides* in 2013, and the instructions given in October 2013 by the Ministry of Education to facilitate the enrolment of all migrant, refugee and asylum-seeking children in public and private schools. Nevertheless, in view of the growing

number of unaccompanied children and child asylum seekers in the State party, the Committee is concerned that procedural safeguards to identify and determine the best interests of these children have not been developed, and that the State party does not provide these children with any type of assistance and protection from violence, exploitation or trafficking. The Committee is particularly concerned about:

- (a) The deportation of unaccompanied children, which takes place in spite of the provisions of the Migration Act (Law No. 02-03) which provide for the protection of children from expulsion (art. 26) and deportation (art. 29), five children having been deported at the risk of their life in the desert between Morocco and Algeria in 2013;
- (b) The arrest and detention of refugee and asylum-seeking children;
- (c) The deteriorating health conditions of children present in the Migrant Reception Centre;
- (d) The obstacles that migrant, refugee and asylum-seeking children face to accessing health services;
- (e) The situation of an unaccompanied girl who was placed, in 2012, at the age of 6, in a specialized centre, without monitoring of her situation by the State authorities since then.

63. **The Committee recommends that the State party accelerate the adoption of a legal and institutional framework that ensures that the rights of non-accompanied migrant, asylum-seeking and refugee children are respected at all times, in accordance with international refugee and human rights law. The State party should ensure that:**

- (a) Refugee and asylum-seeking children are not arrested, arbitrarily detained and deported back in breach of the law;**
- (b) An inquiry to determine the responsibilities in the deportation of five children in the desert in 2013 is conducted, sanctions are taken against those responsible and measures are adopted to prevent the recurrence of such a situation;**
- (c) Prompt measures are taken to ensure improved access by asylum-seeking, refugee and migrant children to protection units located in hospitals, and to improve the health status in the Migrant Reception Centre.**

Economic exploitation, including child labour

64. The Committee welcomes the 2003 Labour Code which increased the protection of children from labour exploitation, and the progress in reducing overall rates of child labour and in increasing school enrolment. The Committee remains, however, deeply concerned that insufficient measures have been taken to remove girls, some as young as eight, working as domestics in hazardous conditions in private homes. The Committee is also particularly concerned that:

- (a) While the State party's delegation recognized the need for all children under the age of 18 not to work as domestic workers, girls continue to be exploited in private homes and to be subjected to physical and verbal violence, isolation, excessive working hours (100 or more hours per week), without rest breaks or days off, with denial of education, and sometimes without adequate food or medical care;
- (b) There is no legal provision to enable labour inspectors to access private homes and no system to inform child domestic workers about the existence of child protection units, resulting in little action being taken against those who economically exploit these children;

(c) Laws prohibiting the employment of children under 15 are not effectively enforced, due to weak enforcement mechanisms.

65. **The Committee urges the State party to:**

(a) **Take immediate and firm measures to remove girls working as domestic workers from abusive labour conditions, provide them with education, including vocational training, and provide extensive information on these measures and their outcome in its next periodic report;**

(b) **Ensure that the laws prohibiting the employment of children under 15 years of age and hazardous forms of child labour under 18 years, including domestic work, are effectively enforced, and that individuals who exploit children are duly sanctioned;**

(c) **Strengthen the labour inspection, authorize, by law, the inspectors to enter private homes, and prioritize interventions to withdraw children from economic exploitation;**

(d) **Consider ratifying International Labour Organization (ILO) Convention No. 189 (2011) concerning decent work for domestic workers;**

(e) **Seek technical assistance from the ILO International Programme on the Elimination of Child Labour in this regard;**

Children in street situations

66. The Committee notes that, despite the absence of precise data on the number of children living and working on the streets, this number is reportedly on the rise in the State party.

67. **The Committee recommends that the State party establish cross-sectoral coordination and multidisciplinary interventions involving many actors at different levels to ensure that children in street situations are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development.**

Sale, trafficking and abduction

68. The Committee notes the development of a law on human trafficking. The Committee is, however, concerned that the State party remains a source, destination and transit country for children, primarily from sub-Saharan Africa and south Asia, who are subjected to forced labour, including as domestic workers, and to sex trafficking and forced begging, two thirds of victims of trafficking being children. The Committee is also concerned that insufficient measures have been taken to investigate, prosecute, convict and adequately punish child trafficking offenders.

69. **The Committee urges the State party to adopt its legislation on trafficking and ensure that it fully addresses and responds to the specificities of child trafficking. The State party should also take firm measures to end impunity for child traffickers.**

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

70. The Committee, while regretting the lack of information on the implementation of its concluding observations of 2006 on the State party's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/MAR/CO/1), welcomes the information provided by the State party's

delegation that a draft law that will align the legislation with the provisions of the Optional Protocol is currently being adopted.

71. The Committee urges the State party to implement the recommendations contained in its concluding observations on the State party's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography and to provide comprehensive information in this regard in its next periodic report.

Children of Western Sahara

72. The Committee regrets the lack of information in the report of the State party on the measures taken to implement its previous recommendation (CRC/C/15/Add.211, para. 57) concerning the situation of children living in Western Sahara.

73. The Committee urges the State party to respect and protect the rights of all children living in Western Sahara and to take all necessary measures to prevent the violations of their rights. The State party should provide detailed information in this respect in its next periodic report.

Administration of juvenile justice

74. The Committee notes as positive the measures taken by the State party to reform its juvenile justice system, in particular since the entry into force of the Code of Criminal Procedure in October 2003, which marked a real improvement in this respect. The Committee also notes as positive the training on the rights of the child organized for judges dealing with juvenile justice. The Committee, however, remains concerned that:

(a) The State party's juvenile justice system remains mostly punitive, as children are subjected to long periods of pretrial detention;

(b) The presence of legal counsel at all stages of the preliminary investigation, including in the case of flagrant offences, has still not been recognized;

(c) The use of restorative measures remains rare and detention is, in most of the cases, the first option.

75. The Committee urges the State party to bring its juvenile justice system fully into line with the Convention, in particular articles 37, 39 and 40, as well as with other relevant standards and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party to:

(a) **Ensure that detention, including pretrial detention, is used as a measure of last resort and for the shortest possible period of time, even in cases of very severe crimes, and that it is reviewed on a regular basis with a view to withdrawing it;**

(b) **Ensure that children in conflict with the law are provided with qualified and independent legal aid at an early stage of the procedure and throughout the legal proceedings, including in the case of flagrant offences;**

(c) **Promote alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible;**

(d) **Ensure capacity-building and specialization of all the justice actors, including judges, prison officers and lawyers, on the provisions of the Convention;**

(e) **Develop properly funded social reintegration programmes for children in conflict with the law; and**

(f) Make use of the technical assistance tools developed by the Inter-agency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime.

J. Ratification of international human rights instruments

76. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, as well as the optional protocols to other United Nations human rights instruments.

IV. Implementation and reporting

A. Follow-up and dissemination

77. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third and fourth periodic reports, the written replies of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

78. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 20 July 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

79. The Committee also invites the State party to submit an updated core document, in accordance with the requirements for the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I). The word limit for the common core document is 42,400 words, as established by the General Assembly in its resolution 68/268 (para. 16).
