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QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Comments of Morocco on certain articles of the draft convention

Morocco fully supports the resolutions of the General Assembly aiming to ensure the rapid adoption of the draft convention on the rights of the child, but it considers that the implementation of the Convention should not shake the foundations of the family or respect for its traditional rules.

The rights of the child are conceived in different ways throughout the world because of differences in legal systems, moral values, religious beliefs and family rules. Nevertheless, the family remains linked with the culture, the evolution and the beliefs of each society.

The Muslim societies, including Morocco, have not neglected the rights of the child. However, the Muslim conception has made the child an essential element within the family.

A reading of the draft convention on the rights of the child in its present form calls for comments on the following points:

- Nationality of the child born of stateless parents
- Situation of children born outside marriage
- Recognition of children
- Adoption
- Succession.

ARTICLE 2 - Nationality

In accordance with the Moroccan code governing nationality, the acquisition of Moroccan nationality is subject to certain conditions. According to article 6 of this code, the nationality of the child follows that

of his father (jus sanguinis). Similarly, the child is entitled to Moroccan nationality if born of a Moroccan mother and an unidentified father.

However, Moroccan nationality may not be granted to a child born of stateless parents.

ARTICLE 6 - Paragraph 2 - Care of children

Moroccan legislation stipulates that the parents shall have the care of the children during the marriage, but that if the parents are living separately the mother shall have priority in caring for the child.

ARTICLE 7 bis - ... Choice of religion

On the question of religion, the rule adopted in Moroccan legislation is that the child shall follow the religion of his father. In this case the child does not have to choose his religion, as the religion of the State is Islam. Islam guarantees freedom of worship to members of other faiths.

ARTICLE 8: which provides for joint and similar responsibility of the two parents, runs counter to Moroccan civil law. The granting of rights to the child can in no way mean upsetting the normal rules of the civil law.

ARTICLE 10 - Paragraph 2 and ARTICLE 11: Protection of children and adoption.

Children deprived of their family environment may receive the same social protection but they do not enjoy the same rights of succession as legitimate children. Children permanently deprived of their family environment may be the subject of other appropriate measures if the law precludes their adoption.