



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of the reports submitted by States parties under article 44 of the Convention

Third and fourth periodic reports of States parties due
in 2009

Morocco*

[30 May 2012]

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Introduction

1. The Kingdom of Morocco submits below, as a combined report, its third and fourth periodic reports on the implementation of the Convention on the Rights of the Child in accordance with article 44, paragraph 1, of the Convention and the final recommendation of the Committee set out in its concluding observations of 10 July 2003 (CRC/C/15/Add. 211, para. 72, p. 16).

2. The present report also contains the replies to the Committee's concluding observations (CRC/C/OPSC/MAR/CO/1) on Morocco's initial report on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSA/MAR/1), adopted at its 1120th meeting, and held on 27 January 2006.

3. This report has been drawn up in accordance with the treaty-specific guidelines regarding the form and content of periodic reports adopted by the Committee on the Rights of the Child (CRC/C/58/Rev.2 and CRC/C/OPSC/2). It has been prepared on the basis of a participatory process involving the relevant stakeholders: ministerial departments, national institutions and non-governmental organizations (NGOs) working in the field of the rights of the child. Final consultation meetings were held to consolidate and approve the report as follows:

- On 13 October 2011 with 23 ministerial departments
- On 24 October 2011 with 13 NGOs
- On 26 October 2011 with eight national institutions

(See the annexed list of the departments, NGOs and national institutions involved in the process).

4. The report sets out the measures taken by Morocco during the period 2003–2011 to give effect to the rights of the child established under the Convention and outlines the progress achieved in securing those rights. It describes both the efforts made and problems encountered in implementing the policies and measures designed to give effect to the Convention on the Rights of the Child.

5. The basic data relating to the territory and population, as well as to Morocco's general political structure, are contained in the core document that forms an integral part of the reports submitted by States parties (HRI/CORE/MAR/2012 of 10 November 2012).

6. The reports are being submitted as the Kingdom of Morocco implements far-reaching constitutional and institutional reforms, including, in particular, the adoption, on 1 July 2011, of a new constitution that marks an historic and decisive stage in the process of establishing a State based on the rule of law and the Kingdom's democratic institutions. The core document sets out the institutional and legislative framework for the protection and promotion of human rights.

I. General measures of implementation (articles 4, 42 and 44, paragraph 6, of the Convention)

7. Since the consideration of the second periodic report, public policies to secure the protection and promotion of the rights of the child have been given a fresh impetus, dovetailing more closely with the Convention and responding to the Committee's recommendations. They are also designed to honour the commitments entered into by

Morocco at the international conferences on children, as well as to attain the Millennium Development Goals. Partnership networks have, for instance, been established between the stakeholders concerned: the ministerial departments with responsibility for children, civil society and international organizations.

A. International conventions

8. Morocco has continued with the process of acceding to international human rights instruments (see paragraphs 24 and 25 of section II.A. of core document HRI/CORE/MAR/2012 Acceptance of international human rights norms).

B. Reservations

9. On 19 October 2006, the Government of Morocco notified the Secretary-General of the United Nations of its decision to withdraw its reservation with regard to article 14 of the Convention on the Rights of the Child and replace it with the following interpretive declaration:

- “The Government of Morocco interprets the provisions of article 14, paragraph 1, of the Convention on the Rights of the Child in the light of the Constitution of 7 October 1996 and the other relevant provisions of its domestic law, as follows:

Article 6 of the Constitution, which provides that Islam, the State religion, shall guarantee freedom of worship for all.

Article 54, paragraph 6, of Act 70-03 (the Family Code) which stipulates that parents owe their children the right to religious guidance and education based on good conduct.

By this declaration, the Kingdom of Morocco reaffirms its attachment to universally recognized human rights and its commitment to the purposes of the aforementioned Convention.”

In the context of the new Constitution, Morocco maintains its position as set out in that declaration.

C. Measures taken to align domestic legislation and practice with the principles of the Convention

10. During the period 2003–2011, Morocco reached a significant watershed in terms of harmonizing domestic legislation and practice, and did so in line with the principles of the Convention. The period was, for example, marked out by the adoption and enactment of a number of legal texts promoting the rights of the child and guided by the principle of the “best interests of the child”.

1. The enactment of the Family Code in 2004

11. The adoption of the Family Code, published on 5 February 2004 in Official Gazette No. 5184 signalled progress in the process of consolidating the rights of the child in accordance with the provisions of the Convention. In effect, and in contrast with the former *Mudawana*, which dealt with the rights of the child only in terms of the provisions on maintenance, the Code is innovative in that it further clarifies the legal position of the child. Under the provisions of the Code, the judiciary is obliged to identify and take into account the interest of the child whenever a case concerns that child’s condition, rights in relation to

custody, paternal filiation, maintenance and legal representation, as well as other matters falling within the scope of family justice. The judiciary must also ensure that it proceeds more swiftly in dealing with the issues that make it possible to achieve those objectives. In addition, equality between boys and girls has been established in relation to a number of the Code's provisions.

12. For example, article 54 of the Family Code establishes the rights of the children in regard to their parents and also lays down the principle of the State's responsibility for guaranteeing those rights. The Code further establishes the principle of equality between girls and boys by raising marriageable age to 18 years for both (article 166 of the Code). Equity in relation to inheritance has also been consolidated by establishing the right of grandchildren in the maternal line to inherit from their grandfather, under mandatory testamentary provisions, on the same basis as grandchildren in the paternal line (article 369 of the Code).

13. The principle of "the best interests of the child" is also taken into account in all areas in which children are in vulnerable situations. It may in fact be pointed out that: (1) Under article 166 of the Code, if the parents' marriage is dissolved, a child of 15 or over may choose whether to be placed in the custody of the father or the mother. If the parents are absent, children may choose one of their close relatives, provided that their decision is not incompatible with their interests and that their legal representative consents. Should the legal representative refuse, the matter is referred to the judge who will take a decision based on the interest of the minor (art. 171). Moreover, the Code provides for a mother who remarries to retain custody if the child is under 7 or if separation from the mother would be damaging to the child, or, indeed, if that child suffers from an illness which makes it impossible for another person to assume custody (art. 175); (2) Maintenance must be paid within a period of no more than a month (art. 190); and the obligation to provide accommodation for a child who is subject to custody is now a separate obligation distinct from the other maintenance obligations (art. 171).

14. If a child is born out of wedlock, article 155 of the Code provides for the recognition of paternity for children born, as a result of "sexual relations entered into by mistake" (*Choubha*), within the minimum and maximum pregnancy period, with paternity attributed to the author of the sexual relations. Paternity is established using all of the statutory methods of proof available, namely the following criteria: if both families knew of the engagement and it was approved, where necessary, by the fiancée's matrimonial guardian; if the fiancée became pregnant during the engagement; and if fiancé and fiancée mutually acknowledge that they are responsible for the pregnancy.

15. The Code has also retained the principle of the legitimacy of parental filiation in regard to the mother on the same basis as that of the father, unless proven otherwise (art. 143). Article 147 provides that maternal filiation is established by the fact of giving birth, or by acknowledgement by the mother in the same conditions as laid down in article 160 (acknowledgement by the father), or by judicial decision. Maternal filiation remains legitimate even if it is the result of "sexual relations entered into by mistake" (*Choubha*) or rape. The Code provides at various junctures for medical evidence to be used as a means of proof (arts. 16, 153, 156 and 158).

16. In order to secure the conditions conducive to the proper application of the Family Code, a number of measures have been taken, largely by the Ministry of Justice and Freedoms in partnership with the NGOs and international bodies (see annex 4: Measures to support the implementation of the Family Code).

2. The adoption in 2003 of the new rules on child labour

17. Protecting children at work has been a major concern of the legislature, which has regulated certain aspects of this in accordance with the international conventions on child labour, in particular basic International Labour Organization (ILO) Conventions Nos. 138 and 182. The Labour Code adopted in 2003 has, for example, introduced a number of provisions concerning the protection of children at work: (a) the minimum age of employment has been set at 15 instead of 12 years of age (art. 143); (b) children may not be employed in hazardous work between the ages of 15 and 18 (art. 147); (c) penalties for offenders have been stepped up; and (d) the powers of the labour inspectorate have been reinforced (art. 144). In addition, a bill has been drawn up to regulate the employment relationship between householders and domestic servants in accordance with the provisions of article 4 of the Labour Code.

18. In connection with the implementation of ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour, a decree listing 33 kinds of hazardous work prohibited for children under 18 was adopted in 2004 and revised in 2010.

3. The enactment of the Code of Criminal Procedure

19. The enactment of the Code of Criminal Procedure in October 2002, published in Official Gazette No. 5078 of 30 January 2003, marks real progress in the field of justice for minors. Chapter III of the Code is devoted to rules relating specifically to minors (arts. 458 to 517). The new approach adopted in the Code is geared to the protection of child victims of crime, child offenders and children in difficult situations.

20. The Code's main innovations have involved: (a) raising the age of criminal responsibility to 18 years (arts. 458 et 459); (b) setting up special courts for minors (art. 462); (c) appointing a judge for minors (arts. 467 and 477); (d) expanding the role of the counsel for minors at the appeal court (arts. 485, 488, 489, 490 and 494) and establishing a specialist criminal investigation department responsible for minors.

21. The Code has also taken into account the vulnerability of minors by giving the judge for minors or counsel responsible for minors the option of placing them with a trustworthy person or in a public or private welfare establishment, simply on the basis of an order and until final judgment on the offence is handed down. In addition, the public prosecutor's office may now apply the reconciliation procedure in regard to offences committed by minors. It may also order that the prosecution of the minor be suspended if the complaint is retracted or the injured party withdraws. A minor accused of an offence may only be placed under supervision if that child cannot be returned to the person responsible for his or her welfare, or if the requirements of the investigation or the minor's safety demand this, subject to the agreement of the public prosecutor's office. The criminal investigation office responsible for minors must take all necessary measures to prevent any risk to the minor.

22. As far as prosecution is concerned (arts. 463 and 464), if the public prosecutor's office considers that a criminal prosecution would be contrary to the interests of the child, the victim can claim compensation before the civil courts. In that way, the child is spared the trauma of criminal proceedings. Only in exceptional cases will a child be remanded in custody (art. 473), and no child under the age of 12 may be remanded in custody, whatever the nature of the offence.

23. Among the Code's contributions to the system of justice for minors, mention should also be made of the new provisions concerning coercive measures applied to children involving: (a) protection and rehabilitation measures (art. 481) entailing the return of the minor to his or her parents or to a trustworthy person, as well to institutions, public-interest associations and specialized bodies working with children; (b) the introduction of release

under supervision (arts. 496 to 500) where the minors are left in their natural environment but are subject to supervision by the judicial authority. The placing of minors under observation is an alternative to keeping them in police custody, which is prohibited under Morocco's criminal law; (c) reducing the penalties imposed on minors (arts. 482 and 493). In regard to lesser offences, for example, in the case of minors between the ages of 12 and 18, the juvenile division may, exceptionally, and having set out the grounds for its decision, replace or supplement the protection or rehabilitation measures with a prison sentence or fine. If this happens, the maximum and minimum penalties provided for under the law must be cut by half. In regard to serious offences, article 493 provides that if the crime committed is punishable by the death penalty or life imprisonment, the criminal division is to impose a reduced sentence of between 10 and 15 years' imprisonment; (d) amending the protection and rehabilitation measures (arts. 501 to 504): these measures may be revised by the judge for minors or the counsel responsible for minors, either *ex officio*, or at the request of the public prosecutor's office, or based on the report of the probation officer, or at the request of the minor or his or her legal representative. In addition, three months after a decision has been taken to place the child outside the family, the latter may apply to have custody restored, by demonstrating that it is capable of bringing up the child and that the child has made positive progress. Minors themselves may make that application.

4. The revision and enactment of the Criminal Code

24. The substantial amendments to the Criminal Code, published in the Official Gazette of 15 January 2004, have made it possible to introduce new provisions to consolidate child protection in accordance with the provisions of the Convention. These provisions constitute progress in terms of protecting children from abuse, particularly by toughening the penalties for offences against children and defining new offences. The new provisions: (a) make different forms of sexual exploitation a crime by introducing three new offences: the sale and purchase of children (arts. 476-1 and 467-3), the forced labour of children (art. 467-2) and child pornography (art. 503-2); (b) set out a definition of the sale of children and of child trafficking, child prostitution and child pornography that is consistent with the definitions in the Optional Protocol and the related Convention. The definition of forced labour also derives from the ILO and from ILO Convention No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour. The Criminal Code does not punish prostitution as such. It does, however, penalize offences related to prostitution: procuring which consists in encouraging, assisting or profiting from the prostitution of another person; soliciting which consists in encouraging, by whatever means, a person of either sex, known or unknown, with a view to inciting that person to commit immoral acts. A child who engages in prostitution may be prosecuted, on the basis of article 490, for sexual relations outside marriage; if the child is prosecuted, the rules specific to minors under the Code of Criminal Procedure must be applied; (c) consolidate the protection of children against assault and battery, violence and deprivation (arts. 408 to 441); (d) raise the age until which specific protection is accorded from 12 to 15 years; (e) waive doctor/patient confidentiality in cases of offences against and abuse or deprivation of minors under 18 (art. 446); (f) increase the penalty in cases of rape or indecent acts if the victim is under 18 (arts. 486, 484 and 485); (g) increase also the penalty for inciting minors to commit indecent acts or engage in prostitution; (h) increase the penalty for prostitution involving assisting or encouraging prostitution or profiting from the proceeds of another person's prostitution (art. 498); (i) introduce new provisions increasing the penalty for offences committed by criminal gangs (art. 499-1) and offences involving the use of violence or torture (art. 499-2); (j) increase the penalty imposed on persons who, although aware of an attempted or perpetrated crime, failed immediately to inform the authorities where the victim of the crime or attempted crime is a child under 18 (art. 299);

and (k) introduce recidivism in relation to offences committed against minors (article 158 of the Criminal Code).

5. The Nationality Code

25. In 2007, Morocco revised and enacted its Nationality Code in an effort to eliminate discrimination against women and children in regard to nationality. The process of revision made it possible to establish the right of a Moroccan woman married to a foreigner to transmit her nationality of origin to her children, and to do so with retroactive effect. In addition, any person of Moroccan nationality who has, for more than five years had *kafalah* (foster care) of a child born outside Morocco of unknown parents, may make a declaration applying for Moroccan nationality for the child. A child who was born outside Morocco of unknown parents, who is subject to *kafalah* and whose *kafil* (foster parent) has not made the declaration within the five years may also submit his or her own declaration applying for Moroccan nationality during the two years preceding the age of majority.

6. The Act on the care of abandoned children

26. Act No. 15-01 on the care of abandoned children (*kafalah*) published in Official Gazette No. 5031 of 19 August 2002, and its implementing decree published in the Official Gazette of 1 July 2004, has made a real contribution to improving the prospects of abandoned children. The new Act organizes *kafalah* in accordance with articles 9, 20 and 21 of the Convention: it provides that *kafalah* is to be awarded subject to a court decision and regulates control of the arrangement by stipulating the rights and duties of the parties to it. In October 2011, the Council of Ministers approved a bill amending Act No. 15-01 on abandoned children.

7. The Act on civil status

27. Article 20 of Act No. 37-99 on civil status, published in the Official Gazette of 7 November 2002, establishes the right to a family name. It makes the declaration of births mandatory (art. 31) and regulates the procedure for determining the name of children born of unknown parents (art. 16).

8. The Act on the opening and administration of social welfare institutions

28. Adopted in 2006, the purpose of Act No. 14-05 on the opening and administration of social welfare institutions is to raise the quality of care and training and improve the management of social welfare institutions, particularly those that take in children in difficult situations.

9. The Act on the entry and residence of foreign nationals in Morocco and illegal emigration and immigration

29. Act No. 02-03 on the entry and residence of foreign nationals in Morocco and illegal emigration and immigration prohibits the expulsion of foreigners who are minors and their removal from Morocco's frontiers. The problem in regard to emigrant minors concerns young persons who leave the national territory without valid travel documents and are returned to Moroccan territory by the authorities of the State which they entered illegally. The new Act lays down penalties for illegal emigration. A minor who is repatriated may therefore be prosecuted and given a criminal sentence. The Act makes no provision for measures regarding the minor's resettlement in Morocco.

30. Moroccan legislation has seen improvements in relation to statutory child protection. However, that objective has not been fully attained because of the difficulties hampering the full implementation of the reforms and policies introduced in relation to child

protection. These problems include a lack of coordination between the different actors and a lack of specialist personnel working with children: social workers, experts, labour inspectors and workplace physicians are limited in number and do not always have the equipment they need to function effectively. In this context, and in parallel with the establishment within the courts of units to take care of women and child victims of violence, the Ministry of Justice and Freedoms has developed instruments to facilitate liaison and coordination between the different actors involved at all levels, by means of: (a) Coordination between the constituent elements of the units within the courts to care for women and children; (b) Coordination at regional and local level between the judicial units and the representatives of the governmental and non-governmental departments within each judicial area of the court of first instance, working alongside the local committee responsible for the care of women and children; (c) Coordination at regional level between the judicial units within the courts and the representatives of the governmental and non-governmental departments in every judicial area of the appeal court, working alongside the regional committee responsible for the care of women and children.

D. International cooperation and implementation of the Convention

31. During the period 2003–2011, international cooperation provided support for the national child-related programmes targeting the national priorities set in regard to the rights of the child, including child protection and promoting education. The programmes also related to rural roads, housing and water.

32. Total spending in the context of cooperation between Morocco and the United Nations Children's Fund (UNICEF) between 2002 and 2009 amounted to US\$ 29.5 million. A large part of the budget was earmarked for projects to improve system capacities and to generate information (surveys, research and evaluation) concerning the rights of the child, so that decisions could be taken based on factual data. The support of UNICEF also targeted national priorities in the field of education and health, support for children in rural areas and communications, as well as promoting and monitoring the implementation of the provisions of the Convention on the Rights of the Child.

33. Under the IPEC-Morocco Programme on the Elimination of Child Labour, significant projects to remove children from the world of work were introduced, while, at the same time, offering viable alternatives to children and their families.

34. European Union aid to Morocco reached €645 million over the period 2007–2011, making the Kingdom of Morocco the principal non-European recipient of such aid. European Union support for the sectoral literacy and non-formal education policy amounts to €7 million, €4.7 million of it in the form of budgetary support and €2.3 million in the form of additional aid. Budgetary aid is targeted at young people and adults between the ages of 16 and 35, paying particular attention to those from the most disadvantaged social groups, women and girls. Significant budgetary resources (43.7 billion dirhams) have been allocated to the *Madrassat Annajah* ("School for Success") emergency plan of the Ministry of Education, which has also been supported by Morocco's partners in the context of development assistance.

E. Remedies in the event of violations of the rights recognized under the Convention

35. As far as legal action is concerned, please refer to the information contained in the second report ((CRC/C/Add.3, paras. 46 and 70). It is, however, important to point out that there have been significant developments in terms of the existing avenues available: (a) the

creation of courts of first instance and appeal courts including the administrative appeal courts; (b) extrajudicial remedies which are available to individuals as a result of the establishment of the Ombudsman and of the National Human Rights Council (CNDH) which may now take up violations of human rights on their own initiative.

36. In an effort to strengthen the existing remedies, Morocco has also set in place: (a) child protection units tasked with coordinating services and steering children towards welfare, protection and care facilities; and (b) units to care for women and child victims of violence in all of the Kingdom's courts of first instance and appeal courts. It should also be noted that the NGOs play a major role in securing access to remedies for children whose rights have been violated, through counselling and guidance centres.

37. However, there are still not enough remedies available. In terms of quality, progress has still to be achieved in relation to compliance with international rules and standards, particularly as regards accessibility, protection, security and confidentiality.

F. Independent monitoring institution to protect the rights of children

38. Set up on 1 March 2011 to replace the Consultative Council on Human Rights, the CNDH plays the primary role here on the basis of the rights conferred on it in relation to the promotion, protection and defence of human rights and freedoms. In 2004, the Consultative Council on Human Rights made an assessment of the standing arrangements in Morocco for monitoring the implementation of the Convention on the Rights of the Child, and concluded that there were national systems which needed to be strengthened so that they could act as an independent appeals mechanisms and promote and monitor the rights of the child.

G. Coordination, monitoring and assessment mechanisms

1. Coordination and monitoring

39. As part of the process of consolidating coordination arrangements, a Ministry for Solidarity, Women, the Family and Social Development has been set up. As far as children are concerned, the Ministry is responsible for devising child protection strategies and programmes and coordinating the various activities undertaken by the partners concerned to promote children's rights. It is also responsible for monitoring and assessing the implementation of the National Plan of Action for Children 2006–2015 "A Morocco fit for its children".

The special Ministerial Commission on Children

40. The task of the Commission, drawn from 17 ministerial departments in 2005, is to ensure that the conditions of children, and especially the indicators and results of the PANE, are kept under review.

2. Evaluation

41. The National Observatory on the Rights of the Child (ONDE) plays a major role in evaluating the progress achieved on children's issues. It monitors the implementation of the Convention on the Rights of the Child in order to promote the protection of children permanently and in all areas of life. The National Congress on the Rights of the Child, which is the main institution of the ONDE, provides a forum for all those actively engaged in children's issues, in all areas relevant to the Convention, to evaluate the efforts which have been made to support children and to define the objectives and priorities to

be achieved. In the period covered by this report, the Congress has been held four times, in 2004, 2006, 2008 and 2011. The thirteenth National Congress on the Rights of the Child, held in May 2011, was on the theme “Towards a new approach in programmes and services for improving child protection”. During that meeting of the Congress, “PANE+5” was presented, reporting on the PANE in its fifth year.

H. The National Plan of Action for Children 2006–2015

42. Coordinated by the Ministry for Solidarity, Women, the Family and Social Development, the PANE is the product of extensive cooperation between government departments, civil society, the Children's Parliament and the children's community councils, with the support of UNICEF. Two structures were set up to prepare the PANE: the special Ministerial Commission on Children, responsible for guidance and for scrutinizing evaluation reports, and a technical committee composed of representatives from the ministries responsible for the implementation of the PANE. The work of this committee is coordinated by the Ministry for Solidarity, Women, the Family and Social Development.

43. The PANE is organized around three priority themes: (a) promoting a healthy life; (b) providing quality education; and (c) protecting against abuse, exploitation and violence. These themes are subdivided into 10 objectives. A process to update PANE 2006–2015 was set under way in the light of new sectoral strategies developed in 2007, with the aim of introducing new indicators and improving follow-up and evaluation. This process of updating culminated in a national workshop, organized in Rabat by the Ministry for Solidarity, Women, the Family and Social Development on 11–12 May 2011, to assess the PANE at the halfway stage and prepare for its second phase from 2011–2015.

I. Budget allocations to children's sectors

44. Considerable efforts have been made to increase budget allocations to social sectors within the general State budget. The aim has been to strengthen the social sectors, combat poverty and exclusion and improve people's access to basic services and infrastructure in the context of a social policy based on solidarity. Accordingly, during the past ten years the share of social sectors in the general State budget has increased substantially, rising from 47 per cent in 2001 to 56 per cent in 2009 and 50 per cent in 2011.

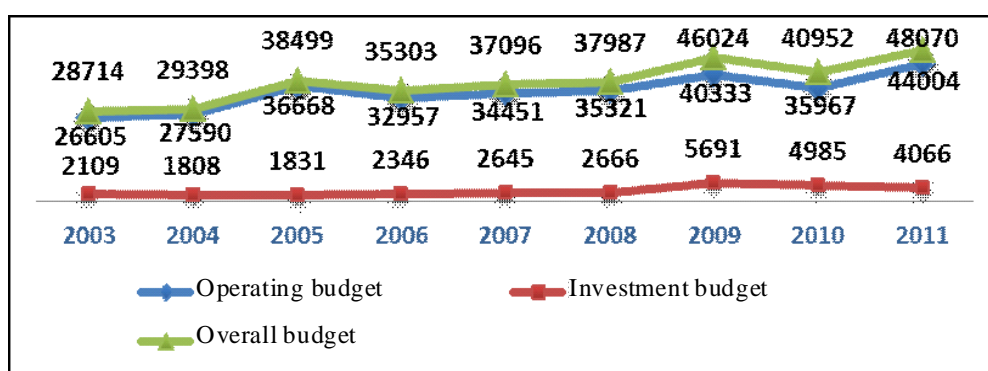
45. The budget allocations to ministries under the 2012 Finance Act include 11.9 billion dirhams for the Ministry of Health and 637.2 million dirhams for the Ministry for Solidarity, Women, the Family and Social Development, compared with 8.1 billion dirhams and 460.7 million dirhams respectively in 2008, representing increases of 47 and 38 per cent. The budget of the Ministry for Solidarity, Women, the Family and Social Development for 2003 was 211,630,000 dirhams. The investment budget of the Directorate of Women's, Family and Children's Affairs accounted for 15.62 per cent of the overall budget of the Ministry for Solidarity, Women, the Family and Social Development in 2009, 14.55 per cent in 2010 and 15.33 per cent in 2011, with a share of 29 per cent in that year allocated to child-related programmes; the budget of the Directorate for Prevention and for the Social Integration of Persons with Disabilities accounted for 11.4 per cent in 2009, 10.51 per cent in 2010 and 13.13 per cent in 2011. Despite this, the share of these two departments in investment expenditure remains low given the importance of their functions, which include promoting the improvement of women's conditions, child protection and the integration of persons with disabilities.

46. In 2009, the investment budget allocated to the reproductive health programme was 84.2 million dirhams, or 5.5 per cent of the Ministry of Health's overall budget. In the

same year, the share of the investment budget allocated to basic infrastructure (the hospital network) was 4.1 per cent. Staff costs alone, however, amounted to 5.4 billion dirhams, representing 55.2 per cent of the Ministry's budget.

47. The budget of the Ministry of Education saw a substantial increase in 2009, the year when the educational Emergency Programme was launched and a year marked by a significant investment effort. The budget for national education actually rose from 2,666,000 dirhams in 2008 to 5,691,000 in 2009, an increase of 113 per cent. The budget of the Department of Literacy and Non-formal Education saw an average annual increase of 5 per cent between 2000 and 2009, reaching 145.7 million dirhams in 2009.

Developments in the budget of the Ministry of Education in millions of dirhams



Source: Ministry of Education.

48. The overall budget allocation to the Ministry of Youth and Sports for 2009 was almost 1.2 billion dirhams, an increase of 14.16 per cent over 2008. The Directorate of Youth, Children and Women's Affairs had an operating budget of 73 million dirhams, that is to say 13.35 per cent of the Ministry's operating budget. The Directorate's overall investment budget was 36.9 million dirhams, representing 5.87 per cent of the Ministry's overall investment budget.

49. The budget of the Ministry of Employment and Vocational Training included a special budget line devoted to combating child labour for the years 2009, 2010 and 2011. The purpose of this annually renewable budgetary provision is to provide financial support for the activities of associations working on the ground to combat child labour. Provision for 2009 was 1 million dirhams, and for 2010 and 2011 1.5 million dirhams annually.

J. Collection of data, indicators and statistics

50. During the period covered by the report, several initiatives were taken by a number of those involved in the collection of child-related data, indicators and statistics: the Office of the High Commissioner for Planning, ministerial departments, international organizations and NGOs. They include the following: (a) Plans for the Ministry for Solidarity, Women, the Family and Social Development, with support from UNICEF, to set up a national information system which will include the indicators for the PANE to facilitate its follow-up and evaluation; (b) The setting-up of child protection units, one function of which will be to collect and process all information received on violence towards children, which will be set out in an annual report; (c) The creation, by the Ministry of Justice and Freedoms, of a statistical unit in the Research and Evaluation Service responsible for collecting data from the courts to indicate the number of cases dealt with in each jurisdiction; (d) Plans for the Ministry of Justice and Freedoms, working with

the national police service and the Royal Gendarmerie, and with support from UNICEF, to set up an information system to deal specifically with children within the judicial system; (e) The setting-up, by the Ministry of the Interior, of a community information system in a number of pilot municipalities; (f) The setting-up in October 2008 of the National Observatory on Human Development (ONDH), responsible for evaluating the programmes, projects and initiatives launched under the National Initiative for Human Development (INDH) and developing national human-development indicators.

51. A number of studies, surveys and reports on the conditions of children have been prepared with international cooperation. As a result of the surveys and studies, the quality of the databank containing information on children is permanently improved. Further indicators, statistics and data making it possible for child-related policies to be developed are also derived from studies, surveys and reports by the Office of the High Commissioner for Planning. The report on gender, which, since 2005, has accompanied the Finance Bill, and which assesses the impact of public policies from a gender perspective, provides another source of data and indicators on the conditions of children. National surveys carried out by the ministries which are directly involved in children's issues (including the Ministry for Solidarity, Women, the Family and Social Development and the ministries for health, education and employment) are also contributing incrementally to the databank on the conditions of children. The rate of school enrolment and certain information on health are updated annually, and the school dropout rate is updated every six months.

52. In 2007, cooperation between UNICEF and Morocco included a programme analysing social, advocacy and youth policies, with the aim of providing decision-makers with data about children generated from surveys, research and studies involving strategic and cross-cutting issues, which they could use in advocacy to secure better protection for the rights of the child. The programme is contributing not only to the information system, but also to strengthening the culture of monitoring and evaluation. For example, the programme supports the collection of data for the national multiple indicator cluster survey (MICS3) and for the MICS4 survey which is under way. The surveys make it possible to collect data correlated with the main indicators for family health, but also data in relation to protection and education, etc. Despite the wealth of information available, however, the existing data continue to be of a sectoral nature, as there is no standardized system for data collection and processing.

K. Measures taken to make the principles and provisions of the Convention widely known

1. Promotion of the Convention

53. Morocco has attached great importance to disseminating the principles and provisions of the Convention. An edition of 2,500 copies of the Convention was published in French and Arabic in 2007 by the Consultative Council on Human Rights. It has been distributed in schools and when events have been held to promote children's interests, such as World and National Children's Days and the National Congress on the Rights of the Child. The Convention on the Rights of the Child and other documents relevant to it feature generally in the teaching material distributed to schools to facilitate learning. Copies of the Convention have also been distributed to teachers, members of the judiciary, lawyers and staff working with and for children. Information about the Convention and its contents has been disseminated in the form of posters, booklets, leaflets, illustrated documents, teaching guides and television and radio spots. Other resources generally publicizing and raising the awareness of children, young people and adults about the rights of the child have also been prepared and distributed (see annex 6). Radio and television spots have been devised and broadcast on subjects including child labour and violence towards children.

54. Mention should also be made of the annual celebration of National Children's Day and the organization of sessions of the children's Parliament and the National Congress on the Rights of the Child. These events provide fresh opportunities to publicize the Convention and its contents.

2. Integrating the principles and provisions of the Convention into teaching programmes

55. The Ministry of Education has adopted training measures to help familiarize children with their basic rights. Elementary and secondary teaching programmes have also been revised to include more specific mention of values and principles relevant to human rights in general and to the rights of the child in particular (see paragraphs 187 and 188 below, "The aims of education: education in human rights").

3. Training for professionals working with and for children

56. Training of this kind has been provided for various groups: judges, social workers, educators, health professionals, police and gendarmerie personnel and teachers have all been given training in the rights of the child (see annex 7 on training for professionals working with and for children).

L. Measures taken to make the national report widely available

57. Espace Associatif, a network of NGOs, had the Committee's concluding observations translated into Arabic and distributed to NGOs following the consideration of the second periodic report.

M. Initiatives taken in cooperation with civil society

58. The NGOs are a proactive force, playing an important part in advocacy for improved conditions for children. In that context, the Ministry of Justice and Freedoms carries out an annual assessment of the implementation of the Family Code in partnership with the associations. The activities of the NGOs have also contributed to a significant development in terms of the perception of some issues which were not formerly properly addressed or were completely taboo (such as violence against children, the sexual exploitation of children, children in difficult situations and child labour). The areas of activity of these associations cover legal and psychological assistance, rehabilitation, support, education, training and the provision of care. The drive exhibited by civil society has culminated over recent years in the formation of a partnership between government departments and the NGOs, with the aim of getting civil society involved in national priority issues (including education, health and measures to combat violence and child labour). As the partner of the Ministry for Solidarity, Women, the Family and Social Development, the Ministry of Justice and Freedoms and the Ministry of Health, the Moroccan League for the Protection of Children cares for abandoned children in eight of its care facilities (in Rabat, Kenitra, Oujda, Marrakesh, Taroudant, Ben Slimane, TanTan and Lâayoune), in accordance with the standards set by Act No. 14-05 organizing and standardizing social welfare institutions. The ONDE also coordinates a network of associations working in defence of the rights of the child.

59. Public authority initiatives to assist the NGOs are organized around the following: (a) Legislation, through the passage of laws such as Act No. 14-05 concerning the opening and administration of social welfare institutions; (b) Funding, through the provision of formally-agreed mechanisms contributing to the implementation of projects undertaken by associations; (c) Institutions, by strengthening the capacities of the NGOs (through training,

management support and the provisions of human resources), and as a result of NGO representation on governmental bodies and in national and international institutions.

II. Definition of the child (article 1)

60. The adoption of the Family Code in 2004 made it possible to align the minimum age of marriage for boys and girls by fixing marriageable age at 18 years for both (art. 19).

61. Reforms carried out over recent years have made it possible to align legal age for children with the conditions set by the Convention in other connections. The definition of the child stems from his or her legal position and, in terms of Moroccan law, that definition can be set out as follows: (a) The age of legal majority is fixed at 18 years (article 209 of the Family Code); (b) The act on compulsory education stipulates that it ends at 15 years of age; (c) The minimum age for admission to employment has been raised by the new Labour Code from 12 to 15 years, the age at which compulsory education ends; (d) The minimum age for criminal responsibility has been set at 18 years both by the Code of Criminal Procedure and by the 2003 act amending the Criminal Code (article 140 of the Criminal Code). As a general rule, minors below the age of 12 years are considered not criminally responsible, as they have not attained discretion (art. 138). However, minors who have reached the age of 12 but are under 18 can be considered partially criminally responsible. Between the ages of 12 and 15 years, their status as minors is regarded as a mitigating factor and they can be held to be only partially responsible (art. 139); (e) The age from which children can testify in court has been set by legislation at 16 years in the case of civil proceedings. In criminal proceedings, the new Code of Criminal Procedure deals with testimony by minors by setting at 18 the age below which minors may not take the oath, at both the investigation stage (art. 123) and at the trial (art. 332). When minors are interviewed by the criminal investigation department, this takes place in the presence of their guardian; (f) The statutory minimum age from which children are able to bring a complaint and seek redress before a court or any other authority, without parental consent, is fixed by law at 18 in civil cases. In criminal cases, there is no minimum age for bringing a complaint, as the public prosecutor's office and officers of the criminal investigation department are legally bound to receive all complaints and accusations. According to the Code of Criminal Procedure, when an offence is committed on a minor, the judge may take up the case *ex officio* on being informed of it, or the case may be referred to him by the public prosecutor; (g) The limitation period for criminal proceedings is set at 20 years from the date a serious crime was committed, 5 years in the case of lesser offences and 2 years in the case of minor offences; (h) As regards the age at which children are able to participate in administrative or legal procedures affecting their interests, child complainants can in principle act as such only through their official guardian (article 231 of the Civil Code). Children are nevertheless able to take part in certain procedures affecting them by being heard or expressing their opinion (in relation to custody or *kafalah*); (i) The minimum legal age from which children can enjoy the legal capacity to inherit, carry out property transactions and set up or join associations is 18 years; (j) Under the provisions of the Family Code, a child has the capacity to inherit from the moment he or she is conceived; (k) The Labour Code provides that children in work and aged 16 or over have the right to vote in elections for staff representatives in accordance with the electoral procedures in place; (l) Voting age has been reduced to 18 years by the Electoral Code (from 20 years previously).

III. General principles

A. Non-discrimination (article 2)

62. The Government of Morocco has taken new measures to combat all forms of discrimination and bring its legislation more closely into line with the provisions of the Convention (see core document). The legislation and other measures introduced in favour of children apply to all children, without discrimination on grounds such as race, colour, gender, language, religion, political or other opinions, nationality and ethnic or social origin; however, elements of legislation and other measures have been introduced to target more specifically those categories of children whose needs require special attention.

1. Measures to prevent discrimination against girls

63. As already mentioned, the Family Code has established gender equality in several areas of life, and, by guaranteeing children conceived during their parents' engagement the right to establish paternity, has made it possible to remove the obstacles and discrimination that used to disadvantage children born outside marriage. In the context of sectoral strategies for education, employment and health, major components have been devoted to combating discrimination and promoting equality. Programmes dealing with basic infrastructure (drinking water supply, housing, rural roads and the extension of electricity supply) which aim to counter inequalities between the regions and between urban and rural areas are contributing to improvements in conditions for children and to promoting fair access to basic rights and services. (See annex 8 on measures to prevent discrimination.)

64. New provisions against racial discrimination, whether practised by legal or natural persons, have also been introduced into the Criminal Code (section II *bis* added by Act No. 24-03, article 431.1).

B. Best interests of the child (article 3)

65. Substantial reforms of the Family Code, the Code of Criminal Procedure and the Act on kafalah have made it possible to take the best interests of the child into account in improved ways (see section I, C on measures taken to harmonize national legislation and practice with the principles of the Convention). In addition, the following specific facilities for children have been provided within all of the Kingdom's courts to give effect to the principle of the best interests of the child: family law sections, children's courts and centres to care for women and children.

The interests of the child and social security

66. The social security regime was reformed in 2004. Improvements benefiting children were made to the services provided by the National Social Security Fund (CNSS), including: raising the age-limit for payment of orphans' allowance from 12 to 16 years; increasing the scale of allowances paid by the CNSS and generally implementing an increase in the amount of family allowances for civil servants and officials of the State, local communities and public institutions; and extending the period for the payment of daily maternity allowances from 12 to 14 weeks. In addition, and following the adoption of the decree of 9 July 2008, workers in the agricultural sector have benefited from an extension of family allowances.

C. Right to life, survival and development (article 6)

67. As already indicated in the second report, several provisions of Moroccan law guarantee the right of the child to life, survival and development. The present report sets out measures taken to that effect in recent years.

Legislative measures

68. The Labour Code has improved protection for children through the legal provisions protecting maternity by: (a) Extending maternity leave from 12 to 14 weeks in accordance with the relevant ILO provisions (art.152); (b) Allowing a mother who is in employment to take, with her employer's consent, unpaid maternity leave of one year to bring up her child (art. 156); (c) Requiring the employer to allocate lighter work to female employees in the period preceding and immediately following the birth; (d) Banning employers from terminating the contract of a female employee whose pregnancy is medically confirmed during the pregnancy or the 14 weeks following delivery,; (e) Providing that for 12 months running from the date of her return to work after giving birth, a female employee is entitled to special breaks of half-an-hour in the morning and the afternoon, paid as working time, to breastfeed her child. This hour is not included in the rest periods which apply within the firm (art. 161); (f) Making the failure to comply with the above-mentioned provisions for the protection of maternity punishable by fines of between 10,000 and 20,000 dirhams.

69. Article 54 of the Family Code provides that the duties of parents towards their children are to protect them and maintain their health from conception until the age of majority; to secure their identity including name, nationality and registration of civil status; their filiation, their care, their maintenance costs and that they are breastfed by the mother as far as possible; their normal growth, by preserving their physical and psychological integrity and caring for their health on the basis of prevention and care; their religious guidance and their education and training. In addition, under article 54, paragraph 7, subparagraph 5, of the Family Code, the State must take the measures necessary to ensure the protection of children and to guarantee and preserve their rights in accordance with the law. It is, for example, the responsibility of the public prosecutor's office to monitor the implementation of these provisions.

Measures providing that persons under the age of 18 may not be sentenced to death

70. In keeping with the general principle that minors may not be held criminally responsible, capital punishment is never sought for minors under the age of 18. Where a minor is deemed to be criminally responsible, article 493 of the Criminal Code provides that, where the offence committed is punishable by the death penalty or life imprisonment, the judge is to impose a reduced sentence of 10–15 years' imprisonment.

Measures taken on the registration of child deaths

71. An Act (No. 37-99 of 3 October 2002 on civil status) has been passed within the framework of measures to strengthen existing arrangements for the registration of deaths and to provide better information on causes of death. The Act introduces a system for the declaration of deaths and provides for its general implementation across the country, so that data on deaths can be analysed. For measures adopted to protect children from sexually-transmitted diseases, see section VI: Health and Well-being. For measures to help children not attending school, see section VII: Education, Vocational Training, Leisure and Cultural Activities.

72. In terms of measures to protect children in difficult situations who are living or working on the streets, the justice system can intervene as soon as a child is at risk. The Code of Criminal Procedure contains several provisions on the protection of children in

difficult situations (title VII of book III, articles 512–517). In addition, the Criminal Code lays down penalties for begging and vagrancy.

73. In addition, the Ministry for Solidarity, Women, the Family and Social Development set up two emergency social services in Casablanca and Meknès in late 2010 and will be setting up 16 such services. These emergency services draw on a wide network of institutions (such as health services and child protection units) and associations to provide the target group with a comprehensive and varied range of specific services (including post-emergency care, reintegration into family or school, accommodation, functional rehabilitation, social, medical, legal and psychological monitoring and income-producing vocational training). It should also be emphasized that a National Mutual Aid Strategy has been implemented by the Ministry for Solidarity, Women, the Family and Social Development in partnership with the Ministries of the Interior and of Justice and Freedoms, the Mutual Aid Society and the NGOs to combat organized begging, especially when involving the exploitation of children, people with disabilities or the elderly (see annex 9).

D. Respect for the views of the child (article 12)

74. Several measures have been taken to establish the principle of respect for the views of the child.

1. Legislative measures

75. The Code of Criminal Procedure makes it possible for children to be heard, to express their opinion, or to give consent, or even to file a legal document or initiate legal proceedings. The youth justice system enshrines the right of expression children, who are able to oppose or appeal against judgments (articles 484 and 495 of the Code of Criminal Procedure).

76. Article 166 of the Family Code specifically mentions the right of children who have reached the age of 15 to choose whether their mother or father will have legal custody if the marriage has broken down. In addition, article 12 of the Act on *kafalah* (fostering) provides that the *kafalah* arrangement for children aged over 12 (according to the Gregorian calendar) requires their personal consent. The Act also makes it possible for the court to hear a child who has attained the age of discretion, if one or both parents wish to resume their legal guardianship of the child under a court decision, so long as the reasons guardianship was relinquished have ceased to apply (art. 29).

2. Institutions and authorities in which children have the right to take part in decision-making

77. To give fresh impetus to the role of the Children's Parliament at local and regional level, following its first national session in 1999, the ONDE has begun setting up branches in regional training and education academies and creating a network of "correspondents" in schools. In addition, with the aim of promoting the right of children to participate in decisions which affect them and their education in the values of citizenship and democracy, since 2004, the Ministry for Solidarity, Women, the Family and Social Development, working with the Ministry of the Interior and the ONDE, has set about creating eight children's municipal councils as part of a project to introduce them more generally. The purpose of the councils is to get children to participate in the life of their neighbourhoods, villages or towns and to provide a forum for dialogue between children and elected officials. They are a vital tool designed to help local institutions take children's issues into account when drawing up development programmes and plans, and offer children a way of getting their views across to local decision-makers.

3. Respect for the views of the child in the family, in school and in the courts

78. Several measures have been taken over recent years to ensure respect for the views of children and promote children's participation in all aspects of family life and life within society.

3.1 Measures taken to promote children's participation in family life

79. In 2001, the Ministry of Youth and Sports carried out a survey of 18,109 young people. The survey gave these young people the opportunity to express their opinions on their place and role within the family and revealed two contrasting perspectives: one group saw the family as a space of freedom and a source of enrichment, but another perceived the family as a space characterized by excessive authority, deprivation and frustration.

3.2 Measures taken to promote children's participation in school life

80. The reform of the educational system has made it possible to experiment with children's participation in the management of their schools, including through the following: (a) The establishment of management boards in secondary education establishments (*lycées*) in which student participation is mandatory; (b) The creation of school cooperatives in primary schools, making it possible to elect class delegates to represent the views and interests of pupils to the school management and to teachers; (c) Pilot schemes of human rights and citizenship clubs set up in secondary schools in partnership with the NGOs; (d) The production of new manuals on training in citizenship, including the concept of children's participation in the context of core syllabus skills.

81. These pilot participatory projects show that education professionals are open to this kind of approach. However, the initiatives remain limited, reflecting the insufficiency of available resources and schools' lack of experience in the field.

3.3 Measures taken to promote children's participation within the courts

82. With the aim of guaranteeing improved protection for children, units to provide judicial protection for women and child victims of violence have been set up in the courts of first instance; in addition, and juvenile court judges been given several training sessions and are provided with a guide on child-friendly procedure. The Ministry of Justice and Freedoms has put these units in place in all courts of first instance and assize courts and has produced a guide to judicial care in this regard.

83. However, there are still not enough units or fully-trained children's judges. Work remains to be done on harmonizing procedure in the justice system with the guidelines on delivering justice in cases involving child victims and child witnesses of criminal acts (resolution 2005/20 of 22 July 2005).

IV. Freedom and civil rights

A. Name and nationality (article 7)

1. Name

84. According to article 20 of Act No. 37-99 on civil status, a family name attaches to the person who bears it and to that person's children. It cannot be changed except by decree. Although this is not explicitly stated, the terms of the Act clearly imply that the family name is transmitted through the father. The forename is chosen by the person who declares the birth (art. 21). In addition, Act No. 37-99 on civil status marks real progress in

terms of strengthening protection for abandoned children, as it deals with the problem of naming children whose parents are unknown or who have been abandoned at birth. The procedure for declaring the birth of such children can be set in motion by the mother, or a person acting in her stead, who chooses a patronymic for the child including the prefix *Abd*, along with an appropriate family name. In the case of a newborn child whose parents are unknown or who was abandoned at birth, the Crown Prosecutor declares the birth, supported by an affidavit drawn up for the purpose and a medical certificate indicating the approximate age of the child. A family name, forename and patronymics are chosen for the child. The registrar must inform the Crown Prosecutor that the birth has been thus registered within three days of the birth being declared to him.

2. The registration of births

85. The registration of births in Morocco is a statutory requirement for the parents under the Criminal Code (art. 468). It is essential for the preservation of children's identity and the recognition of their rights in the family and in society. Act No. 37-99 on civil status made it mandatory to declare the birth (or death) to the competent registrar, who issues a birth certificate, within a time limit of 30 days from birth (and within a time limit of one year for Moroccans resident abroad). Failure to do so results in a fine of 300–1200 dirhams. The birth is to be declared by the parents or testamentary guardian, the brother or nephew, to the registrar in the place of birth.

86. The public authorities have taken the following measures to secure the effective implementation of Act No. 37-99 and achieve a 100 per cent registration rate. This has involved a programme for the modernization of existing register offices and the creation of new ones.

87. In addition, the State has embarked on major awareness-raising efforts to make the registration of births standard practice and to remove social and cultural obstacles to registration, particularly in rural and isolated areas. This has led to an increase in declarations of births, which rose by 6.76 per cent in the first half of 2007 compared with the same period in 2006. In 2008, the birth registration rate reached 86 per cent.

88. It should nevertheless be emphasized that the civil status of more than a million Moroccans has yet to be registered. This figure includes the members of 53,430 households with no marriage certificate and 154,799 persons who have exceeded the time limits for registering their civil status. A significant number of children abandoned after birth are also missing from the register. The courts have received 132,655 applications for registration and have ruled on 59,509 cases, equivalent to 63.7 per cent of applications and 20.5 per cent of judgments handed down in relation to the total number of individuals identified but not entered in the register.

3. Nationality

89. As already emphasized above, the Moroccan legislature has amended article 6 of the Moroccan Nationality Code through Act No. 62-06. Under this amendment, a Moroccan woman married to a foreigner has the right to transmit her nationality to her children in accordance with article 7 of the Convention on the Rights of the Child. This new measure has made it possible to restore the right of many children of Moroccan mothers and foreign fathers to obtain the nationality of their mother, with retrospective effect, on the same basis as the children of Moroccan fathers.

90. At the end of December 2011, the number of children of Moroccan mothers and foreign fathers who had been able to obtain from Moroccan nationality since the entry into force of the Nationality Code had reached 32,571. Supporting measures have been taken in relation to Act No. 62-06 to ensure that it is implemented properly, including the joint

circular of the Ministry of Justice and Freedoms and the Ministry of the Interior setting out the procedure for registering the civil status of the children in question.

B. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (article 37)

91. The Moroccan Government has embarked on a number of measures to protect children from any abuse by members of the police services.

92. The adoption, in 2006, of Act No. 43-04 amending and supplementing section III of the Criminal Code on abuse of authority by officials against individuals, and the practice of torture, made it possible to adopt the definition of torture and other cruel, inhuman or degrading treatment under the Convention, which was ratified by Morocco in 1993, by making torture a criminal offence and toughening the penalties for officials who have engaged in torture. Where torture is committed on a minor under the age of 18, the penalty is life imprisonment (art. 231, subpara. 4).

93. Specialist basic and in-service training on the rights of the child is given to juvenile court judges, the officers of the criminal investigation service for minors (working under the auspices of the Directorate-General of National Security), the unit responsible for children within the Royal Gendarmerie and the specialist police units. Human rights in general, and the rights of the child in particular, are the subject of basic training modules at all levels at the Royal Police Institute and in the different national security training schools. As part of the cooperation programme established with UNICEF, the Ministry of Justice and Freedoms also organizes many training sessions for judges, juvenile court judges, registrars and social workers in the units caring for women and children within the courts.

94. It should, however, be pointed out that all of the territorial units of all detention facilities need gradually to adapt to meet the requirements of dealing with minors, to ensure that minors are not placed under surveillance or in the unit's provisional lock-up facility, but are held in a specially equipped area without bars or obvious security devices.

95. Reception facilities tasked with providing medical and legal assistance have also been set up for child victims of violence. They are:

- The ONDE freephone number; the units to care for women and child victims of violence at the Kingdom's courts of first instance and appeal courts; the child protection units and the units for the care of women and child victims of violence, under the auspices of the Ministry of Health.
- The measures taken by the Ministry of Health: (a) The general introduction of integrated care units (medical, psychological, social and forensic units) within public hospitals and university hospital centres (74 units) and the standardization of practice in terms of the medical and psychological care of women and child victims of violence (preparation of a reference manual and a of basic and child-specific training module); (b) Improving the capabilities of health professionals at regional level in regard to the care of child victims of violence; (c) Making forensic reports free of charge; (d) The preparation and circulation of guidance on how to behave with child victims of violence and of a leaflet publicizing the units for the care of child victims of violence.

96. As regards the preservation of identity (art. 8), freedom of expression (art. 13), freedom of thought, conscience and religion (art. 14), freedom of association and freedom of peaceful assembly (art. 15), protection of privacy (art. 16) and access to appropriate information (art. 17), as set out in paragraph 5 of the guidelines of the Committee on the Rights of the Child (CRC/C/58/Rev., page 2), there has been no change to the information

provided in the second periodic report of the Moroccan Government (CRC/C/93/Add.3) of 12 February 2003 (paras. 195 to 222, pp. 36 to 42).

V. Family environment and alternative care (articles 5, 9 to 11, 18, paragraphs 1 and 2, 19 to 21, 25, 27, paragraph 4, and 39)

A. Children deprived of a family environment

97. In 2006, Act No. 14-05 on the opening and administration of social welfare institutions was enacted in order to improve the provision of services in these establishments. Moreover, support measures were taken by *Entraide nationale* (reference centres for young people in difficulty) with a view to bringing the social welfare establishments into line with Act No. 14-05; the measures taken included more than 820 participatory institutional assessments of the establishments and supporting those in existence prior to the publication of the act in taking the measures needed to regularize the situation. In 2006, the Ministry for Solidarity, Women, the Family and Social Development also made a study of children in institutions in Morocco.

98. However, the high demand for places sometimes results in placements that are not in fact justified. As far as the structures set up under the National Human Development Initiative (INDH) are concerned, staff are often insufficiently or not at all qualified and do not have the professional experience or appropriate training. The programmes are not always suitable. The charitable institutions favour the rights-of-the-child approach, but children do not as yet have access to specific remedies guaranteeing their protection. Finally, the system of monitoring and assessment is very weak. The alternatives to institutionalization are poorly developed and are provided by a very few NGOs.

B. Alternative care

99. *Kafalah* (foster care) is awarded by order of the guardianship judge to the person or body applying to provide it, following a review to establish that the person (or body) satisfies the conditions laid down by law. A person providing *kafalah* receives the allowances and welfare benefits accorded to parents for their children by the State, public or private institutions or the local authorities and their structures. Act No. 15-01 on *kafalah* for abandoned children provides for the guardianship judge to monitor and supervise the situation of a child subject to *kafalah* to ensure that a person who has sought to obtain *kafalah* fulfils the undertakings he or she has entered into.

C. Violence, cruelty, negligence and abuse

100. Conducted in 2005 by the Ministry of Education, the survey on violence in schools made it possible to evaluate the scale of the use of violence in schools (87 per cent of children claim to have been beaten). It confirms that violence starts within the family (61 per cent of the children questioned claimed to have been subject to violence by their parents). The Ministry of Education has set about developing a national strategy for the prevention of and for combating violence in schools. In the context of the "Tamkine" programme to combat violence by empowering women and girls, including refugees, the Ministry, working with UNICEF, has trained the educational team responsible for in-service training to incorporate the human-rights and gender-based approach more effectively on the basis of regional and local curricular modules. The Ministry has also drawn up regional action plans to implement the strategy of combating violence in schools.

101. It should also be noted that the units for the care of women victims of violence, set up within the police services, attach priority to cases involving females who are minors.

102. An overview of the activities of the different ONDE counselling centres indicates that, in 2005, of 1,092 cases reported: 783 were the victims of physical violence (72 per cent) and 309 the victims of sexual violence (28 per cent); 652 acts were committed against boys (60 per cent) and 440 against girls (40 per cent); 381 cases involved 15 to 18 year-olds (35 per cent), 409 involved 10 to 15 year-olds (37 per cent), 211 involved 5 to 10 year-olds and 85 involved children from birth to the age of 5.

103. According to an overview of the activities of the child protection units, the ONDE, the Ministry of Justice and Freedoms and the Ministry of Health, during 2009, there were more than 10,000 child victims of violence.

104. In 2006, the Ministry of Justice and Freedoms published a study on “violence against children” to remedy the lack of information on violence against Moroccan children and define a more appropriate strategy to prevent this abuse which takes a variety of forms.

105. By raising the age until which the child is entitled to specific protection from 12 to 15 years, stepping up the penalties for offences against children and defining new offences, the relevant provisions of the Criminal Code have made it possible to improve in practice the protection of children against ill-treatment (see paragraph 24 of this report, on page 8: “The revision and enactment of the Criminal Code”). One of the main provisions relating to the situation of minors under the criminal law prohibits holding minors in custody and replaces that particular restriction of liberty with placement under supervision strictly controlled by law.

106. The Ministry of Justice and Freedoms has also set in motion a raft of specific measures to improve the protection of children from violence within the judicial system, such as: training members of the national legal service about the rights of the child; training family judges; drawing up general guides to legislation for young people; setting up within the courts data-collection systems for cases of violence referred to the courts; and drawing up a guide to the rules of law governing the care of women and child victims of violence. The Ministry has also established, in all of the Kingdom’s courts of first instance and appeal courts, judicial care units for women and child victims of violence. It has further prepared a guide on the judicial care of child victims of violence, children in conflict with the law and children in difficult situations. The guide seeks to harmonize the system for intervention and the criteria governing care throughout the Kingdom’s courts of first instance and appeal courts and has provided a point of reference for in-service training programmes since 2010.

107. The Ministry of Health meantime has set up regional counselling and guidance centres for child victims of violence in the 16 regional hospitals, in partnership with the United Nations Population Fund (UNFPA). Awareness-raising aids have also been developed to educate families about the prevention of violence to children, and professionals have been trained to take in and care for women and child victims of violence.

108. An initial pilot child protection unit was established on 27 July 2007 in Marrakesh, following a study made, in 2005, by the Ministry for Solidarity, Women, the Family and Social Development, in partnership with UNICEF, on the legislative provisions for the protection of children against violence. Another child protection unit was set up in Casablanca, and two further units in Tangiers in 2009 and Meknès in 2010. They are part of a wide-ranging project under which support structures are to be set up in the Kingdom’s 16 regions.

109. The role of the child protection units is to cater for and provide permanent counselling for child victims of violence, to steer them, with their guardians, towards specific players (doctors, judges and so on), to offer them medical, psychological, legal and social assistance, and to support them in all courses of action, with the provision of continuous monitoring. They may also intervene by providing mediation and resolving the causes of conflict. Moreover, and in order to foster synergy between the activities of the Government at territorial level in preventing and protecting children from all forms of violence and exploitation, the Ministry for Solidarity, Women, the Family and Social Development has introduced standardized territorial child protection plans (PACTE) in the major towns and cities.

110. For its part, and in partnership with UNFPA and UNICEF, the Ministry of Health has established regional counselling and guidance centres for child victims of violence in the 16 regional hospitals.

D. Parental guidance (article 5)

111. Morocco takes the view that the family is at the heart of and indeed is the cornerstone of society. The Family Code has placed a particular focus on children, including in the form of a special article (art. 54) which establishes their rights, while stipulating their parents' obligations towards them, and further laying down the responsibility of the State in so far as it is generally incumbent on the State to take all necessary measures to protect and support children.

112. In addition to the above-mentioned rights, article 54 specifically confers on children with a disability the right to special care because of their disability, including as regards appropriate education and skills geared to their integration into society

E. Parental responsibility (article 18, paragraphs 1 and 2)

113. The obligation to maintain the child and ensure his or her well-being falls principally on the parents or, in the absence of the parents, or if they are unable to take responsibility, on the guardian(s). Moroccan legislation sets out clearly and in detail what this responsibility entails and how it is to be put into practice. For example, the Family Code devotes four chapters to the question of custody (*hadana*). Article 164 provides that the parents retain custody so long as the marriage relationship exists. Article 165 takes account of the fact that it is necessary to protect the interests of a child subject to custody, particularly if the parents are absent.

114. Other elements of legislation also relate to parental responsibility, both at civil-law level under article 85 of the Royal Decree on Obligations and Contracts, and at criminal-law level in so far as parents may find themselves criminally liable if they fail to enrol their child in an educational establishment, in accordance with articles 3 and 5 of Royal Decree No. 1.63.071 of 13 November 1963 on compulsory education, which was itself amended by Dahir No. 1.00.200 of 19 May 2000 implementing Act No. 04.00. In that connection, the Government has established a number of programmes to encourage needy families to educate their children and keep them in the school system.

115. In addition, article 553 of the Code of Criminal Procedure penalizes parental neglect, particularly if there is a lack of supervision in circumstances in which restrictions have been placed on the freedom of a child offender.

F. Separation from parents (article 9)

116. Moroccan law prohibits the separation of children from their parents, unless there are compelling reasons in the child's interests to justify this. Where the parents separate, legislation determines the system of custody (*hadana*) and lays down the procedures governing visitation rights. (See paragraph 10 on the Family Code on pages 4 and 5, as well as the section on separation from parents, in the second periodic report CRC/C/93/Add.3.)

G. Family reunification (article 10)

117. Please see paragraphs 225, 226 and 227 of the second periodic report (CRC/C/93/Add.3) which cover the issue of family reunification.

H. Recovery of maintenance for the child (article 27, paragraph 4)

118. Child maintenance is governed by the Family Code, and more especially article 198 thereof which provides that, as a general rule, the father must meet the needs of his children until they reach their majority, or the age of 25 in the case of children pursuing their studies. A girl does not lose her right to maintenance unless she has her own resources or is married. Moreover, a father must continue to bear financial responsibility for a child with a disability who is unable to provide for him- or herself (art. 198, subpara. 3).

119. It may, however, happen that the father becomes totally or partially unable to provide maintenance for his children. In that event, a mother whose financial situation allows it must make up the shortfall in the father's contribution (art. 199).

120. Cases of abandonment and the non-payment of maintenance are initially referred to the police services. The parties are summoned and called upon to fulfil their family responsibilities. If they fail to do so, they may be subject to a police investigation in accordance with the law.

121. The various obligations incumbent on the father include the obligation to provide accommodation for the children, who must continue to live within the family so long as they are the subject of custody. Housing costs must be determined separately from maintenance and custody payments.

VI. Basic health and welfare

A. Health and health-care services (articles 6 and 24)

1. Main areas of progress

122. In terms of maternal health, as a result of the Ministry of Health's national family-planning programme, the total fertility rate was 2.19 per woman in 2010, with a clear distinction between urban (1.8) and rural (2.7) areas, according to the national demographic survey (see graph 2 at annex 10). The rate of contraceptive use rose from 42 per cent in 1992 to 63 per cent in 2004 (see graph 3 at annex 10).

123. Conducted during 2003/04, the population and family health survey also revealed progress in relation to prenatal care and delivery under medical supervision. For example, in the case of almost two-thirds of births, the mother consulted a health professional on at least one occasion and gave birth under medical supervision, compared with just 50 per cent of pregnancies in 1997. There continue to be disparities according to place of residence

(prenatal consultation for 85 per cent of mothers in urban areas compared with 48 per cent and 40 per cent assisted births in rural areas), as well as according to level of education (94 per cent of women who have been in secondary or higher education give birth under medical supervision compared with 49 per cent of uneducated women). The maternal mortality rate fell from 227 deaths per 100,000 live births during the period 1993–2003 to 112 in 2010 (Office of the High Commissioner for Planning survey, 2009/10).

124. In the field of child health “monovalent” vertical health programmes have made it possible to achieve remarkable progress, with the infant and child mortality rate (children under 5 years) falling from 138 to 47 and then to 36.3 per 1,000 live births between 1980 (when the programmes were introduced) and 2004 (date of the last family health survey) and 2010 (national demographic survey 2009/10). The programmes have covered vaccination and formed part of the national programme of immunization and prevention of deficiency diseases, diarrhoeal diseases and acute respiratory infections. For example, in 2006, as a result of the national programme of immunization, 95 per cent of Moroccan 1-year-olds were vaccinated against the six main vaccine-preventable diseases (see graph 7, annex 10).

125. The programme for the prevention of diarrhoeal diseases has helped reduce mortality among children under the age of 1 by 47 per cent across that age group and to reduce it by 69 per cent during the juvenile period (between 12 and 59 months); as a result of the programme, diarrhoeal diseases have ceased to be the prime factor in deaths among the under-5s.

126. There has also been a significant reduction in deaths caused by malnutrition, falling from 49 per cent in the neonatal period and by 75 per cent in the juvenile period. Moreover, as a result of the measures undertaken in relation to monitoring growth and preventing malnutrition, growth retardation (a symptom of chronic malnutrition) fell among the under-5s from 28 per cent to 18 per cent, between 1997 and 2004, and the incidence of weight deficiency was cut by half, from 20 per cent to 10.2 per cent. Further efforts are needed to prevent micronutrient deficiency which remains quite widespread: 22 per cent of children of school age (between 6 and 12 years) suffer from goitre; iron-deficiency anaemia affects 31.5 per cent of children under 5, 32.6 per cent of women of child-bearing age and 37.2 per cent of pregnant women. Vitamin A deficiency is recorded among 41 per cent of children between the ages of 6 months and 6 years. In only 15 per cent of cases are children exclusively breastfed up to the age of 6 months (MICS survey 2006).

2. Problems that persist, constraints and the 2008–2012 Health Action Plan

127. The Ministry of Health has identified a number of constraints hampering the attainment of the targets set for reducing maternal and infant mortality rates. Inadequacies linked to the health system account for two-thirds of the cases identified, in addition to the constraints of a socio-economic, demographic and cultural nature (poverty, illiteracy, poor conditions of hygiene in the living environment and so on). Four main obstacles have been identified in the Ministry of Health Action Plan 2008–2012 in terms of reducing maternal and infant mortality. These are: (a) Difficulties in accessing healthcare; (b) A chronic shortage of health workers (c) Access to high-quality neonatal care; and (d) Shortcomings in the programme’s management. (See annex 10 for details on these points and on the 2008–2012 Health Action Plan).

B. Adolescent health

128. Two initiatives have been adopted in the context of promoting adolescent health. First of all, seminars were organized with young people in December 2003 in order to develop an integrated health and education strategy. The recommendations made by the

young people themselves at the end of the seminars made it possible to develop, in a second stage, a multisectoral programme to promote the health of young people and adolescents involving the Ministry of Health and the Ministry of Education, with the support of UNFPA. The “Young people for young people” programme relates to: (a) The establishment of young people’s health facilities in the Kingdom’s cities by the Ministry of Health (nearly 23 structures are now open); (b) The creation of health clubs in educational establishments by the Ministry of Education; (c) Training in adolescent health for facilitators in youth centres and women’s centres, provided by the Ministry of Youth and Sports, with relevant activities (library, information point and computer facilities) being introduced in some facilities.

129. In addition, in 2008, the Ministry of Health prepared a national mental health plan for children and adolescents designed to prevent mental illness and secure the welfare of children and adolescents. Child psychiatry has been recognized as a fully-fledged specialism, as published in the Official Gazette of July 2008. Two child-psychiatry units are up and running in Casablanca and Rabat, and it is planned to set up similar units in other Moroccan towns.

C. HIV/AIDS

130. The incidence of HIV remains very low in Morocco, as demonstrated by the results of the sentinel surveillance survey conducted annually on pregnant women in the various sites of the country, with an incidence of 0.60 per cent in 2010. Between 1986 (first case of AIDS) and October 2010, 5,361 cases of HIV/AIDS were recorded in Morocco. According to the latest estimates, the number of persons living with HIV has risen from 14,500 in 2003 to 26,000 in 2010. Between 1988 and November 2010, 139 cases of HIV/AIDS were recorded in children under the age of 15, the result, in 71 per cent of cases, of mother-to-child transmission.

131. In order to improve care in relation to sexually transmitted infections and AIDS in children and adolescents, the national strategic plan for the prevention of AIDS has introduced a number of monitoring indicators. The assessments carried out indicate that care in relation to sexually transmitted infections and AIDS in children and adolescents has improved:

- The number of children suffering from an advanced state of HIV infection receiving a combination of antiretroviral drugs was 86 (24 per cent) in 2007, 107 (42 per cent) in 2008 and 145 (54 per cent) in 2009. The percentage of children still undergoing treatment 12 months on, which is measured every two years, was 100 per cent in 2008.
- The number of pregnant women infected with AIDS and given antiretroviral treatment to reduce the risk of transmission was 42 (12 per cent) in 2007, 56 (16 per cent) in 2008 and 90 (22 per cent) in 2009.

The same finding applies in regard to the prevention of HIV/AIDS in adolescents, for example:

- The percentage of adolescents (aged 15–18) who properly understand how to prevent the HIV transmission and reject the main misconceptions is 35 per cent in rural areas and 64 per cent in urban areas, according to the 2007 KAP survey.
- The number of school attendees and non-attendees educated in the prevention of HIV was 2,959 between July–December 2007, 102,288 in 2009 and 49,121 in 2010.

132. With the support of UNICEF and the Global Fund to Fight AIDS, Tuberculosis and Malaria, the national programme to prevent STI/AIDS has launched a pilot project to

prevent mother-to-child transmission of HIV. The innovative aspect of the programme is that it involves the reproductive health services.

133. Important measures to raise awareness on how HIV/AIDS is transmitted and can be prevented are put into effect by governmental and non-governmental players in relation to both young people in education and children who are not enrolled in schools (for more information on this, see annex 10 on awareness-raising measures in relation to HIV/AIDS)

134. In the second phase of the National Initiative for Human Development (INDH 2011–2015), this category of individuals, who are suffering from AIDS and are without resources, has been included in the programme to combat insecurity.

D. Children with a disability (article 23)

135. In 2004, the Ministry for Solidarity, Women, the Family and Social Development conducted a national survey on disability in Morocco to assess the extent of disability and obtain the data needed to develop programmes for persons with disabilities. According to the survey, the number of children with disabilities under the age of 14 is in the region of 216,000, that is 2.7 per cent of children under 15 and 14.3 per cent of a total of 1,530,000 persons with disabilities. Some 59 per cent of persons with disabilities live in urban areas and 41 per cent in rural areas. More than one in five persons with a disability never attends a health-care facility. Only one-third of people with disabilities have access to specific specialized care. Only 12 per cent benefit from cover for medical and paramedical care. The school attendance rate, which is 92.6 per cent for children between the ages of 6 and 11, is 32.4 per cent for children with a disability between the ages of 4 and 14. In 2004, some 74,730 children with a disability were attending school, but 155,917 had no access to education. Rejection at school is very often cited to explain the failure of children with a disability to attend school or their dropout rate. Nearly two-thirds of people with disabilities consider that it is their associates' beliefs and conceptions that prevent them from becoming integrated.

136. In the light of those results, several measures have been taken in the context of a policy for the inclusive development of persons with disabilities, based on the themes set out below.

Coordination of government policies on disability

137. The Ministry for Solidarity, Women, the Family and Social Development is working to improve the coordination of national policies for the integration of persons with disabilities in order to make the various programmes more effective. That was the backdrop to the adoption of the national action plan for the social integration of persons with disabilities 2008–2017, following consultations involving the relevant departments and associations. Similarly in that context, after extensive national consultation, a bill was drafted providing for a new definition of disability and reinforcing the rights of persons with a disability in accordance with the Convention on the Rights of Persons with Disabilities, ratified by Morocco on 8 April 2009.

138. Moreover, a national strategy for the prevention of disability has been adopted for the period 2009–2015. The aim of the strategy is to reduce the disability rate in Morocco by 20 per cent by 2015. An inter-ministerial commission responsible for implementing the strategy was set up on 30 June 2009.

Promotion of physical and mental health

139. Under the technical assistance programme, thousands of underprivileged persons with disabilities are provided, free of charge, with specific equipment (wheelchairs,

prostheses, crutches, etc.). Children are given priority under the programme. Regional reception and guidance centres and centres for the provision of technical aids have also been set in place in partnership with Entraide nationale. In addition, in 2008, 16 speech therapy facilities and 16 psychomotor care facilities were established, one for each region.

140. The Ministry of Health has included disability among the priorities of its 2008–2012 action plan (see annex 10 on the measures taken by the Ministry of Health in relation to disability). It has, for example, taken the following measures: (a) Preparation and implementation of a disability prevention strategy; (b) Training of a core of regional instructors on the early diagnosis of perinatal and child pathologies leading to disability.

141. Similarly, in the mental health field, the Ministry of Health has taken the following measures: (a) Officially recognizing the specialism of child psychiatry as a faculty of medical science as of 2008; (b) Devising a social communication strategy targeted at adolescents and young people in relation to the prevention of drug dependence (primary prevention); (c) The creation of a diploma in child and adolescent psychopathology (University Hospital Centre, Rabat); (d) The creation of a mother-and-child unit for psychiatric care in the Ibn Rochd university psychiatric centre, Casablanca; (e) The construction of two units for the care of children with psychological disorders at the children's hospital in Casablanca (Ibn Rochd University Hospital Centre) and at the Arrazi university psychiatric centre (Ibn Sina University Hospital Centre, Rabat).

Improved access to information, education, training and employment in partnership with the relevant ministries

142. Measures have been taken to expand the services for children who, because of a disability, have special educational needs. For instance, 428 school integration classes with specialist teaching have been established in the 16 educational districts, catering for 6,937 children with disabilities, mainly of a psychological or mental (80.8 per cent) and auditory (18.3 per cent) nature. In parallel, a corps of teaching staff specializing in the field of disability was trained in 2005 (113 teachers, 13 inspectors and 10 coordinators). To ensure the long-term future of this system, a quadripartite agreement was signed, in 2006, between the Ministry of Education, the Mohammed V Solidarity Foundation, the Ministry of Health and the Ministry for Solidarity, Women, the Family and Social Development.

143. In the context of the partnership with the associations, it should be pointed out that support for the education of children who are profoundly disabled has increased significantly, from a total of 951,840 dirhams for 140 children in 2000 to 14 million dirhams for 1,780 children (636 girls and 1,144 boys) during the 2009/10 school year, in the 16 regions of the country.

144. Moreover, as of 2003, the community-based rehabilitation programme was also extended. It now covers seven sites and concerns capacity-building for the programme management associations. For 2009, a sum of 1.2 million dirhams was provided for capacity-building.

145. In the context of monitoring the implementation of Prime Ministerial Order No. 3-130-00 of 10 July 2000 establishing the list of priority posts open to persons with disabilities, as well as the 7 per cent of posts to be filled in the public sector, the Ministry for Solidarity, Women, the Family and Social Development makes guidance and information available to persons with disabilities who are seeking employment; a database that makes it possible to monitor their recruitment and employment in the public sector has also been set up. In addition, a partnership agreement between the Ministry for Solidarity, Women, the Family and Social Development and the Morocco Offshore call and computer services centre (*Centre d'appels et des services informatiques offshore au Maroc*) was signed on 17 September 2008 to implement an employment scheme for persons with

specific needs and create a social responsibility label for the customer relationship management and computer services sector.

Improving physical access and access to communications and transport

146. A draft decree on the application of the Act on accessibility was approved by the Government's Council of Ministers on 9 June 2011. In that context, and in order to improve access to open spaces, public buildings and buildings generally, as well as to means of transport and communication, training in accessibility was organized for architects in partnership with the National School of Architecture during 2008.

Participation in sociocultural, sporting, tourist and recreational activities

147. Since 2003, the Ministry for Solidarity, Women, the Family and Social Development has organized annually, as part of the celebration of national disability day, the national festival for children with special needs which provides for sporting, artistic and recreational activities, as well as exhibition stands and forums. In 2009, two partnership agreements for the promotion of sport for persons with disabilities were signed with the Royal Moroccan Sports Federation for Persons with Disabilities and Special Olympics involving a sum of 1 million dirhams.

Structures for persons with disabilities

148. A number of measures have been taken in this area (see annex 10 on measures taken in relation to reception facilities for persons with disabilities). In the context of its partnership with the civil society associations, the Ministry for Solidarity, Women, the Family and Social Development annually accords subsidies to the associations to improve their financial capacity to set up and run reception facilities for persons with disabilities. Those subsidies increased from 286,000 dirhams during 2000 to 20,726,900 dirhams in 2009. Entraide nationale is also involved in the provision of financial and technical support to the associations responsible for the social programmes for individuals with special needs.

Generating information and knowledge about disability

149. Five years after the first national disability survey was carried out, the Ministry for Solidarity, Women, the Family and Social Development will conduct a second survey. This will make it possible to monitor how the situation in regard to disability has evolved in the various towns and cities of Morocco, and to assess the policy applied in this field.

150. In addition, in 2009, the Ministry for Solidarity, Women, the Family and Social Development launched several specific studies on disability:

- A study on teaching visually impaired and blind persons;
- Guides to accessibility needs;
- The national strategy for the care of autism in Morocco.

VII. Education, vocational training, leisure and cultural activities

A. Education, training and vocational guidance (article 28)

151. Morocco's development will to a large degree depend on issues of education and training. They have therefore been declared a national priority, and, in 2000, the Special Commission for Education and Training drew up the National Charter for Education and

Training for the reform of the national education system. However, at the end of a decade of implementing the Charter's recommendations, and despite the efforts put into this, there is little to show for it. In 2007, faced with that situation, the Ministry of Education drew up an Emergency Programme designed to speed up reform during the period 2008–2012.

152. Based on the priorities identified in a report by the Supreme Council of Education published in 2008, the Emergency Programme proposes a programme of action which aims to meet four key objectives: (a) Ensuring that compulsory education to the age of 15 is a reality; (b) Encouraging initiative and excellence in *lycées* and universities; (c) Tackling cross-cutting areas of difficulty within the system; (d) Acquiring the resources needed to make the programme successful.

1. Education

1.1 Preschool education

153. The National Charter for Education and Training made the universal implementation of preschool education for children between the ages of 4 and 6 a fundamental objective of the reform to be attained in 2004. In spite of the resources made available by the Ministry of Education, this did not, however, prove possible. The Ministry of Education set up 1,500 preschool classes, for which it provided premises and the teaching framework, while equipment was provided by the Social Development Agency, and teaching and running costs were met by the local authorities, the NGOs and the communities.

154. The aim of the Ministry of Education's Emergency Programme is to achieve universal implementation of preschool education by 2015 through the following measures: (a) Opening 3,600 preschool classrooms in the State primary schools; (b) Enrolling a million children in schools by 2012; (c) Providing 390,000 days of training for teachers; (d) Providing initial training for more than 3,600 teachers; (e) Recruiting internally more than 250 additional inspectors over the period 2009–2012; (f) Creating nine new resource centres.

155. The dearth of preschool education is linked to shortages of infrastructure and basic equipment. In 2011, Morocco had only 41,049 preschool classes catering for 740,196 children, which means that only 64.9 per cent of children aged between 4 and 5 were in preschool education.

156. In parallel with the efforts by the Ministry of Education to implement universal preschool education, it should be noted that the education of infants and children below the age of 4 (in kindergartens and day-care centres) is a priority in the action programmes of the associations and the private sector. The Moroccan League for the Protection of Children has launched a programme entitled "One Community, One Day-Care centre", which is designed to expand the universal provision of kindergartens and day-care centres throughout the regions of the Kingdom in the context of partnerships with the Ministry of the Interior, the Ministry for Solidarity, Women, the Family and Social Development and the Department of Vocational Training. The aim of the project is to promote education for the very young as part of a comprehensive vision for preschool education.

157. Despite the efforts made, education of this kind, which is predominantly private, is still limited and unequally distributed across the country, in regard to both quality and quantity.

1.2 Compulsory education

158. Compulsory education is divided into two cycles: primary (six years) and lower secondary (three years). Strenuous efforts have been made since the beginning of the decade to improve the infrastructure for both the primary and lower secondary cycles,

especially in rural areas, and this has allowed significant progress to be achieved in school attendance rates.

In primary schools

159. In 2011, the school network consisted of 7,208 schools and more than 13,304 satellite schools, providing capacity of 124,023 classrooms, 74,657 of them in rural areas. The number of pupils in primary school has increased [sic] during the current decade from 4,070,190 in 2003 to 4,001,313 in 2011 (2,083,269 in urban areas and 1,918,044 in rural areas) (see annex 11, section on national education).

Lower secondary schools

160. In 2011, the lower secondary school network contained 1,618 schools. Its capacity in terms of classrooms has expanded. The number of lower secondary students rose during the decade of reform from 1,119,580 in 2002/03 (911,509 in urban areas and 208,071 in rural areas) to 1,456,849 in 2010/11 (1,087,893 in urban areas and 368,956 in rural areas). In other words, there has been a major expansion of lower secondary education, and that expansion has been more rapid in rural areas.

161. Despite the progress achieved since 2000, the objective of universal implementation set by the National Charter for Education and Training has not been met. Although more or less universal coverage has been achieved in primary education, the increased coverage in lower secondary education remains far from satisfactory, with the coverage rate in rural communities increasing from 28.7 per cent in 2003 to 56 per cent in 2011. The Emergency Programme set the objective of constructing the primary and secondary schools needed to expand capacity. To improve the availability of education in rural areas, the satellite school model will be gradually discontinued and replaced by community schools. The principle of this new model is based on bringing students from a particular community together in schools equipped with boarding and school transport facilities.

162. The development of preschool education and the extension of compulsory education (in primary and lower secondary schools) are covered in the first segment of the Emergency Programme, entitled “Ensuring that compulsory education to the age of 15 is a reality”. The following programmes have been adopted under this segment of the Emergency Programme:

- Support for bringing schools up to standard
- Promotion of equality of opportunity in access to compulsory education
- Combating repetition and dropping-out.

(For details, see annex 11, section on national education).

Vocational secondary education

163. Enrolment rates in vocational secondary education have risen as a result of efforts to implement the Charter, which stipulates that, by 2011, 60 per cent of pupils enrolled in the first year of primary education should complete their secondary education and 40 per cent should obtain their *baccalauréat*. In addition, the number of State *lycées* rose from 543 in 2000 to 717 in 2007 and 784 in 2009, that is an increase of 44.4 per cent since 2000. The number of new classrooms in vocational secondary education has risen substantially, increasing from 43 in 2000 to 228 in 2009, 174 of them in rural areas. The availability of vocational secondary education nevertheless remains concentrated in urban areas, and, in 2009, only 22.2 per cent of *lycées* were located in rural areas.

164. The number of students in vocational secondary education in the public and private sectors has increased, rising from almost 681,369 in 2006/07 (60,125 of them in rural areas) to more than 777,197 in 2009 (80,733 in rural areas), increasing the enrolment rate for 15–17 year-olds specifically from 37 per cent to more than 47 per cent (see annex 11, national education section).

165. The increases achieved since 2000 are still not enough to meet the objectives set. The Government of Morocco has therefore decided to continue to redouble its efforts in relation to vocational secondary education. The Emergency Programme has set the following objectives: (a) Carrying out the building work necessary to achieve a 60 per cent *lycée* completion rate in 2020/21; and (b) Ensuring that the *lycée* infrastructure and equipment are brought up to standard, along with boarding facilities.

166. In addition, the introduction of new teaching arrangements in vocational secondary schools has had a positive impact on the development of scientific and technical subjects, which developed in proportion to other subjects from 55.1 per cent in 2007/08 to 60.6 per cent in 2010/11, an increase of more than five percentage points over 2008.

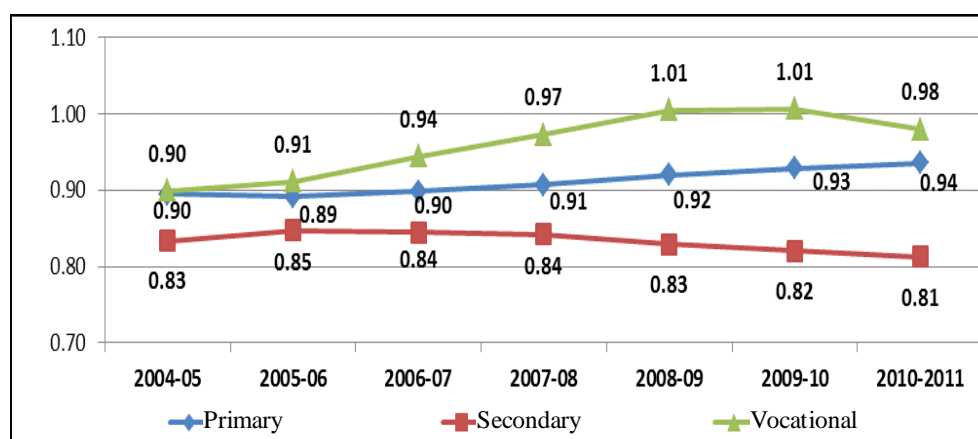
167. The number of school students in classes preparing for the top echelon of higher education (*classes préparatoires*) has increased at an average rate of 12.3 per cent annually. The number of students studying for advanced vocational training certificates has increased at an average rate of 10.5 per cent annually over the same period.

168. With the aim of promoting excellence, the Emergency Programme seeks to support the introduction of model *lycées* (one in each region), creating eight *lycées* of excellence and increasing the number of students in preparatory classes, which will rise to almost 7,550 from 5,250 in 2007.

Equality in school education

169. Gender equality between boys and girls has been achieved in vocational secondary education, and almost achieved in primary education. At lower secondary level, however, it is declining because of obstacles, including the level of school provision in rural areas, the quality of that provision and cultural impediments which prevent girls from being accommodated outside the family home.

Graph 36
Developments in gender equality in education



Source: DSSP/Ministry of Education.

1.3 Private schools

170. In 2009, the number of students enrolled in private schools was 471,677, 358,682 of whom were students were in primary schools (7,322 of them in rural areas), 67,001 in lower secondary school (795 in rural areas) and 45,994 in vocational secondary schools (126 in rural areas).

171. The proportion of education provided in the private sector rose from 4.2 per cent to 8.2 per cent between 2000 and 2009. Moreover, the private sector remains strongly concentrated around the axis between Casablanca and Rabat, which accounts for almost 70 per cent. Accordingly, new arrangements were adopted in December 2007 to provide a new framework for the supervision and encouragement of private education. These arrangements provide for a special regime known as “private schools under contract”.

1.4 Literacy and non-formal education

Literacy

172. Literacy rates in Morocco are clearly progressing and yielding positive results. The *massirat annour* (“March of Light”) national campaign to combat illiteracy was launched in 2003. A strategy was devised in 2004 to bring the illiteracy rate down to below 20 per cent by 2010 and eradicate illiteracy by 2015, and to secure an education for all children not enrolled in schools or not attending school by 2010. Consequently, the number of those benefiting from literacy programmes rose sharply, from 286,425 for the 2002/03 campaign to 629,748 for the 2008/09 campaign, an increase of 120 per cent. The NGOs play a major role here: during 2008/09, 560 partnership agreements were entered into with civil society associations to teach 248,000 individuals to read and write.

173. Literacy programmes are relatively equally distributed and stable as between urban and rural areas: 356,103 participants (50.7 per cent) in urban areas and 321,928 participants (49.4 per cent) in rural areas. Participants are predominantly female at 83.4 per cent for the 2007/08 campaign, comprising 573,932 participants, 241,932 of them in rural areas. During the 2008/09 campaign, there were 551,306 women taking part in literacy courses, representing 84 per cent of the total number.

174. In addition, the Ministry of Religious Endowments and Islamic Affairs actively contributes to combating illiteracy through the programme of literacy activities in mosques

launched in 2001. Between 2000/01 and 2009/10, this programme has helped 912,143 individuals, 720,884 of them, or 79 per cent, women. Rural beneficiaries accounted for 35.6 per cent.

175. Literacy programmes have had the support of international cooperation, including: the *Life* and *Lamp* projects involving cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the *Alpha Maroc* project, financed by a World Bank loan. Action on literacy also benefits from programmes of cooperation with the Islamic Development Bank, the European Union and a number of other countries, such as Spain and Italy.

Non-formal education

176. Since programmes of non-formal education started, 482,691 participants, 53 per cent of them girls, have enrolled in programmes providing “second chance schools”. As a result, 70,058 participants have been brought into formal education and 12,947 into vocational training courses. It is also significant that more than 600,000 students have benefited from support at school under the programme for the prevention of school drop-out, which was set under way in 2005/06. The programme includes an element of educational supervision, in the form of supervisory units responsible for individually monitoring students at risk, with an almost 100-per-cent level of coverage in schools.

177. In 2011, under the “second-chance schools” programme, 293 partnership agreements were signed with NGOs to deal with 46,119 children not enrolled in schools or not attending school.

178. Under the Emergency Programme project to combat repetition and dropping-out in schools the following two subprogrammes have been brought on stream: (a) subprogrammes to follow up children integrated into schools. These were put into effect during the 2010/11 school year in four regional educational and training academies (Eastern, Taza-Hoceima, Tangiers-Tétouan and Souss-Massa-Draa) in partnership with the NGOs working in the educational field. Twenty-four agreements were concluded and 2,727 students benefited from activities under the programme; (b) The “Immediate integration” subprogramme. Its work involves ensuring that non-attendees are returned to school and directly integrated there, as a result of activities based on mobilization and support carried out under the “Caravan for Social Mobilization” initiative or resulting from the “Children for Children” initiative, under which children not enrolled in school are identified by school students. Under this subprogramme, 20,525 beneficiaries were integrated into schools in 2010/11.

Traditional education

179. The change in status of traditional education from informal to formal education in 2002 recognized the right to equality of opportunity of the half-a-million students who were receiving education of this kind and who very often had to be content with the only profession within their reach: that of a religious official. In 2002, a Royal Decree gave assent to Act No. 13-01 on traditional education, which, while preserving the specific features of this extremely ancient form of teaching, was designed to reform and modernize, particularly by introducing, from primary level, new subjects such as foreign languages and the exact, human and social sciences, alongside religious affairs and Arabic.

180. Bringing traditional education into line with other educational standards has allowed students to benefit from a number of new advantages: (a) The *baccalauréat* in traditional education can give access to Al-Karouine University and the other Moroccan universities; (b) The *alimiya* (first degree) in traditional education gives access to postgraduate study, not only in Moroccan universities but also abroad; (c) Holders of the *Alimiya* have

unconditional access to competitive examinations which are open to the holders of a first degree in law.

1.5 Higher education

181. To support higher education and provide easier access to it, the State has put in place a special programme of bursaries and subsidies for university accommodation and canteens. The State is, for all intents and purposes, the sole funder of education at this level, as the contribution of the private sector is negligible. Educational reform in relation to open-access courses has also improved the internal efficiency of the system.

182. In 2008/09, more than 123,000 bursaries were provided for study in Morocco or abroad, compared with 102,568 in 2006/07 and 127,878 in 1998/99. The allocation of bursaries takes account of the material resources and social circumstances of the student's family.

183. The number of students living on university campuses and in halls of residence remains stable at 35,000 (19,000 of them women) in 2008/09, compared with 33,967 in 1999/2000.

184. In 2007/08, the number of new students enrolled in Moroccan universities was 82,927 (39,584 of them women) compared with 52,255 students in 1999/2000, representing an annual growth rate of 6.5 per cent, compared with 2.8 per cent between 1991/92 and 1999/2000. The total number of students has risen by 1.7 per cent annually from 251,287 in 1999/2000 to 290,776 in 2007/08 (138,607 of them women). Between 1998/99 and 2006/07, the total number of students obtaining degrees increased at an average annual rate of 3.9 per cent, from 26,303 to 34,351 (16,721 of them women).

185. Notwithstanding this progress, higher education faces numerous problems, including the fact that: (a) The vocational and technical training arrangements that have been introduced, which provide skills that are more easily exploited on the labour market, have been less successful than hoped and trainee numbers remain low; (b) The numbers of students in higher education repeating or abandoning their studies continue to be high, with an average annual repetition rate of 17 per cent across all subjects, and as high as 30 per cent in open-access courses.

186. Seeking to reinvigorate the reform of higher education, the Emergency Programme provides for the creation of almost 124,000 new university places, and a doubling of the capacity of courses leading to university technical degrees, advanced technical certificates and first degrees in vocational subjects. It also provides for one third of students in higher education to enrol in technical, scientific and vocational subjects, and for the creation of almost 10,000 places in university halls of residence.

2. The aims of education: education in human rights

187. Considerable efforts have been made to promote education in human rights within the national education system. These efforts have been mainly structured around the following: (a) The foundation of the Children's Parliament in 1999; (b) The establishment of a commission to review the curricula in 2000; (c) The creation of students' human rights clubs in schools since 2000/01; (d) The establishment of a Central Commission on Human Rights and Citizenship within the Ministry of Education in November 2004; and (e) The creation of a values observatory in March 2005.

188. The Ministry of Education has also signed partnership agreements with NGOs and two national institutions: the CNDH for the purpose of promoting a human rights culture in the education system, and the Royal Institute of Amazigh Culture to promote cultural rights and the learning of the Amazigh language.

3. Vocational Training

189. The vocational training sector has grown significantly. In 2009/10, the number of training establishments had reached 2,066, (488 of which are in the public and 1,578 in the private sector) compared with 1,992 in 2007/08. Vocational training establishments admitted around 301,928 trainees in 2009/10, 122,277 of them girls. The private sector contributed to the training of 80,608 trainees in the same year (see annex 11, section on vocational training).

190. To assess the performance of the vocational training system, the Department of Vocational Training conducts annual surveys to establish the numbers of alumni who have become economically active nine months after qualification. The last survey carried out, on the class of 2005, indicated an employment rate of 66 per cent. The Department also carries out surveys of the career progress of alumni three years after qualification. The last such survey indicated that, three years after qualification, 71 per cent of the class of 2002 were in employment, compared with 63 per cent nine months after qualification.

3.1 The contribution of the Vocational Training and Employment Promotion Agency (OFPPT)

191. The strategy of the OFPPT is based around support for emerging sectors and structural projects and continuing to implement the 2008–2012 five-year programme.

192. The objective of the Emergency Plan for vocational training, drawn up in July 2008, is to provide the labour market with the skills that it needs, especially in the sectors regarded as levers for Morocco's economic development. On that basis, agreements have been signed for the development of apprenticeship training in the agricultural and crafts sectors. There is a support plan which targets six growth sectors: the automotive, aeronautical and electronics sectors, offshoring, the textile and leather and agri-foodstuffs sectors (see annex 11, section on vocational training).

193. The results achieved by OFPPT for 2008/09 have exceeded the Government's expectations in regard to the 2008–2012 five-year programme: OFPPT has succeeded in bringing 750,000 qualified trainees on to the labour market, compared with a target of 650,000.

3.2 The contribution of the private sector to vocational training

194. The private sector makes a significant contribution to the development of vocational training. During the period 2008–2012, around 220,000 of the 750,000 students expected to qualify in the vocational training system came from the private sector. To foster the development of the sector, the Ministry provides a State contribution to fees for training in priority subjects provided by accredited private establishments, amounting to 4,000 dirhams per student annually at specialist technical and vocational degree level, and covering a third of the costs of the training. The aim is to contribute to the training of 8,000 students annually by 2012. The total number of students expected to obtain qualifications between 2008 and 2012 is 18,000, 16,000 of them specialist technicians and 2,000 to be awarded vocational degrees. For the period 2008–2012, the overall cost of implementing the action plan is 140 million dirhams.

3.3 Apprenticeship training programmes

195. Apprenticeship training is aimed at young people in general, and those not attending school in particular, to enable them to obtain, from an early age, vocational qualifications which will help them to gain a foothold in working life. It also makes it possible to put into effect an extensive programme of vocational training in rural areas, enhancing the

vocational skills of rural communities. There has been a marked rise in the numbers of apprentices in all sectors, from 30,592 in 2008/09 to 33,620 in 2010/11.

B. Leisure, recreation and cultural activities (article 31)

196. The Ministry of Youth and Sports prioritizes children through educational, sporting, cultural and recreational activities.

197. Those activities take place in 33 centres located in each of Morocco's regions. They provide accommodation and meals and organize cultural, artistic, scientific, sporting and holiday activities. There is also a network of youth centres, providing services to 6 million young people annually. The centres are places where young people can meet and exchange ideas, and where a wide range of activities is provided both by the State and by associations. Activities are also organized in the centres in partnership with public departments and private operators. The Ministry of Youth and Sports also supports and subsidizes 1,400 NGOs which work with young people.

198. Since 2003, the Ministry of Youth and Sports has been running a national programme of holiday camps providing leisure and cultural activities. Sports and cultural activities are organized for participants by the Ministry of Youth and Sports, along with activities to broaden their interests (see annex 11, section on leisure and cultural activities).

VIII. Special protection measures (articles 22, 30, 32(a), 36, 37(b), (c) and (d), 38, 39 and 40)

199. There has been a substantial improvement in terms of securing the right to protection, particularly since 2003. In that regard, national legislation has been brought into line with Morocco's international undertakings (see section I of this report). Furthermore, as set out in the earlier sections of this report, child-specific institutions and structures conferring protection have been established.

A. Children in situations of emergency

1. Children affected by armed conflict

200. In January 2010, the Government of Morocco submitted to the Committee on the Rights of the Child its initial report on the implementation of the Optional Protocol on the involvement of children in armed conflict.

201. At the first ministerial follow-up meeting, held on 1 October 2007 on the occasion of the sixty-second session of the United Nations General Assembly, Morocco lent its support to the two documents supplementing the legal and operational arrangements in force. Moreover, at the second meeting, the Follow-up Forum on the Paris Commitments and Paris Principles, which took place in New York, on 26 September 2008, and which Morocco attended, the Kingdom reiterated its appeal to the United Nations to pay special attention to the situation of children involved in conflicts in Africa. On that occasion, Morocco welcomed the Security Council's declaration on children and armed conflicts, adopted in July 2008.

202. The Kingdom of Morocco has always condemned, in all international forums, the tragic situation of the children in the military-style camps of Tindouf in Algeria, where their fundamental rights are flouted in breach of the relevant international conventions.

203. The Kingdom of Morocco fully supports the policy of “zero tolerance” in relation to the abuses committed by the personnel of the United Nations peacekeeping operations. In that regard, it applauds the essential role played by the child protection advisers within those operations.

2. Refugee children (article 22)

204. Morocco has entered into international commitments on the protection of refugees, by acceding, among other things, to the Convention relating to the Status of Refugees of 28 July 1951. A decree laying down the detailed rules for its application was published in the Official Gazette of 6 September 1957.

205. Morocco subsequently acceded to the Optional Protocol to that Convention by Dahir No. 1-70-108 of 27 July 1970, published in Official Gazette No. 3145 of 7 February 1973.

206. Through the undertakings it has entered into, Morocco has demonstrated its commitment to the definition of refugee, as set out in article 1 of the 1951 Convention.

207. By adopting the Protocol relating to the Status of Refugees, Morocco agreed to extend the provisions of the Convention to cover all refugees. In that context, close cooperation has developed with the relevant bodies. The status of the United Nations High Commissioner for Refugees (UNHCR), which had been represented in Morocco since 1965 on an honorary basis, was upgraded to a full representation following the signature of the headquarters agreement by the Government of Morocco on 20 July 2007.

208. In the absence of a national asylum procedure (under preparation), the office of UNHCR in Rabat registers applications for asylum and determines refugee status in accordance with its terms of reference. In May 2008, the refugee population in Morocco was estimated at 829 individuals recognized under the terms of reference of UNHCR, including 188 children (87 of them girls), that is 22 per cent of the total refugee population. In 2009, 800 refugees were recorded in Morocco, including 200 minors.

209. In 2008, the Government appointed an ad hoc committee tasked with analysing the management of asylum at international level and devising a model adapted to the particular features of Morocco.

210. Attention must also be drawn to the assistance provided by civil society, both of a financial and a psychological nature, which benefits more than 800 refugees, asylum-seekers and Sub-Saharan migrants, including minors. A legal aid network was established in 2008 as a result of the support provided by UNHCR to the Moroccan Human Rights Organization to set up that structure.

B. Migrant children

211. As part of their strategy to prevent human trafficking, the Moroccan authorities have developed programmes of assistance and social integration for migrant minors of Moroccan nationality. There are three strands to the strategy: (a) Prevention, which involves intervening in relation to the most vulnerable applicants for immigration, namely women and children, by offering them a number of programmes of assistance and social integration on the spot; (b) Breaking down the circuit of trafficking in minors, particularly by preventing the use of forged documentation; and (c) Protection involving advice, rehabilitation, medical care and accommodation for unaccompanied Moroccan migrant minors.

212. Under the bilateral readmission agreement for unaccompanied Moroccan minors between Morocco and Spain, the procedures for repatriating an unaccompanied minor lack precision in terms of: the detailed procedures for hearing the minor; the criteria for

assessing the best interests of the child; the nature and detailed procedures for collecting information prior to the decision on repatriation; the risks and dangers to be taken into consideration; the legal representation of the minor; the role of the prosecutors, etc. Consequently, the process of repatriating minors does not always respect the best interests of the child and does not always guarantee appropriate protection and long-term care for minors, with a view to securing their social reintegration. In order to remedy this, the Ministry for Solidarity, Women, the Family and Social Development is in the process of preparing a collaborative guide to rules of conduct and repatriation procedures for the protection and reintegration of unaccompanied migrant children. This procedural guide should provide a reference framework for the protection of and assistance to children who are illegal immigrants, to ensure that their rights are respected, from the time that the child is first identified to the point of his or her social reintegration.

213. Moreover, in connection with the application of Act No. 02-03 on the entry and residence of foreign nationals in Morocco and illegal emigration and immigration, the best interests of the child are taken into account in an effort to secure better protection of the rights of children in irregular situations. In practice, the public prosecutor's office refrains, in the child's best interests, from prosecuting minors for illegal emigration.

214. Morocco is experiencing increased pressure from migration as a result of the toughening of the migration policies of European Union countries. New types of migrant have begun to appear, including women who are pregnant or accompanied by children and even unaccompanied minors. Act No. 02-03 on the entry and residence of foreign nationals in Morocco and illegal emigration and immigration prohibits the expulsion (art. 26, para. 8) or removal (art. 26, para. 8) of a foreign minor from the country's borders. There are programmes to assist the voluntary return of foreign migrants in an irregular situation, particularly in the case of women who are accompanied by minors or are pregnant.

C. Children in conflict with the law

1. Administration of the juvenile justice system (article 40)

215. The entry into force of the Code of Criminal Procedure in October 2003 marked a real improvement in terms of criminal justice for minors (see in that regard the comments set out in paragraphs 19 to 23 on the enactment of the Code of Criminal Procedure, pages 7 and 8).

2. Penalties imposed on minors and the treatment of children deprived of their liberty (article 37(b), (c) and (d))

216. The penalties imposed on, and the treatment accorded to, minors are entirely consonant with the Committee's recommendations (see, on that subject, the comments set out in section 3 on the Code of Criminal Procedure, on pages 6, 7 and 8). That said, it should be pointed out that it is prohibited to place a minor under the age of 12 in a prison facility, regardless of the offence committed, and even if only on a provisional basis. Minors between the ages of 12 and 18 may only be placed in a prison facility if that measure appears to be essential or if it is impossible to make any other arrangement (article 473 of the Code of Criminal Procedure).

217. No child offender is admitted to or held in a prison facility without a valid court placement order. At the time of admission, an immediate record must be made of: the identity of the child offender; the reason for his or her detention and the name of the competent authority that took the decision on placement; the date and time of admission; the list of personal effects to be kept in a secure place; any visible injury and any complaint of earlier ill-treatment. As soon as a minor is admitted to a prison facility, his or her parents

or legal guardians must be informed, pursuant to article 22 of Act No. 23.98 on the prison service. There are also a number of provisions for the protection of young offenders. Minors must, for example, be held separately from other detainees and placed in separate quarters or wings. They are held as far as possible in establishments close to their home and their place of reintegration (article 61 of the decree implementing Act No. 23.98). The vast majority of minors are placed in what are known as reform and rehabilitation centres; there are three such centres, built between 1999 and 2002, which include teaching facilities and, since they are equipped with the resources needed to ensure good conditions of detention, they also play a part in the arrangements for reintegration with the help of qualified staff. A fourth such centre is under construction.

218. The prison system has been improved by having the prison service report to the Head of Government (Dahir of 29 April 2008); formerly a directorate under the auspices of the Ministry of Justice and Freedoms, it is now a General Delegation for the Prison Service and Reintegration designed to modernize the prison sector, consolidate human rights and reinforce the functions of security and the reintegration of detainees, including young offenders.

219. The juvenile court judge must seek reports at least once a month on minors held in the centres or prison facilities. Minors within the meaning of the criminal law and young adults under the age of 20 must be occupied for the whole day, in accordance with a programme devised by the establishment's director, in the various constructive activities that can be organized within the facility, such as study, vocational training, education, religious instruction, physical education and the organized practice of hobbies. Apart from the time devoted to these activities, they must be allowed to spend sufficient time in the open air. They may then meet together, provided they are constantly monitored. The prison service uses all available means to transform the detention period of young detainees into a new opportunity to obtain qualifications, be they educational or vocational, while providing the young people with psychological support.

220. Young offenders may obtain leave of absence either directly from the Ministry of Justice and Freedoms or on a proposal from the General Delegation (article 46 of Act No. 23.98).

221. During the period 2003–2011, the process of building new prison facilities that meet modern standards was speeded up, and almost all existing establishments were refurbished to meet the necessary security and health requirements. Efforts are thus being made to improve the conditions of detention – including for minors – in terms of diet, health and reintegration programmes; this is being achieved by: increasing the budget allocated to the General Delegation since 2008, raising the wages and allowances for staff and stepping up their training; strengthening the partnership with several departments, particularly the support centres for prisoners and former prisoners, in relation to the social and occupational reintegration of detainees. A number of efforts have been devoted to this, including in the context of cooperation with the Mohammed VI Foundation for the Reintegration of Detainees.

3. Physical and psychological recovery and social reintegration (article 39)

222. Efforts are being made to improve the conditions of reception, rehabilitation and reintegration of minors in the child protection centres under the auspices of the Ministry of Youth and Sports and the Ministry of Justice and Freedoms; these are social welfare and educational establishments which take in, on the basis of a court decision, children who have committed serious and lesser criminal offences, pursuant to articles 471 and 481 of the Code of Criminal Procedure. These establishments provide children with: accommodation; a balanced diet in the form of three meals a day; healthcare and disease prevention through medical checks; the provision of medicines and transport to hospital where needed;

audiovisual resources (television, video and sound systems) under the supervision of an educator and depending on the time of day and suitability of programmes; maintenance of family ties; the exercise of educational and sporting activities; school and extra-curricular activities; books and magazines from the establishment's library; stays at summer camps in one of the centres run by the Ministry of Youth and Sports; and vocational training diplomas following the successful completion of the different stages of vocational training. These establishments also provide the necessary support for pregnant girls until they give birth in a hospital or maternity clinic. A girl who has given birth has the right to keep her baby with her in the centre, provided that this arrangement does not represent a danger to either mother or child.

223. As well as the child protection centres, there are three categories of facility providing protection for children which are labelled according to the nature of their activities and the measures which they employ: (a) The programmes of observation and re-education prepare children for school; primary education in a boarding school; vocational training in agriculture or industry in a boarding school; and the organization of various teaching, sporting and cultural activities; (b) The social workers' clubs whose purpose is to secure the social reintegration and rehabilitation of minors by finding them work; (c) The programme of action in the field (in the minor's social environment). The latter is designed to provide minors at risk of offending with prevention and protection services, and to support minors when they leave institutions that provide protection in order to ensure the stability of their family environment and their social reintegration.

224. Following a comprehensive audit of all of the facilities that take in minors in conflict with the law, which was conducted, in 2008, by the Ministry of Youth and Sports, the Ministry of Justice and Freedoms and the Mohammed VI Foundation for the Reintegration of Detainees, the reform centres under the auspices of the prison service and the child protection centres were refurbished and provided with the requisite infrastructure and equipment; the programmes were reviewed and staff trained in order to secure effective protection and integrated care geared to the rehabilitation of minors and to their educational, social and occupational reintegration.

D. Children in situations of exploitation

1. Economic exploitation, particularly child labour (art. 32)

225. As part of an integrated strategy, based on international and national principles, measures have been taken to protect children from all forms of economic exploitation. There have, for example, been new legislative developments, particularly in relation to the Labour Code (see paragraphs 17 to 18 concerning the adoption, in 2003, of the new rules on child labour, page 6).

226. The new measures taken by the Ministry of Employment and Vocational Training include: (a) The creation, within that Ministry, of a national office for the prevention of child labour which is tasked with ensuring coordination with the governmental departments and the different stakeholders involved in combating the economic exploitation of children; (b) The setting up of a tripartite national steering committee for the prevention of child labour, including representatives of the NGOs, which is responsible for supervising the implementation of activities in this area; (c) The appointment within the various provincial and regional employment delegations of 43 labour inspectors to act as the focal points responsible for coordinating efforts to prevent child labour; (d) The organization of a number of training sessions on the prevention of child labour for 300 labour inspectors; (e) Alerting the social partners to the damaging effects of under-age employment and hazardous work; (f) The preparation of studies on and research into the prevention of child labour; (g) The establishment of a new strategy (2008–2012) for the vocational training

sector, developed by the Department of Vocational Training for those who have dropped out of school and for young people generally.

227. Other measures are implemented by the relevant departments and include: (a) Programmes to combat the failure to enrol in school and dropping out of school; (b) Measures to promote the prevention of child labour in the regions and sectors most affected (craft industries and agriculture) implemented by the ministerial departments and NGOs concerned, with the support of UNICEF and the ILO/IPEC. For example, and thanks to the support of the ILO/IPEC, 12,068 children were removed from the labour force and a further 19,656 children were abstracted as a preventive measure during the period 2003–2010; (c) The establishment, in 2006, by the Ministry for Solidarity, Women, the Family and Social Development, working with institutional partners, civil society and international bodies, of the national Inqad programme to prevent domestic work among young girls (see annex 8 on the measures taken to prevent discrimination); (d) The preparation by the Ministry of Employment and Vocational Training, with the support of UNICEF and the ILO/IPEC, of a study on child labour in the context of activities of a strictly traditional nature, with the aim of finalizing the bill on activities of a strictly traditional nature and making it possible to devise relevant programmes of measures to prevent child labour in this sector.

228. In 2007, the Ministry for Solidarity, Women, the Family and Social Development organized the first national awareness-raising campaign to prevent young girls being used for domestic labour entitled “Domestic labour for young girls must be stopped”. Agreements for the establishment of a partnership framework to support activities concerning the prevention and combating of domestic labour for young girls were signed between the Ministry for Solidarity, Women, the Family and Social Development and six institutional partners: the INDH steering committee, the Ministry of Education, the ONDE, the Social Development Agency, the Zakoura Foundation for Microcredits and Education and the El Haouz Province Network of Development Associations. In 2010, the Ministry for Solidarity, Women, the Family and Social Development organized the second national awareness-raising campaign to prevent young girls being used for domestic labour entitled “Standing shoulder to shoulder to protect our children”.

229. As far as developments in relation to child labour are concerned, the data provided by the standing survey on employment, carried out by the Office of the High Commissioner for Planning and annually comprising a sample of 60,000 households (almost 300,000 people) covering the whole country and all sections of society, reveals that child labour among the 7 to under-15s affected 147,000 individuals in 2010, that is 3 per cent of all children in that age group. That number has fallen substantially since 1999, when it reached 517,000 (9.7 per cent).

230. By place of residence, child labour affects 13,000 children in urban areas and 134,000 children in rural areas. Child labour therefore continues to be a mainly rural issue: more than 9 “actively employed” children out of 10 (91.2 per cent) live in the countryside. More than 90 per cent of the children are “domestic workers” or apprentices.

231. It should be pointed out that the employment of children under 15 in Morocco has decreased, falling from 600,000 to 177,000 according to the 2004 census, and to 172,000 in 2009 according to the data furnished by the High Commissioner for Planning.

232. Civil society plays an important role in relation to child protection. For example, the associations often sue for damages in criminal proceedings in cases involving violence against, the abuse or murder of girls who are minors by their employers.

233. As a result of the legislative reforms, awareness-raising and care programmes, domestic work among young girls (*petites bonnes*) seems to have decreased. It is, however, hard to quantify the true scale of the problem because of its “clandestine” nature, because it

is impossible for labour inspectors to get inside homes and because of the difficulty these young girls (who are often illiterate and from rural areas) have in accessing complaint mechanisms.

2. Drug use (article 33)

234. There are three main strands to Morocco's strategy on combating drug use: (a) Preventing the cultivation of cannabis in order to reduce supply; (b) Closing in on traffickers; (c) Reducing the demand for drugs.

235. As part of this strategy, the authorities have launched an operation to eradicate the cultivation of cannabis. As a result, cannabis cultivation fell from 134,000 hectares in 2003 to 60,000 hectares in 2008 and should be in the region of 50,000 hectares in 2009. Overall, the area cultivated has been reduced by 65 per cent. In parallel to crop eradication, the public authorities are conducting campaigns to raise the awareness of the rural population to the need to opt for alternative crops. In addition, new equipment has been used in the ports, airports and at land frontiers, including a scanner at a cost of 13 million dirhams in Tangiers.

236. Efforts to combat drug-trafficking also involve campaigns to raise the awareness of consumers, in and around educational establishments in particular. In that context, Parliament has adopted legislation banning tobacco consumption in public places, as well as the sale of cigarettes to the under-18s. The Ministry of Health has also set up drug-addiction units in the cities of Rabat, Tangiers and Casablanca. Similar units will be set up in other towns in the Kingdom. The tobacco-free schools and businesses project, which backs up the anti-tobacco legislation, was officially launched in November 2007 by the Lalla Salma Association against Cancer. Efforts have also been put into training, as the anti-tobacco health clubs that have been set up have planned and/or organized awareness-raising programmes for educational establishments and the surrounding districts.

237. As far as international cooperation is concerned, as a party to the 1988 United Nations Convention against Illicit Traffic in Narcotic drugs and Psychotropic Substances, Morocco works in particular with the United Nations Office on Drugs and Crime, the United States Drug Enforcement Administration, the International Narcotics Control Board and the International Criminal Police Organization (INTERPOL).

238. The pattern of drug seizures at national level from 2007 to late September 2011 is as follows:

Year	Quantities seized				
	Cannabis resin (in tonnes)	Kif (in tonnes)	Heroin (in kg)	Cocaine (in kg)	Psychotropic drugs (in units)
2007	209.445	117.706	1.906	248.77	55 243
2008	113.703	221.923	6.325	33.791	48 293
2009	187.59	223.14	28.085	22.8	67 254
2010	118.168	186.633	4.558	58.469	105 940
From January to late September 2011	93	127	---	33	53 253

3. Sexual exploitation and sexual violence (article 34)

239. Protecting children from sexual exploitation and sexual violence is one of the four main strategic thrusts of the National Action Plan for Children "A Morocco fit for its children".

240. Morocco has an array of legislation which protects children from sexual abuse and which is in line with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. For example, and as mentioned earlier in this report, the Criminal Code provides for the penalty to be increased if, in cases of rape or indecent assault, the victim is under 18, whereas the age-limit used to be 16. Many other penalties have been increased, such as, for example, in regard to the corruption of minors or procuring. In addition, three offences have been added to the Criminal Code: the forced labour of children, the sale of children and the use of children for pornography.

241. In terms of the criminal law, a person who incites, encourages or facilitates immorality or the prostitution of minors is punishable by imprisonment of between 2 and 10 years and a fine of between 20,000 dirhams and 200,000 dirhams (art. 497). Procuring a minor is punishable by the same period of imprisonment, but by a higher fine of between 10,000 dirhams and 2,000,000 dirhams (arts. 498 and 499). The penalties are increased if the offences are committed by criminal gangs (art. 499-1) or involve the use of violence or torture (art. 499-2). The same penalties apply even if the offence was committed outside the Kingdom (art. 500). If the offences are committed by a criminal association, the penalties are increased to imprisonment of between 10 and 20 years and a fine of between 100,000 dirhams and 3 million dirhams (art. 499-1). The penalty is life imprisonment if the offences are committed with the use of torture or barbaric acts (art. 499-2).

242. Article 501-1 of the Criminal Code penalizes legal persons that are guilty of sexual immorality, the prostitution of minors or of procuring minors. It also penalizes legal persons that operate establishments for the purposes of sexual immorality or prostitution. The penalty is a fine of between 10,000 dirhams and 3 million dirhams, with prison sentences for the ringleaders.

243. As regards combating sexual tourism involving children, the Kingdom of Morocco has established a relationship based on cooperation with the tourists' countries of origin. The existence of an INTERPOL focal point within the Moroccan police force facilitates better transnational cooperation with the police services in terms of the exchange of information to help identify child victims of sexual tourism or trafficking and sexual predators. The tourist squads have been reinforced by police officers trained and schooled in protecting children from any form of sexual exploitation by paedophiles visiting Morocco.

244. However, the social responsibility of companies involved in tourism (the tourist and travel industries) remains at a low level. The fact is that very few companies have adopted codes of conduct or taken measures to guarantee responsible tourism, thereby securing the protection of children against sexual exploitation.

245. Articles 59 and 60 of the Press and Publishing Code provide for penalties in respect of any action or incitement which constitutes an offence against morality and harms the rights of the child.

246. In addition, as far as the legal liability of Internet access providers, website hosts and telephone companies are concerned, it should be pointed out that there are no clear rules governing the obligation to: (a) report to the police authorities child pornography sites, as well as details of the abuser (name and IP address); and (b) retain that evidence for the purposes of investigation and prosecution. However, the criminal investigation branch has set up cybercrime units tasked with monitoring pornographic sites.

Other forms of exploitation (article 36)

247. The Criminal Code penalizes all beggars, even if they are invalids or destitute, who beg habitually accompanied by one or more young children who are not their own descendants; it also penalizes any guardian who supplies a child to one or more beggars, even if no money changes hands (article 330 of the Criminal Code).

Sale, trafficking and abduction of children (article 22)

248. The Criminal Code penalizes by imprisonment of between 2 and 10 years and a fine of between 5,000 dirhams and 2 million dirhams any person who acquires a child under the age of 18, or who causes, aids or facilitates such sale. That rule also applies to anyone who acts as a middleman, facilitates or aids the sale or purchase of a child under 18. The penalty is the same whether the offence is attempted or actually carried out.

249. The Criminal Code penalizes by between 5 and 10 years imprisonment any person who, by the use of violence, threat or fraud, abducts or has abducted a minor under the age of 18. If the minor thus abducted or seized is under 12 years of age, the penalty is doubled (article 472 of the Criminal Code).

250. If the perpetrator is paid, or intended to demand, a ransom from the persons under whose authority or supervision the minor was placed, the penalty, whatever the age of the minor, is life imprisonment.

251. In order to protect children from sale and trafficking, article 466 of the Criminal Code provides for a penalty of between 1 and 6 months imprisonment and a fine of between 200 dirhams and 5,000 dirhams for any person who, for profit, incites one or both parents of child that has been, or is to be, born to abandon that child, and who acts or seeks to act as an intermediary for the purposes of taking in or adopting a child or a child about to be born (art. 466).

252. It should also be pointed out that the Dahir establishing the Act of 10 September 1993 on abandoned children regulates the system of *kafalah* and lays down strict conditions for couples seeking to obtain *kafalah*, in order to protect children from sale, trafficking and any other form of exploitation.

E. Street children (article 30)

253. There have been advances in regard to street children, in particular the legislative developments in relation to the Criminal Code and the Code of Criminal Procedure which provide a legal framework that make it possible to accord street children better protection.

254. In 2006, in partnership with Casablanca city council, local NGOs and other institutional partners, the Ministry for Solidarity, Women, the Family and Social Development set up an emergency social service (SAMU) for street children. A survey of Casablanca's street children was carried out in April 2011 and made it possible to determine the background to the problem and identify the places where these children tend to cluster. In parallel, Entraide nationale has implemented a specific programme for minors living on the streets in the provinces of Tangiers, Beni Mellal, Nador and Khouribga.

255. In 2009, the Ministry for Solidarity, Women, the Family and Social Development set up a training programme for stakeholders working to reintegrate street children. The training, which targeted judges, specialist educators, health professionals, minors' brigades and social workers, focused on innovative reintegration techniques and prioritizing the human-rights approach, proximity and mediation and family reintegration techniques. The programme involved more than 150 stakeholders in the Kingdom's seven cities.

256. However, there are still limiting factors linked to the supply of specialist educators, the long-term future and quality of the programmes set under way and the alternatives to reintegration.

F. Children belonging to a minority or an indigenous group (article 30)

257. All of Morocco's constitutions have enshrined the principle of equality before the law. Article 3 of the most recent Constitution accords Islam the status of State religion but guarantees freedom of worship. Within that framework, the different communities established in Morocco are entirely free to pass on to their children their culture, religion and style of education.

258. The Committee's recommendation No. 70 concerning the measures necessary to ensure that children belonging to the Amazigh community can exercise their rights to their own culture, the use of their own language and the preservation and development of their own identity, is now largely taken into account by the Constitution. It should be made clear in that regard that this is certainly not a question of a minority or indigenous group, since the Amazigh community is regarded as vital component of the Moroccan national identity. Article 5 of the new Constitution actually confers on the Amazigh language the status of official language alongside Arabic. The Constitution deems it to be the common heritage of all Moroccans, without exception. On that basis, the State undertakes, pursuant to the provisions of the Constitution, to give effect to the official nature of the Amazigh language, and to the ways and means of integrating it into education and into the most important areas of public life, so that it will eventually be able to fulfil its function of official language. The Constitution thus enshrines all of the elements of Moroccan culture and identity, and undertakes to work to preserve Hassani as an integral part of the unified Moroccan cultural identity, as well as to protect the forms of cultural expression and the languages spoken in Morocco. In that regard, it provides for the creation of a National Council for Languages and Moroccan Culture, responsible, among other things, for protecting and developing the Arabic and Amazigh languages and the various forms of cultural expression, which constitute a genuine heritage and a source of contemporary inspiration.

259. As a result of the work done by the Royal Institute of Amazigh Culture, in cooperation with the Ministry of Education, Amazigh is gradually being taught more widely: the number of schools accepting Amazigh increases annually. In that connection, a raft of measures is being implemented under the Emergency Programme to improve the conditions for teaching and learning languages. The teaching approach and teaching methods are being updated, and audiovisual equipment and digital resources for language teaching are being acquired. Moreover, the Ministry envisages implementing the recommendations of the study on the blueprint for languages prepared by the Supreme Council of Education, once it has been approved by the Council's bodies (see annex 11, section on national education).

260. The Amazigh language and culture are increasingly represented in the media: following after radio broadcasts, the television channels are increasingly making time for Amazigh. An Amazigh channel has been broadcasting since 2010. It is a general-interest channel that seeks to enhance the status of the Amazigh culture. Some private radio stations also broadcast in Amazigh. Amazigh-language cinema has recently come into being as a result of the support provided.

261. The research undertaken in the field of Amazigh studies has made it possible to achieve within a short period as much as, if not more than, has been attained during the 50 years of Moroccan independence. Satisfactory progress is being made in the process of standardizing and unifying the Amazigh language. The Royal Institute of Amazigh Culture cooperates with many cultural and scientific national and international bodies. Finally, the right to an Amazigh family name and forename is a right guaranteed by the authority competent in relation to civil status (Ministry of the Interior circular No. 176/2010 on the choice of forename). That right is generally respected by officials. However, there have been a number of cases reported in the media of refusal to register Amazigh forenames, but this tends to be the result of a lack of familiarity with the legislation rather than a deliberate attempt to thwart the freedom to choose forenames.

List of abbreviations

CNDH	National Council for Human Rights
CNSS	National Social Security Fund
ILO	International Labour Organization
INDH	National Initiative for Human Development
IPEC	International Programme on the Elimination of Child Labour
MICS	Multiple Indicator Cluster Survey
NGO	non-governmental organization
OFPPT	Vocational Training and Employment Promotion Agency
ONDE	National Observatory on the Rights of the Child
PANE	National Plan of Action for Children
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

Documents accompanying the report

- National Plan of Action for Children “A Morocco fit for its children, 2006–2015” (PANE)
 - Moroccan Nationality Code
 - Act on the care of abandoned children (*kafalah*)
 - Act on civil status
 - Act on the conditions governing the opening and running of social welfare institutions
 - Draft decree on the creation of child protection units
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