



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States parties

### List of issues in relation to the combined third and fourth periodic reports of Morocco

Addendum

### Replies of Morocco to the list of issues\*

[Date received: 13 June 2014]

#### Part I

**1. Regarding the role of the Ministry for Solidarity, Women, the Family and Social Development in coordinating activities relating to the implementation of the Convention, as mentioned in the State party report (CRC/C/MAR/3-4, para. 39), please provide information on the human, financial and technical means allocated to the Ministry to fully carry out this function.**

1. The Ministry for Solidarity, Women, the Family and Social Development is the governmental mechanism tasked with coordinating the development and execution of policies, strategies and national action plans relating to the implementation of the Convention on the Rights of the Child.

2. The Ministry underwent a restructuring process in 2013 with a view to enhancing its activities, involving in particular the establishment of a Directorate for Women and a Directorate for the Protection of the Family, Children and Older Persons. In the latter Directorate, a Children's Division has been set up for the first time in the Ministry's history, in order to strengthen the Ministry's capacity for promoting and protecting children's rights.

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\* The present document is being issued without formal editing.



3. The Children's Division is made up of three units: (i) a unit for the monitoring, evaluation and promotion of children's rights; (ii) a unit for the protection of children in difficult situations; and (iii) a unit for the support and guidance of stakeholders.

4. As a specialist structure, the Children's Division is assisted by the Ministry's support entities, such as those responsible for budget, legal affairs, communication, partnership with civil society and international cooperation.

5. In 2012, the Ministry introduced a strategy for the social focus groups for the period 2012–2016 entitled "Social focus group 4+4", bringing together Entraide nationale (the public social welfare agency), the Social Development Agency and the National Social Welfare Institute. The purpose of the strategy is to support the objectives of the 2012–2016 programme of government. Accordingly, it aims to increase the Ministry's capacity to implement programmes relating to the promotion and protection of children's rights and to take advantage of Entraide nationale's presence at the local level and of the expertise developed by the Social Development Agency in the area of local social engineering.

6. The Ministry had an investment budget of 108,890,000 dirhams in 2011, 103,390,000 dirhams in 2012 and 102,690,000 dirhams in 2013. The budget implementation rate was over 95 per cent for 2011–2012 and 2013. The Ministry also has a staff of 369, 50.4 per cent of whom are women. The proportion of women in senior positions is 38.5 per cent.

7. The Ministry's work to promote and protect children's rights focuses on the following areas:

- Developing strategies and programmes for the protection of children's rights in coordination with the relevant stakeholders;
- Conducting awareness-raising activities to foster a culture of children's rights and combat violence against children;
- Developing partnerships with associations and supporting their initiatives;
- Preparing draft bills and regulations on the protection of children;
- Carrying out studies to assist decision-making and knowledge creation in relation to the promotion and protection of children's rights;
- Supporting social welfare institutions and establishments that take in children in difficult situations.

8. The Ministry is responsible for the coordination of the Special Ministerial Commission on Children, led by the Head of Government and composed of 22 ministerial departments. The Commission has held a number of meetings. At its meeting in May 2011, the Commission approved the midterm evaluation of the National Plan of Action for Children (PANE) 2006–2011. At the meeting held in July 2013, the consultation process and objectives of the draft integrated child protection policy were approved. In January 2014, the Commission approved the main themes and forms of governance of that policy.

**2. Regarding paragraphs 38 and 41 of the State party report, please provide information on measures taken to set up, under the National Human Rights Council, an independent mechanism to monitor and assess the implementation of the Convention that is accessible and adapted to children and is empowered to receive and process individual complaints of children's rights violations.**

9. The establishment of a national appeals mechanism for children whose rights have been violated was a recommendation of the National Human Rights Council itself, and the Council continues to advocate its implementation. With this in mind, the Council conducted a study in partnership with the United Nations Children's Fund (UNICEF) in 2010 on the

desirability of adopting such a mechanism. Two models were proposed at the time: a mechanism attached to the national human rights institution and a separate mechanism.

10. In the light of its experience in the protection of human rights and its strong local presence, the Council is considered the most qualified national institution to house the appeals mechanism and has thus offered to do so.

11. In this context, a provision was introduced into the Council's draft bill and adopted at its fiftieth plenary session in July–September 2013.

12. Meanwhile, the Government is preparing a bill that will establish the new responsibilities of the Council, in accordance with the Constitution. The Council will argue for the bill, which the Government is soon to submit to parliament, to provide for the incorporation of the mechanism into the Council.

13. The national appeals mechanism for children whose rights have been violated, as proposed by the Council, would be responsible for:

- Receiving and examining complaints;
- Carrying out investigations into the subject of the complaints;
- Holding preliminary hearings.

14. The national mechanism would be able to deal of its own motion with cases of rights violations that come under its jurisdiction and come to its attention. The Council would communicate to the competent courts any information relating to the substance of the complaints referred to it under the mechanism.

15. Furthermore, a joint action plan was concluded between the Council and UNICEF in April 2014, establishing the framework for future cooperation between the two institutions. The action plan provides for a range of activities, including the establishment and monitoring of the appeals mechanism.

**3. Please briefly explain what measures have been taken, following the 2008 and 2011 assessments by the Ministry for Solidarity, Women, the Family and Social Development, to achieve the objectives contained in the National Plan of Action for Children 2006–2015, especially those pertaining to child protection.**

16. The Ministry carried out the first evaluation of the National Plan of Action for Children (PANE) two years after its implementation, during the 12th National Congress on the Rights of the Child, organized by the National Observatory on the Rights of the Child in 2008. The evaluation concluded that there was a need to establish new monitoring indicators and to discuss the modalities for regional implementation of PANE.

17. In 2010, with the support of UNICEF, the Ministry reviewed the aforementioned indicators in accordance with the results of PANE + 2 evaluation, taking account of the constraints posed by harmonizing the indicators with the method for monitoring the objectives of sectoral strategies.

18. In 2011, the Ministry conducted a midterm evaluation of PANE, with the involvement of the relevant departments and non-governmental organizations (NGOs).

19. The evaluation, which was approved by the Special Ministerial Commission on Children headed by the Prime Minister in May 2011, highlighted both the achievements in relation to the rights to health and education as well as the shortcomings of PANE, particularly in relation to the right to protection from violence and the supporting measures and governance arrangements of PANE.

20. The midterm evaluation also identified the main causes of the shortcomings in the area of protection, namely the predominantly sectoral approach, a lack of coordination and

skills among those involved in protection and difficulties in implementing PANE throughout the national territory.

21. It was against this background that the Ministry launched discussions in 2012 involving all stakeholders (government and civil society actors at the national and local levels, experts, children and international partners) to give a new impetus to the protection of children against all forms of violence, sexual abuse, sexual exploitation and abandonment. The discussions concluded in March 2013 with the launch of the process for drawing up the draft integrated child protection policy, which is currently in its final phase.

22. The draft integrated child protection policy also makes reference to the new provisions of the 2011 Constitution in the area of child protection.

**4. Please provide information as to whether the State party has established mechanisms to trace funds allocated to the implementation of the Convention in social sector budgets and to monitor the effective and efficient use of these resources, including international cooperation funds, which allegedly are not always devoted to the implementation of children's projects because of insufficient capacity at the Ministry for Solidarity, Women, the Family and Social Development.**

23. Despite the numerous reforms undertaken to modernize budgetary management and introduce a system of globalization of credit and gender-responsive budgeting, Morocco does not have any specific mechanisms to trace funds allocated to the implementation of the Convention on the Rights of the Child.

24. The measures taken as part of the implementation of PANE, which is the frame of reference for public policies for the implementation of the Convention on the Rights of the Child, have not been budgeted for. It is necessary to establish a mechanism for the preparation of budgets that are responsive to children's rights as a tool for strengthening the accountability of the public authorities in relation to implementation of the Convention on the Rights of the Child, which will serve as a lever for modernizing budgetary management and governance.

25. In order to address these shortcomings, the Ministry is currently finalizing the draft integrated child protection public policy, in consultation with all the relevant departments.

26. The Ministry is also working to determine the financial cost of the implementation of the integrated child protection policy, with clear indicators and models to enable implementation follow-up and tracking of funds mobilized by all stakeholders, with the support of international partners.

27. Through its cooperation with UNICEF, the Ministry, in line with its prerogatives, is responsible for the coordination of the monitoring committee for the protection programme. This committee is made up of representatives of all ministerial departments and associations implementing projects supported by UNICEF.

28. The Spanish cooperation agency has mobilized 1,500,000 euros in funding to support the implementation of the integrated child protection system in Morocco, with local regional social services. Almost 4 per cent of those funds have been used. However, the Ministry does not yet have decentralized services, which hinders the effective implementation of the fund.

29. As part of the 4+4 social focus group strategy, the Ministry is working to remedy these constraints through regional coordinating organizations and the provincial *Entraide nationale* offices.

30. Furthermore, the board of *Entraide nationale* approved the establishment of eight child protection units in 2013–2014, with the aim of extending them nationwide.

31. The increased control of public finances is a requirement of good governance, transparency and democracy, and Morocco has set up the Court of Audit as a constitutional institution with the mandate to monitor enforcement of financial law, assist parliament and the Government in areas within its jurisdiction and report to the King on all of its activities.

32. Accordingly, the Court of Audit, a constitutional body with regional courts, exercises integrated and balanced oversight of all those involved in the various tasks related to the management of public finances, such as the authorizing officer, comptroller and public accounting officer. The supervision exercised by the financial courts focuses not only on the regularity and compliance of administrative acts, but covers all other related aspects, with an emphasis on evaluating the results achieved by the public authorities in terms of effectiveness, economy, efficiency, environment and ethics.

33. The General Inspectorate of Finances, a higher body under the direct authority of the Ministry of the Economy and Finance, performs a wide range of tasks in relation to controlling and auditing public spending. To that end, the Inspectorate has the following mandate:

- Carrying out checks on the cash and accounts departments, accounts of cash or materials, of public accountants and, in general, of State agents, local authorities, public institutions and enterprises and all public bodies;
- Monitoring the conduct of public accountants, authorizing officers, comptrollers and all administrators to ensure the regularity, sincerity and authenticity of the operations registered in their accounts;
- Evaluating the quality of the management of public spending and the fulfilment of objectives set, the resources used, the cost of goods and services produced and their economic and financial performance;
- Auditing and issuing opinions on the accounts of projects funded by foreign governments or foreign or regional financial bodies or as part of bilateral or multilateral cooperation;
- Conducting evaluations, at the request of the Government or the Minister of Finance, of financial and budgetary public policies.

**5. Please indicate whether the State party has assessed the impact of corruption on the rights of children and their families and report on the results obtained since the launch of the anti-corruption plan 2010–2012.**

34. Mindful of the negative impact of corruption on the enjoyment by individuals of their fundamental rights, in 2010 Morocco launched the biennial anti-corruption plan.

35. In order to increase the efficiency of State activities to combat corruption, the Central Anti-Corruption Authority, in partnership with the ministerial departments responsible for children's rights, has undertaken to prepare a study on corruption in the health and education sectors and the incorporation of the values of transparency and anti-corruption in school curricula and to organize a competition for Moroccan pupils and students on combating corruption.

36. This study will shed light on the effects of corruption on children's enjoyment of their fundamental rights.

**6. Please explain the measures taken by the State party to correct growing disparities between the richest and poorest children and families. Please also provide information on the measures taken to counter discrimination against children living in rural and remote areas, particularly in terms of their rights to education, health and a decent standard of living.**

37. Reducing social and geographic disparities is a priority and a major focus of public policies and one of the ultimate objectives of the 2012–2016 programme of government. In this context, the public authorities provide constant support to promoting the status of children, particularly equitable access to education and health services.

38. All activities, strategies, programmes and plans of action for children prioritize achieving equity as an objective, by reducing disparities between children from urban and rural areas and affluent and disadvantaged backgrounds and between boys and girls.

39. Furthermore, the integrated child protection policy that is currently being finalized provides for special attention for children in difficult situations, such as children from poor families, children without families, children in isolated and rural areas, children in dysfunctional families, and children who do not attend school.

40. Significant efforts have been made to ensure children's enjoyment of fundamental rights, particularly the rights to education and health.

### **Health services**

41. In 2008, Morocco introduced a specific national plan for the development of health in rural areas with the aim of improving access of rural communities to high-quality essential health-care services, improving the use of health-care services in rural areas and increasing the involvement of communities and partners in health-related activities targeted at rural areas.

42. Children are a priority target of this plan, which has resulted in improving the quality of care provided to children in rural primary health-care facilities by upgrading facilities and equipment, providing medication, mobility and communication aids and ensuring the ongoing training of health-care professionals.

43. The plan has also improved the local care available to children in remote and isolated rural areas through mobile medical units that travel to assembly points at regular intervals (every quarter) and provide vaccinations, micronutrient supplements, common medical treatment and medication. In 2013, these mobile units made 11,589 trips in 73 provinces.

44. In order to reduce disparities between rural, particularly isolated, areas and urban areas, the Ministry for Health has developed, with the support of the United Nations specialized agencies and the Spanish cooperation agency, a 2013–2015 action plan to speed up the reduction of maternal, neonatal and infant-child mortality in regions covered by the plan, which are predominantly rural and isolated. The objective of this action plan is to make quality services available to this sector of the population, including emergency obstetric and neonatal care, integrated care for children, vaccinations and micronutrient supplements.

45. The Ministry of Health has also introduced integrated care for children in primary health-care facilities, particularly in remote and isolated regions with a high rate of poverty and vulnerability among the population to ensure that they receive quality free health care.

46. Following the universalization of the medical assistance system, which benefited 6 million people, poor children receive the necessary health-care services for free.

47. The various indicators related to children's health have been constantly improving, thanks particularly to sectoral policies implemented by the Government that prioritize reducing gaps between regions and sectors of the population.

48. According to the results of the 2011 population and family health survey conducted by the Ministry of Health, the neonatal mortality rate (the number of babies that die within the first 28 days of life, per 1,000 live births) fell from 43.2 in 1988 to 21.7 for 2006–2011.

49. The post-neonatal mortality rate, meanwhile, which is the number of infants that die between the first and twelfth months for every 1,000 live births, fell from 28.8 in 1988 to 7.1 for the 2006–2011 period. The child mortality rate — the death of children between their first and fifth birthdays — fell from 30.7 in 1988 to 6.3 in 2010.

## Education services

50. In order to combat school dropout, which is a major challenge for the Moroccan education system, the Government has set up two programmes to provide a second chance to children who have never attended school or who have dropped out of school. The first, entitled the second-chance programme, aims to provide schooling to 80,000 children. The second, a programme to combat school dropout, is targeted at children experiencing difficulties at school or who are about to interrupt their schooling.

51. The Government has also launched the Tayssir pilot programme of conditional cash transfers to make the compulsory schooling of children between the ages of 6 and 15 a reality by strengthening demand for education and combating school dropout. This programme involves granting scholarships to all the children in a particular school, at all levels, on condition that they meet defined attendance requirements.

52. This programme, which is being run by the Ministry of Education, is targeted at rural communities that are part of the National Initiative for Human Development and have a poverty rate of more than 14 per cent and a school dropout rate of 8 per cent or more. All of the primary schools located in the selected communes that match the criteria are eligible. As to the households targeted, children must be enrolled in the participating school and be aged between 6 and 15. The child's school attendance is a determining factor for eligibility for the programme.

53. The monthly amount allocated under this programme is 60 dirhams per child for the first two years of primary school, 80 dirhams for the next two years, 100 dirhams for the last two years of primary school and 140 dirhams for students in lower secondary school.

54. Actions taken to reduce disparities between children in accessing the right to education include expanding the network of school canteens and boarding schools, increasing the number of scholarships awarded, and developing school transport for students who live far from schools.

55. The Government has also set up a network of social welfare institutions entitled *Dar Taliba* and *Dar Talib* (houses for female and male students) to provide accommodation for children from rural areas, thus encouraging them to go to school. In 2013, there were 790 such institutions, catering to 82,143 children. The establishment of these facilities has resulted in an increase in the number of young girls attending school.

56. In addition to the actions described above in the education and health sectors, it is necessary to emphasize the importance of the National Initiative for Human Development, which is the strategic framework for combating poverty by reducing social deficits and inequalities between regions, provinces, communes, neighbourhoods and the most disadvantaged rural communes.

57. The Government's programmes for the establishment and consolidation of basic infrastructure and social services, such as programmes to provide drinking water, electricity and roads in rural areas, whose implementation rates are more than 80 and 90 per cent, effectively help to improve people's, especially children's, living conditions.

## **Support provided under the National Initiative for Human Development 2005–2013**

58. The National Initiative for Human Development, the context, objectives and targeting of which are described in detail in the report, supports actions to combat poverty, social exclusion and marginalization among children. In this context, many activities and projects have been carried out for the benefit of this category of the population.

59. The second phase of this initiative is targeted at the poorest and most vulnerable sectors of the population. The programme to eradicate rural poverty involves 702 rural communes, while the programme to combat social exclusion in towns involves 532 urban neighbourhoods and the programme to combat marginalization targets eight categories of persons living marginally, including street children and abandoned children.

60. By May 2014, nine years after the introduction of this initiative, 34,000 projects had been funded, at a cost of 24 billion dirhams, 14 billion of which was provided by the National Initiative for Human Development.

61. The activities of the National Initiative for Human Development aimed at children attach particular importance to vulnerable children, with a focus on their reintegration into society by mobilizing all stakeholders. These actions are wide-ranging and include:

- Combating school dropout and juvenile delinquency;
- Improving reception conditions for children who have been abandoned or are in precarious situations and facilitating their integration into school and society and the acquisition of professional qualifications;
- Resettling homeless children and young people and placing underprivileged orphans;
- Helping street children to reintegrate into a family environment.

62. During the 2005–2013 period, some 15,600 projects, directly or indirectly targeting children, were run, benefiting approximately 2.4 million people. The budget allocated for these projects and actions was approximately 11 billion dirhams, of which the National Initiative for Human Development contributed 6.8 billion dirhams.

## **Support of the National Initiative for Human Development in the area of education**

63. The education sector is the priority area for the programming of the National Initiative's projects and actions. Six thousand projects and actions have been carried out at a total cost of 3.2 billion dirhams, 2.2 billion of which has been funded by the National Initiative.

64. These actions involved the provision of support for primary schools, preschools, Koranic schools, upper and lower secondary schools and school support centres. They also included the construction of the *Dar Talib* and *Dar Taliba* student accommodation, satellite schools (classrooms), day-care centres and school canteens and supplying school minibuses and buses and IT equipment.



### **Support from the National Initiative for Human Development in the area of health**

65. Under the National Initiative for Human Development, special attention is paid to the health sector, taking into account the needs expressed by the public. A total budget of 1.3 billion dirhams was allocated for the 1,970 projects and actions organized, of which the National Initiative contributed 786.2 million dirhams. More than 392,000 persons benefited from these projects.

66. The projects help combat social exclusion of children and reduce the maternal and perinatal mortality rate, and bring medical examination and diagnostic services closer to the most disadvantaged communities, particularly children in need. They also increase health coverage for communities living in isolated areas and the most remote rural communes and help promote the quality of communication, outreach and health education activities, thus intensifying the Government's efforts in that area.

### **Support from the National Initiative for Human Development for establishing support facilities**

67. The National Initiative has supported the establishment of 671 social welfare institutions, at a total cost of more than 596 million dirhams (of which the National Initiative contributed more than 375 million dirhams). The establishments in question are child protection centres, counselling and support centres, care homes and centres for abandoned children.

68. The 507 social welfare institutions for people with specific needs had a total budget of more than 596 million dirhams, of which the National Initiative contributed more than 375 million dirhams.

### **Support from the National Initiative for Human Development in the youth and sports sector**

69. Preventing juvenile delinquency and providing communities with actions and activities to enhance their personal development and improve civic education are key objectives of the support provided by the National Initiative in the youth and sports sector. In this area, 3,001 projects have been launched, with a total budget of 2.6 billion dirhams, of which the National Initiative's share amounts to 1.34 billion dirhams. These projects include the construction of sports fields and facilities, sports training centres and youth centres and the provision of sports equipment.

70. The National Initiative attaches particular importance to supporting cultural activities. Accordingly, 2,476 projects have been carried out, at a total cost of 2.12 million dirhams, of which the National Initiative has contributed more than 1.27 million dirhams. These projects include the construction of multipurpose centres and the promotion of cultural activities.

**7. Regarding paragraph 63 of the State party report, please provide information on plans to repeal remaining provisions of the Family Code that are discriminatory towards girls. Please also provide information on measures taken to combat sexist stereotypes that continue to prevent girls from fully enjoying their rights.**

71. The reform of the justice system was launched in May 2012 by the high commission for the national dialogue on the in-depth and comprehensive reform of the legal system, culminating in the drafting of a charter in July 2013; 1 of the 11 themes of the dialogue was

family justice. The charter recommends evaluating the application of the Family Code with a view to reviewing some of its provisions.

72. The Ministry of Education has strengthened the human rights approach by introducing a requirement that the producers of textbooks must incorporate a gender approach. Several school curricula have been reviewed to take account of these rules and the provisions of the Moroccan Constitution adopted in 2011.

73. Furthermore, the Ministry of Education is currently conducting an evaluation of school curricula in order to assess their compliance with human rights provisions. It is expected that measures and options for the reform of school curricula to bring them in line with the relevant rules will be proposed.

74. The Ministry for Solidarity, Women, the Family and Social Development supports NGOs working in the field of the family, children and women to carry out public awareness-raising activities in relation to the principles of the Family Code, particularly combating gender discrimination, providing child protection and support to women victims of violence.

75. The government equality plan 2012–2016, entitled *Ikram*, provides for measures to combat violence against women.

76. Under this plan, a number of measures have been taken, such as:

- Drafting a bill on combating violence against women;
- Drafting a bill on the principle of gender equality and combating all forms of discrimination;
- Establishing the National Observatory to Counter Violence against Women;
- Setting up an institutional system on gender-based violence in partnership with the relevant ministerial departments (justice, police, health, etc.) with a view to standardizing the method of data collection, producing periodic reports on gender-based violence and supporting policies on gender-based violence;
- Establishing an observatory to improve women's image in the media;
- Organizing national awareness-raising campaigns on violence against women and girls. In 2013, this campaign ran from 25 November to 5 December on the theme "combating violence against women wage earners";
- Implementing the integrated awareness-raising programme on the principles of equality and combating violence against women. In this context, the Ministry for Solidarity, Women, the Family and Social Development and the Ministries of Culture and Communication have signed a framework convention.

77. In order to improve women's access to justice, strengthen partnership with civil society and identify options for raising awareness of rights and combating all forms of discrimination, the Ministry for Solidarity, Women, the Family and Social Development and the Ministry of Justice and Freedoms organized a national meeting on 28 May 2014 to review the first 10 years of implementation of the Family Code.

78. With the participation of all relevant stakeholders, discussions at the meeting focused on the following issues:

- The problem of marriage before the legal age;
- Judicial divorce and divorce subject to judicial supervision;
- Alimony;

- The family support fund for children of divorced parents and mothers in poverty;
- The *kafalah* (fostering) of abandoned children;
- Recognition of marriage certificates;
- Family mediation and the reconciliation procedure.

8. **In the light of the consequences of the criminalization of extramarital sexual relations (article 490 of the Criminal Code) in terms of the reportedly ever-increasing abandonment and stigmatization of children born out of such relations, please indicate how these children can establish their paternal filiation. Specifically, please state whether they and their mothers can demand a DNA test to establish paternity.**

79. It should be noted that the Family Code distinguishes between natural and legitimate filiation. Article 148 provides that “illegitimate filiation does not produce any of the effects of parental filiation in regard to the father”.

80. In accordance with the current provisions of the Family Code, DNA tests can only establish natural filiation, which has no bearing on legitimate filiation.

81. However, as stated in paragraphs 14 and 15 of the combined third and fourth periodic reports, and with the exception of the aforementioned provisions, if a child is born out of wedlock, article 155 of the Family 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; or if the fiancée became pregnant during the engagement; and if fiancé and fiancée mutually acknowledge that they are responsible for the pregnancy.

9. **Given that child marriage is still practised in the State party, partly because of the inclination of judges to waive the statutory minimum marriage age, please explain on what basis the minimum age is waived and what measures are taken or planned to end child marriage. Please also provide information about measures to assist all girls who were married to the men who had abused them prior to the repeal of article 475, paragraph 2, of the Criminal Code on 22 January 2014, and who are still subjected to sexual violence.**

82. Under Moroccan legislation, there is a special procedure that provides protection to minors prior to them being emancipated by marriage.

83. For the marriage to take place, authorization must first be obtained from a family judge with responsibility for marriage, in accordance with articles 20 and 21 of the Family Code, after both the minor’s parents or legal representative have been heard and a legal appraisal and social investigation have been carried out to establish the interests and motives justifying the marriage, and the minor and their parents have given consent.

84. According to 2013 statistics on the marriage of minors, approximately 11.47 per cent of all registered marriages involve persons under the age of 18. With regard to the marriage age, the breakdown of all marriages of girls under the age of 18 is as follows (the age when the certificate is issued by the judge):

- Marriages at 17 represent 67.55 per cent;
- Marriages at 16 represent 26.6 per cent;
- Marriages at 15 represent 5.21 per cent.

85. The Government responded positively to the parliament's initiative concerning a bill setting the minimum marriage age for minors at 16. This proposal was unanimously approved by the House of Councillors and is currently under discussion in the House of Representatives.

**10. Please describe the concrete measures taken following the studies conducted in 2005 by the Ministry of Education and in 2006 by the Ministry of Justice and Freedoms, which revealed the extent of violence against children in all contexts, especially in schools and institutions for children deprived of their family environment, and against children with disabilities, girls employed as domestic workers and street children. In particular, please provide information on concrete measures taken to change the sort of social attitudes that tolerate and generate such violence and specify whether the State party has prohibited corporal punishment, as it undertook to do in 2012 during the universal periodic review (A/HRC/21/3, para. 129.65). Lastly, please provide information on measures taken to set up a coherent child protection system, expand child protection units to the entire country and grant them the resources needed to function adequately.**

86. Combating violence against children is an important focus area in the work of the various public departments dealing with children's issues. In this context, pursuant to studies carried out by the Ministry in this area, the following steps have been taken:

- Widespread introduction of units for the care of women and children in the courts;
- Widespread introduction of units for the care of women and children in hospitals in the Kingdom's 16 regions. Eighty-six units have been set up in public hospitals, providing free medical services (medico-legal reports and medical and psychological treatment);
- Introduction of social workers in the courts;
- Training of judges on the protection of children's rights;
- Establishment of monitoring units in schools;
- Implementation of Act No. 14.05 to set quality standards for the care of children in institutions. As at November 2013, 733 facilities, or 69 per cent of children's care facilities, were in compliance with the law;
- Combined awareness-raising and action have helped reduce the phenomenon of child labour. The survey conducted in Casablanca on domestic work by young girls showed that this is a rare phenomenon;
- Intensification of awareness-raising to combat the causes of child domestic labour in areas that provide such labour, particularly the poorest rural communes and marginalized neighbourhoods. The combined action of the public authorities, civil society and the media has been one of the main methods for eradicating this practice;
- The survey on street children highlighted the importance of setting up a local child protection mechanism involving all stakeholders given that the problems of street children, abandoned children, children from poor families, children with drug addiction, etc., are linked. Furthermore, whatever the type of violence, the same stakeholders are involved, hence the need for an integrated and coordinated approach;
- Entraide nationale currently runs 18 centres for street children and 2,031 children are using the services provided by these centres. There is a very limited number of specialized associations.

87. Given the importance of changing people's attitudes in order to lay the foundation for a protective environment for children, significant efforts have been made since ratification of the Convention on the Rights of the Child. The following steps have been taken:

- Broadcasting programmes to raise awareness of children's rights on national radio and television stations;
- Organizing televised debates on issues such as violence against children, child labour and street children;
- Awareness-raising activities at the local level by civil society organizations;
- Activities to highlight children's rights in the light of the provisions of the Convention on the Rights of the Child, organized by schools and children's institutions.

88. The establishment of the child protection units was a response to needs in the area of child protection. However, in the light of the structural difficulties encountered in incorporating these units into the institutional framework at the local level, the Ministry for Solidarity, Women, the Family and Social Development, following the social focus group strategy, has set up eight new child protection units, through *Entraide nationale*, with a view to introducing them in the Kingdom's 16 regions.

89. In the same context, in view of the crucial role it plays in combating violence against children, in 2004 the Ministry of Justice and Freedoms began to set up offices to receive and deal with cases involving children in all of the country's courts. These are the units for the care of women and children, which are made up of a representative of the public prosecutor's office, a juvenile judge, an investigating judge and a sitting judge to adjudicate.

90. These units are tasked with meeting with, guiding and advising children and their families in the courts and following up their cases until a final judgement has been handed down, and dealing with all cases involving children (victims of criminal acts, children in difficult situations, victims of family abandonment, abandoned children or children in conflict with the law). Since 2008, these units have had social workers assigned to them in all courts in Morocco.

91. In order to strengthen the work of the various stakeholders involved in combating violence against children, the Ministry of Justice and Freedoms has drafted a guide on how to deal with women and children victims of violence in accordance with international standards, and has organized training sessions on children's rights at the local, regional and national levels for judges, members of the special units and social workers.

92. Over the last three years, there has been a considerable increase in the number of cases of violence committed by teachers against children in public establishments. There have been 27 prosecutions against teachers for ill-treatment, injury and indecent assault.

93. In May 2014, the Ministry of Justice and Freedoms began a study to evaluate the work and functioning of the units for the care of women and children and inter-institutional coordination mechanisms in this area, which are led by the Ministry of Justice and Freedoms in the regions, with a view to improving operations and legal support and enhancing the participation of the justice system in strengthening regional coordination.

94. With regard to girls employed as domestic workers, Bill No. 19-12 on working and employment conditions for domestic workers was adopted by the Government's Council of Ministers on 2 May 2013 and is currently under consideration by parliament.

95. Under this Bill, which takes account of a number of the provisions of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), the Convention on the Rights of the Child, the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), employment agencies are prohibited from acting as intermediaries for the placement of domestic workers.

96. Two draft decrees concerning the model employment contract for domestic workers and the specific list of hazardous child labour prohibited for children aged between 15 and 18 in the domestic work sector are currently being finalized.

97. The most commonly used remedies available to children doing domestic work to report exploitation and exploitative working conditions are judicial remedies.

98. In this context, the State supports the activities of NGOs working to combat child labour through campaigns to raise awareness among domestic workers who may be the victims of exploitation of the remedies and mechanisms available to them to lodge complaints.

99. Combating violence in child protection centres is one of the main focus areas of the Ministry of Youth and Sports, which has taken a number of steps to improve the living conditions of children in these centres by:

- Distributing and applying the child protection centres' procedural manual since 2013, after conducting a training programme for all staff in these centres. The manual deals with the disciplinary measures and procedures applicable in the centres, cases of abuse or violence against minors by staff in the centres, and handling emergencies and security measures in the centres;
- Drafting a manual on the rights and obligations of minors in the child protection centres with the participation of the children in 2013;
- Launching a feasibility study on measures for redress in the child protection centres in cooperation with UNICEF in 2014.

100. Efforts to combat violence in the school environment are monitored specifically by the Ministry of Education with the constant support of donors, particularly the United Nations specialized agencies that support the Ministry's strategy in this area.

101. In 2007, with the support of UNICEF, the Ministry of Education developed the integrated strategy to prevent and combat violence against children in school, which led to the drafting of regional action plans to combat violence in school and an operational guide for school directors which was piloted in two regional education and training academies (Marrakech-Tensift- El Haouz and Fès Boulemane).

102. With the support of the United Nations Population Fund, the Ministry of Education has carried out a further study on gender-based violence in school, drafted the outline of a module on combating violence and the risks of sexually transmitted diseases/AIDS for trainee teachers, and set up centres against school violence. The following activities were carried out between 2012 and 2014:

- Organization of national and regional coordination and follow-up meetings and workshops on the regional centres (observatories) to combat school violence in 2012 and 2013;
- Organization of a national workshop on the expansion of the centres against school violence on 5 and 6 June 2012;
- Drafting of a first report on the statistics of cases of violence in school identified by the regional centres at the end of the 2012/13 school year;

- Piloting of a system for the identification and follow-up of cases of violence in school in the Oriental regional education and training academy during the 2012/13 school year;
- Organization of a national workshop to share statistics of cases of violence in school among departments (Ministries of Education, Justice and Health, Royal Gendarmerie, police and the print media) from 7 to 9 October 2013;
- Organization of a training session on the system for identifying and following up cases of violence in school for the management of the regional centres on 7 and 8 April 2014.

103. With the support of UNAIDS, a programme on combating gender-based violence and sexually transmitted diseases/AIDS in school has been set up. This programme has involved the following:

- The preparation of a kit on combating gender-based violence and sexually transmitted diseases/AIDS in school;
- The organization of training sessions for doctors and regional managers responsible for the issue of violence in the 16 regional education and training academies;
- The incorporation of the issue of combating gender-based violence in the action plans of the regional education and training academies;
- The organization of a brainstorming workshop on the sectoral strategic plan on preventing and combating gender-based violence and sexually transmitted diseases/AIDS in schools.

104. The aim of the Ministry of Education's strategy is to expand and operationalize the system for the identification and follow-up of cases of violence in school and to institutionalize the 3,289 counselling and mediation centres in schools in order effectively to combat school violence.

105. The various evaluations of PANE mentioned above have concluded that the approach based on categories of children and the sectoral approach have certain shortcomings when it comes to child protection. However, the introduction of an integrated approach has enabled the involvement of the relevant stakeholders to ensure the establishment of a protection system that provides identification, reception, counselling, guidance, medical and psychological care, legal assistance, reintegration and rehabilitation, follow-up and evaluation of the protection of all children against all forms of violence, sexual abuse, sexual exploitation and abandonment.

106. In 2013, with the support of UNICEF and the involvement of all ministerial departments concerned, NGOs, the private sector, the media and children, the Ministry for Solidarity, Women, the Family and Social Development launched the process for the elaboration of the integrated child protection policy. As a result of these efforts in 2013 and of the debates at the first national conference on children in April 2014 on the draft integrated child protection policy, the following potential areas for action were identified:

- The need to incorporate child protection objectives in all public policies and programmes;
- Strengthening the legal framework for child protection and enhancing its effectiveness;
- Standardizing services and practices;
- Introducing integrated regional child protection mechanisms;
- Promoting social norms that are protective of children;

- Introducing reliable, standardized information systems and regular and effective follow-up and monitoring systems.

**11. Please provide information on the measures taken by the State party to resolve the situation whereby more than half the children placed in institutions reportedly still have at least one of their parents and are institutionalized because they are poor. In particular, please specify what measures are in place to provide assistance to underprivileged families to ensure that children are not institutionalized. Please also describe steps taken to formulate a framework law and related coherent strategy regarding alternative care, end violence against children in institutions and urgently remove abandoned children still living in hospitals.**

107. The State appreciates the role played by the family in a child's upbringing, that the family environment is the natural place for a child to grow up and that placement in an institution should be a last resort and has expanded, in article 471 of the Code of Criminal Procedure, the range of measures that juvenile judges are obliged to take in respect of minors liable to be placed in an institution.

108. These measures are alternatives to imprisonment, which has shortcomings and can harm the children who are subjected to it, and primarily involve returning the minor to his or her parents, guardian, *kafil* (foster parent), the person who had custody or a person of trust.

109. Moroccan legislation also provides for the involvement of families in the various measures taken by the juvenile judge. Accordingly, it recommends the presence of the minor's guardian for the duration of the handling of the minor's case, from the hearing to the judgement. However, given the shortage of specialist facilities, judges have no option but to place children in difficult situations or in precarious situations in the child protection centres together with children who are in conflict with the law.

110. There are two categories of children's institutions in Morocco:

- The child protection centres, which are socio-educational establishments under the authority of the Ministry of Youth and Sports, whose main function is the rehabilitation and social reintegration of the children. Based on court decisions, these centres take in both children who have committed criminal offences and children in difficult situations;
- Children's homes for orphaned and abandoned children, children in precarious situations and children with disabilities, which are run by NGOs or *Entraide nationale*. These centres are governed by Act No. 14-05 on the opening and administration of social welfare institutions, which establishes the rules for the governance and physical infrastructure of these facilities;
- According to the annual statistics produced by the Ministry of Justice and Freedoms on the cases dealt with in all courts, return of the minor to his or her parents is the most commonly adopted measure in respect of children who have broken the law (more than 47 per cent). This measure, including release under supervision and other supervisory measures in the family environment, accounts for 75 per cent of all measures taken.

111. Strengthening early warning mechanisms to detect children in difficult situations, effective targeting of current programmes and introducing support programmes for parents will no doubt help prevent the placement of children.

112. In parallel, improving the situation in children's homes is a strategic priority of the social focus group's action plan. Accordingly, in 2012, the Ministry for Solidarity, Women, the Family and Social Development launched a project to reform the social welfare



institutions, including institutions for children. As part of this project, the Ministry has carried out a participatory analysis of the current situation in the social welfare institutions and developed a plan for reform based on governance, a programme to consolidate facilities and a programme to support and build human resource capacity.

113. In the same context, the Ministry has begun the process for revision of Act No. 14-05 on the opening and administration of these institutions.

114. The priorities identified for the reform of the special social welfare institutions for children involve categorizing structures, strengthening educational and social support programmes, family mediation, and social reintegration and empowerment of children.

115. The role played by the *Dar Talib* and *Dar Taliba* institutions (see question 6) should be recalled, as they provide socio-educational support to children from poor families living far from schools. These institutions help combat school dropout and child labour and improve the education of girls, particularly in rural areas.

116. There are a total of 1,061 institutions for children in difficult situations and from families in need, of which 966 are *Dar Talib* and *Dar Taliba* institutions.

117. Abandoned children living in hospitals are provided with treatment and preventive services and receive psychological and social care from social workers, who also deal with the *kafalah* process if necessary. In such cases, the social worker notifies the competent judicial authorities which, after conducting an investigation and drawing up a report, decide to provisionally place the child in one of the social welfare institutions or centres for children run by the State, local associations or NGOs with the necessary resources to take care of the child, or with a host family until the *kafalah* process is completed.

118. This procedure often takes time and sometimes, because of a lack of space in the children's homes, the child continues to be kept in hospital, often in the paediatric unit, until a *kafalah* family is found.

119. According to available data, 163 such children are currently in hospitals.

120. There are 1,068 minors detained in prison, 25 of them girls.

**12. Please provide information on measures planned to reform the *kafalah* system and ensure that children in *kafalah* have a stable situation and are not discriminated against within the family. Please also provide information on the measures the State party is planning to counter the effects of Circular No. 40 S/2 of 19 September 2012 on children deprived of their family environment. It appears that since its entry into force, these children are more likely to remain in institutions and some have lost the opportunity to live with host families with whom they have established a bond.**

121. Act No. 15.01 on the *kafalah* (fostering) of abandoned children and its implementing decree establish the conditions for *kafalah*. Any person who wishes to foster an abandoned child under the *kafalah* system must file an application with the competent guardianship judge, together with all the documents proving that the applicant meets the conditions laid down in the law.

122. After conducting an investigation to ensure that all the conditions laid down in the law on *kafalah* have been met, the guardianship judge issues an order granting the applicant the *kafalah* of the abandoned child.

123. The circular of 19 September 2012 merely recalls and reasserts the content of Act No. 15.01 on the *kafalah* (fostering) of abandoned children and is simply a motion addressed to Crown Prosecutors to ensure that the law is enforced. *Kafalah* decisions taken by sitting judges must adhere to the principle of protecting the best interests of the child.

**13. In the light of data provided in paragraph 135 of the State party report, according to which only 32.4 per cent of children with disabilities attend school and less than one third have access to adequate care, please describe the measures taken to remedy this situation, urgently remove children with disabilities living in child protection centres and end the discrimination they face. Please also provide specific information on the measures taken to develop inclusive education in the State party.**

124. The right of children with disabilities in Morocco to education is recognized by domestic legislation and is implemented in practice through measures and initiatives taken by various stakeholders, particularly the Ministry of Education.

125. There are now 600 integrated classes, whereas 10 years ago there were barely 30.

126. In order to promote the education of children with disabilities, in application of the National Charter for Education and Training, particularly point 14 (improve the social and material conditions of learners and take care of persons with special needs) and article 142 on persons with special needs, the Ministry of Education published:

- Circular No. 143 of 13 October 2009 on the right of children with disabilities to education at all levels. This circular seeks to improve educational, social and medical services to enable this category of children to exercise their right in the context of education for all;
- Note No. 3-2274 of 30 April 2013 on the adaptation of exams and continuous assessment for students with special needs;
- Note No. 14/39 of 3 April 2014 on the promotion of schooling for children with disabilities through partnership between regional academies and disability associations.

127. There are three options for the education of children with disabilities based on the type and degree of disability, with the possibility of switching from one to the other depending on how the child's disability develops. Thus, a child may be educated in a mainstream class, in an integrated class in a school together with only children with the same type of disability or in a specialized centre for children with disabilities.

128. The Ministry of Education follows an approach aimed at inclusive education in order to enable children with disabilities to study in mainstream classes and integrated classes in schools, in accordance with official curricula.

129. The aim of integrated classes is to prepare the children for partial and later total inclusion by adapting content, methods and teaching techniques, and providing training programmes for teachers, inspectors, coordinators and educators from associations working in the area of disability. This initiative enables them to improve their skills for dealing with this category of learners based on a detailed evaluation of their abilities and learning styles. This approach is used in partnership with all stakeholders, particularly NGOs.

130. The ultimate objectives are:

- To expand educational provision for children with disabilities;
- To ensure the qualification of teaching, administrative and voluntary staff responsible for caring for these children;
- To set up an initial training mechanism for trainee teachers and develop an in-service training mechanism for teaching and administrative staff working with these classes;
- To establish an organizational framework (pedagogical and administrative) for the education of children with special needs;

- To equip classrooms with appropriate office, teaching and computer equipment;
- To strengthen partnerships with stakeholders in the field of disability.

131. Despite the progress made in the education of children with disabilities, with numbers having increased almost tenfold between the 2001/02 school year (600 students) and the 2012/13 school year (560 integrated classes for 6,000 students), there are still limitations and difficulties, including:

- Poor grasp of this category because it is not known in advance how many children with disabilities will need to be provided with schooling;
- Shortcomings in the diagnosis of disability and discrimination between certain types of disability as well as a lack of multidisciplinary teams in this area;
- A shortage of specialized teachers assigned to integrated classes;
- Shortcomings in the follow-up of students' individual education plans;
- The problem of distance between classes and places of residence and a lack of school transport.

Table 1  
**Developments in the education of children with disabilities**

<i>School year</i>	<i>No. of classes</i>	<i>No. of students</i>
2003/04	86	1 019
2004/05	147	1 800
2005/06	185	2 093
2006/07	299	3 360
2007/08	425	3 820
2008/09	457	4 204
2009/10	469	4 909
2010/11	480	5 238
2011/12	526	5 509
2012/13	555	5 998

*Source:* Data from the Ministry of Education.

132. The efforts undertaken by the Ministry for Solidarity, Women, the Family and Social Development in relation to the education of children with disabilities should be noted. The Ministry launched a wide-ranging programme of support to NGOs working in the area of education for children with disabilities in 2012/13. The objective of the programme is to support the education of more than 2,000 children with severe disabilities from poor families in 71 specialized centres, with a budget of 16,650,170 dirhams, which amounts to 24 per cent of the Ministry's budget to provide support to associations.

133. A bill on the rights of persons with disabilities is currently being drafted by the Ministry for Solidarity, Women, the Family and Social Development. The bill is expected to provide for the measures the State should take to guarantee the promotion and protection of the rights of persons with disabilities, including the rights to education, access to various services, employment and non-discrimination.

134. In 2013, 43 children with disabilities were placed in child protection centres by court order, which represents 0.89 per cent of the total 4,805 persons in these centres; they are

entitled to all the services provided by the centres, with the support of specialized NGOs to facilitate their educational and social integration.

**14. Please provide information on measures taken since the implementation of the 2008–2012 emergency plan of the Ministry of Education to ensure that all children have access to good quality education, end ongoing discrimination against children living in rural areas and girls, and combat school failure and dropout. Please also explain the measures taken to oversee the quality and conditions of teaching in private schools and to ensure that teachers in public school are not transferred to private institutions.**

135. The right to education for all has been the cornerstone of the Government's education strategy since the end of the 1990s. This has been reflected in a sharp rise in the enrolment rate among children, which has risen from 50 per cent in 1998 to more than 94 per cent today.

136. Although the right to education is guaranteed to all without discrimination, some difficulties remain, particularly among communities living high in the mountains, nomads and some isolated rural communes as well as for children with disabilities.

137. No families are forced to send their children to private school; this is a voluntary choice made by the parents or guardians.

138. In terms of academic performance, which is subject to many variables, attendance at public or private school has a negligible influence, as the coverage rate of private schools compared to public schools is only 13 per cent at primary level, 7 per cent for lower secondary and 8 per cent for upper secondary. However, there has been significant growth in this sector, increasing from 4 per cent in 2000 to 11 per cent in 2012, predominantly in urban areas.

139. The best academic performances in the baccalaureate are achieved in public secondary schools.

140. As part of its efforts to promote freedom of initiative, the State strives to guarantee all children of school age a place in public school and spares no effort in providing them with the necessary means (schoolbags, transport, canteens, boarding schools, remedial classes, monitoring units, family financial assistance conditional on school attendance, etc.).

141. Private schools are subject to the pedagogical supervision of the Ministry of Education.

142. Students in the private sector are not granted any advantages over those in public schools and the competent ministry recently launched the MASSAR programme to introduce transparent monitoring and control of the academic performance of children by the administration, teachers and families in both the public and private sectors.

**15. Please provide information on measures taken to remove obstacles that migrants and asylum seekers face when trying to register their children's birth, especially the fees required, which many of them cannot afford. Please also describe measures the State party has taken to protect unaccompanied children, determine their best interest and provide them with legal representation. Please comment on reports that refugee children and child asylum seekers are arrested, detained or sent back, sometimes even in the desert between Morocco and Algeria. Lastly, please provide complete information on the fate of minors held in the three migrant centres that were established in July and August 2013 and are guarded by the military.**

143. With regard to information concerning these so-called minors detained in three migrant detention centres established in July and August 2013 and guarded by the military,

the State wishes to clarify that these are unfounded allegations, especially since, under Moroccan legislation, the military has no competence to guard such centres.

144. See also subparagraph (j) in part III.

**16. Please provide detailed information on legislative and other measures to end the exploitation of girls working as domestic workers in Morocco and to bring to justice those who exploit children and subject them to various forms of physical, psychological and sexual abuse and those who act as intermediaries in placing children in exploitative situations. Lastly, please provide complete information on what remedies are available to these children to complain of the exploitation and abuse to which they are subjected and obtain assistance and on the measures taken to inform them of these remedies.**

145. With regard to legislative measures to protect domestic workers from exploitation, under article 5 of Bill No. 19-12 on domestic workers, employers are prohibited from employing children under the age of 15 and are required to obtain the written authorization of the parents or guardians in order to hire children aged between 15 and 18. Non-compliance with this provision is punishable under article 17 of the Bill with a fine of between 25,000 and 30,000 dirhams. The same fine applies to illegal recruitment intermediaries. Repeat offences are subject to a double fine and/or a prison term of 1 to 3 months.

146. In order to enhance protection for female domestic workers against the deceptive practices of some intermediaries, article 477 of the Labour Code provides that private employment agencies may only act as intermediaries after obtaining authorization from the government authority responsible for labour.

147. Morocco has set up units for the care of women and children in all courts nationwide to support children who have been the victims of exploitation, including domestic workers. The units receive and follow up complaints and initiate legal proceedings if a child has been assaulted by his or her employer.

148. Considerable efforts have been made to widely publicize the fact that the units are in place and ready to talk to minors and receive their complaints as well as reports of child abuse. The units publish pamphlets and leaflets and distribute them to all the associations working in the area of children's rights, schools and the relevant government authorities, including the police and the Royal Gendarmerie.

149. The establishment of local and regional coordinating committees in the area of support for women and children has made it possible to circulate information among all stakeholders, particularly civil society organizations.

150. Attention is also drawn to the role played by the integrated units for the care of women and children victims of violence in all hospitals (see question 10) and the counselling centres set up by NGOs.

151. The 2012–2016 programme of government provides for the establishment of monitoring and reporting units to combat violence against children.

152. Following the various evaluations of PANE and taking into account the shortcomings identified in the area of protection, the national meetings on the draft integrated child protection policy on 14 and 15 April 2014 recommended strengthening detection and reporting in the context of an integrated local child protection mechanism.

**17. Please clarify whether child victims of sexual abuse can be prosecuted pursuant to article 490 of the Criminal Code and whether child beggars and loiterers can be considered as delinquents and prosecuted under articles 326 and 329 of the Criminal**

**Code. If so, please provide precise details of any cases that have given rise to proceedings.**

153. Under the Moroccan Criminal Code, all children under the age of 18 who have been subjected to sexual abuse are considered victims. The perpetrators of such acts are prosecuted and liable to the penalties set out in article 484 of the Criminal Code if the offence is indecent assault of a minor. If the act has been committed with violence, the perpetrator is subject to the penalty set out in article 485 of the Code.

154. In the case of rape or any similar act, the perpetrator of the crime faces the penalty set out in article 486. The child is never prosecuted in such cases.

155. With regard to child beggars and loiterers, the provisions on the protection of children in difficult situations in the Code of Criminal Procedure must without fail apply for the benefit of minors. These children are never prosecuted and instead receive support for their rehabilitation.

**18. Please describe what investigations have been conducted into the alleged trafficking of children born out of wedlock, which primarily affects girls and would explain the significant discrepancy between the number of female and male babies placed in orphanages.**

156. In accordance with the regulations in force, the judicial authorities are obliged to launch the appropriate proceedings in the case of presumed falsification of the identification of minors or the sale, acquisition or trafficking of children.

157. Proceedings were brought before the Court of Appeal in Casablanca in 2010 against "Z.K." and her accomplices for selling children to women in circumstances that covered up their real identities and using false testimony and for participating in the falsification of official documents.

158. At the end of the proceedings, the accused was convicted and sentenced to 5 years in prison with a fine, while her accomplices were sentenced to terms of between 3 years and 8 months in prison.

159. A similar case concerning a network of Spanish citizens involved in the sale of Moroccan children to Spanish families was covered in the national press. The investigation conducted by the Moroccan courts concluded that this case dated back to proceedings in 1985 initiated following the arrest of a Spanish man and woman accompanied by two babies, a boy and a girl, aged between 20 and 25 days old. The couple confessed that they had been given the two babies by a Spanish woman living in Melilla and another Moroccan woman who, in turn, had claimed to have received them in exchange for a sum of money from a social worker working in Al Hassani hospital in Nador. The social worker in turn admitted that she had taken other nursing babies from a second woman working in Al Farabi hospital in Oujda in exchange for sums of between 2,000 and 2,300 dirhams per baby.

160. The court of first instance handed down a judgement sentencing the former accused women to a 5-year fixed prison term for concealing children in circumstances that covered up their identities. The judgement was upheld on appeal but with a lower prison sentence of 1 year for each of the defendants.

**19. Please provide information on the measures taken by the State party to formulate a comprehensive strategy to protect street children, prevent the situation and reduce their number, as recommended by the Committee in its previous concluding observations (CRC/C/15/Add.211, para. 65).**

161. As part of the implementation of the Committee's 2003 recommendation to establish a comprehensive strategy to protect street children and prevent and reduce this phenomenon, several steps and initiatives have been taken on a pilot or experimental basis.

162. As noted previously, the Government has set up child protection units and the emergency social service, which provides services to street children, and has established a number of institutions to provide shelter and protection to these children.

163. A training programme has also been run for local stakeholders working with street children (judges, educators, police officers, gendarmes, social workers, staff of civil society organizations, etc.) in the country's major cities.

164. The Government also provides significant support to NGOs working with this category of children.

165. However, experience has shown that an approach based on targeting particular categories of children has its limitations. Indeed, the difficulties encountered in the implementation of PANE, which are mentioned above, are the result of the sectoral approach adopted and of the absence of an agreed intersectoral coordination framework at the central and regional levels, all the more so because the multidimensionality and complexity of the phenomena of violence, abuse, exploitation and neglect of children require coordinated inter and multidisciplinary action and greater synergy, involving many stakeholders at different levels.

166. These shortcomings, which necessitate a review of the approaches and rationale of intervention, were one of the main reasons for the new integrated child protection policy which is currently being developed with the support of UNICEF and whose objectives include addressing the aforementioned challenges and shortcomings.

## Part II

### (a) New bills and laws, and their respective regulations

167. New bills and laws and their regulations are as follows:

- Revision of the Criminal Code under way;
- Revision of the Code of Criminal Procedure under way;
- Bill on trafficking in persons under discussion;
- Bill No. 19-12 on the employment and working conditions for domestic workers;
- Revision under way of Act No. 14-05 on the opening and administration of social welfare institutions;
- Bill on the establishment of the Authority for Gender Equality and Combating All Forms of Discrimination;
- Bill on the establishment of the Council for Family and Children;
- Bill on combating violence against women;
- Bill on the Consultative Council for Youth and the Voluntary Sector;
- Bill on youth;
- Bill on the rights of persons with disabilities;
- Bill on genetic testing and identification of persons through DNA profiling;

- Bill on the protection of persons with mental and psychological illnesses and conditions and arrangements for their care;
- Bill on the status of social workers;
- Bill on the organization of the holiday camp sector;
- Dahir No. 1-08-77 of 20 October 2008 concerning the promulgation of Act No. 40-04 on the status of private day-care centres;
- Dahir No. 1-10-150 of 24 August 2010 concerning the promulgation of Act No. 30-90 on physical education and sports;
- Decree No. 2-13-22 of 29 April 2013 on the mandate and organization of the Ministry for Solidarity, Women, the Family and Social Development;
- Decree No. 2-13-254 of 21 May 2013 on the mandate and organization of the Ministry of Youth and Sports;
- Decree No. 2-08-678 of 21 May 2009 on the implementation of the provisions of Act No. 40-04 on the status of private day-care centres.

**(b) New institutions and their mandates, and institutional reforms**

168. The new institutions are the following:

- Authority for Gender Equality and Combating All Forms of Discrimination;
- Council for the Family and Children;
- Consultative Council for Youth and the Voluntary Sector.

**(c) Recently introduced policies, programmes and action plans and their scope and financing**

169. The recently introduced policies, programmes and action plans are:

- The 2012–2016 social focus group strategy of the Ministry for Solidarity, Women, the Family and Social Development;
- The draft integrated child protection policy;
- The *Ikram* governmental equality plan 2012–2016, aimed at achieving parity.

**(d) Recent ratifications of human rights instruments**

170. The following human rights instruments have recently been ratified or are in the process of being ratified:

*Instrument ratified:*

- International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly in New York on 20 December 2006.

*Date of ratification:*

- 7 March 2013.

*Instruments in the process or in the final stages of ratification:*

- Optional Protocol to the Convention on the Rights of the Child on a communications procedure, done in New York on 19 December 2011;



- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 6 October 1999;
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 18 December 2002;
- Convention on Cybercrime, done at Budapest on 23 November 2001 and its Optional Protocol done in Strasbourg on 28 January 2003;
- Council of Europe Convention on Contact concerning Children, done at Strasbourg on 15 May 2003;
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, done in Lanzarote on 25 October 2007;
- European Convention on the Exercise of Children's Rights, done in Strasbourg on 25 January 1996;
- ILO Holidays with Pay Convention (Revised), 1970 (No. 132), adopted at the fifty-fourth session of the International Labour Conference in Geneva on 24 June 1970;
- ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), adopted at the thirty-fifth session of the International Labour Conference in Geneva on 28 June 1952;
- ILO Rural Workers' Organizations Convention, 1975 (No. 141), adopted at the sixtieth session of the International Labour Conference in Geneva on 4 June 1975;
- Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, done at London on 11 November 1988.

### Part III

#### Data, statistics and other information

**Please provide, if possible, updated statistical data for the past three years (disaggregated by age, sex, geographic location, ethnic origin and socioeconomic background) regarding:**

**(a) The number of child victims of violence, including sexual violence and exploitation**

171. According to statistics from the country's courts, 10,936 cases of violence against children were registered in 2013 and 11,324 persons were prosecuted. These cases of violence involved 7,006 minors: 3,204 boys and 3,806 girls.

172. There were 2,248 cases of abuse and exploitation of minors: 207 cases of rape, 287 cases of rape of a virgin, 1,251 cases of violent indecent assault, 415 cases of indecent assault without violence and 88 cases of exploitation for the purpose of prostitution.

**(b) Investigations into cases of violence and the outcome of any prosecutions, in particular the penalties imposed on perpetrators and the reparation and compensation awarded to victims**

173. The Ministry of Justice and Freedoms does not keep exact statistics on the outcome of cases of violence against children, but the number of cases tried by the courts is available and is mentioned in section (a) above.

- (c) **The number of street children**
- (d) **The number of children separated from their parents**
- (e) **The number of children placed in institutions or foster families or living in hospitals after being abandoned**
- (f) **The number of children suffering from malnutrition**

174. The Ministry of Health has introduced interventions for the prevention and treatment of malnutrition among children under 5, which is measured on the basis of the following indicators:

- Low weight, which is expressed as low weight for age;
- Delayed growth or low height for age;
- Emaciation or low weight for height.

175. According to the 2011 national population and family health survey:

- The proportion of underweight children decreased from 14.8 per cent in 1987 to 9.3 per cent in 2004 and 3.1 per cent in 2011, when it affected 89,000 children under 5. This is well below the average of 16 per cent internationally and 18 per cent in developing countries over the 2006–2010 period;
- The rate of delayed growth has improved from 28.6 per cent in 1987 to 18.1 per cent in 2004 and 16.5 per cent in 2011 (474,000 children), with a higher proportion in rural areas as compared to urban areas (20.5 per cent compared to 8.6 per cent). The international average is 27 per cent and for developing countries 29 per cent;
- The rate of emaciation/acute malnutrition or weight-height deficit has improved significantly, falling from 10.2 per cent in 2004 to 3 per cent in 2011. It is thus well below the average for developing countries of 10 per cent.

- (g) **Early marriage and pregnancies**

176. See the reply to question 9.

- (h) **The number of children with disabilities attending inclusive or specialized schools and how many are placed in institutions**

177. See the reply to question 13.

- (i) **The number of children who have dropped out of primary school**

178. The national school dropout rate decreased significantly between the 2007/08 and 2012/13 school years. It fell to 1.9 per cent for primary level, that is a decrease of 2.7 per cent.

- (j) **The number of migrant children, child asylum seekers and child refugees and how many have received State protection**

179. See table below.

Table 2  
**Number of children stopped by the security services and returned to their parents or guardians or placed in child protection services (disaggregated by nationality)**

<i>Nationality/year</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Morocco	25	6	67
Algeria	10	17	27
Arab countries	4	6	46
Sub-Saharan countries	21	22	75
Asian countries	1	0	2
Turkey	3	1	0
<b>Total</b>	<b>64</b>	<b>52</b>	<b>217</b>

- Number of child asylum seekers, including those who have received guarantees and advantages from the State: 139;
- Number of children who have obtained refugee status: 55.

**(k) The number of child domestic workers**

*1. Development and characteristics of child labour*

180. According to data from the national employment survey,<sup>1</sup> 86,000 children aged between 7 and under 15 were working in 2013, that is 1.8 per cent of all children in that age group. This trend has been in sharp decline since 1999, when the rate was 9.7 per cent of all children aged between 7 and under 15, that is 517,000 children.

181. Child labour involving children under the age of 15 is mainly concentrated in rural areas, where it affects 3.6 per cent of children (76,000) compared to 16.2 per cent in 1999 (452,000 children). In the cities, only 0.4 per cent of children work (10,000 children) compared to 2.5 per cent in 1999 (65,000 children). In short, almost 9 out of 10 working children (89.0 per cent) live in rural areas. Furthermore, more boys than girls are involved in child labour: 57.2 per cent of workers are boys. This proportion varies from 53.2 per cent in rural areas to 89.9 per cent in urban areas.

182. With regard to their work situation, 25.4 per cent of children work as well as going to school, 54.8 per cent have left school and 19.8 per cent have never attended school. The main reasons cited for working children not going to school are that the children have no interest in studying (26.4 per cent), there are no public schools in their place of residence, inaccessibility, geographic or climatic difficulties (23.5 per cent), a lack of money to pay education costs (16.2 per cent) and, lastly, they are obliged to help the household through professional activities (11.3 per cent).

183. Child labour is concentrated in particular economic sectors. In rural areas, 94 per cent work in agriculture, forestry and fishing. In urban areas, 65.5 per cent work in the service industry and 22.2 per cent in industry, including handicrafts, which are the main sectors that employ children.

<sup>1</sup> Ongoing survey conducted annually by the Office of the High Commissioner for Planning among a sample of 60,000 households (of which 20,000 are in rural areas), representative of all regions and social classes.

184. As to their employment status, more than 9 out of every 10 children working in rural areas are family workers. In urban areas, 42.1 per cent are apprentices, 35.9 per cent are employees, 17 per cent are family workers and 5 per cent are self-employed.

2. *Domestic workers: numbers and characteristics*

185. According to the data from the national employment survey, there were 83,025 domestic workers in 2013, a decrease of more than 39,000 (31.8 per cent) since 2000. The majority of domestic workers are women (95.8 per cent) and almost all live in cities (90.2 per cent).

186. With regard to age, there were virtually no workers under the age of 15 in 2013 — 0.1 per cent compared to 6.5 per cent in 2000 — and workers aged between 15 and 17 made up only 2 per cent, compared to 10.6 per cent in 2000. Workers aged between 18 and 24 make up 6.3 per cent (6.8 per cent in 2000), and the over-60s make up 5 per cent (2.5 per cent in 2000).

187. As to marital status, almost a third are single (32.2 per cent), another third are married (32.4 per cent), and one fifth are divorced (19.7 per cent).

Table 3

**Indicators on work of children aged from 7 to under 15 years of age in 2013**

<i>Indicators</i>	<i>1999</i>			<i>2013</i>		
	<i>Urban</i>	<i>Rural</i>	<i>National</i>	<i>Urban</i>	<i>Rural</i>	<i>National</i>
Number of children aged 7 to under 15 (in thousands)	2 554	2 785	5 339	2 579	2 092	4 671
Working children (in thousands)	65 (2.5%) <sup>2</sup>	452 (16.2%)	517 (9.7%)	10 (0.4%)	76 (3.6%)	86 (1.8%)
Proportion of females (in %)	32.5	49.1	47.0	10.2	46.8	42.8
Employment breakdown by professional status (in %):						
Employed	33.5	5.3	8.8	35.9	3.9	7.4
Self-employed	3.0	0.7	1.0	5.0	0.5	1.0
Family workers	17.5	92.2	82.9	17.0	93.7	85.2
Apprentices	45.6	1.6	7.0	42.1	1.9	6.3
Other	0.4	0.2	0.3	0.0	0.2	0.1
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Employment breakdown (in %) by profession:						
Employees	2.3	0.1	0.4	4.5	0.1	0.6
Traders, craftsmen and skilled workers in craft professions	39.9	2.6	7.3	36.9	3.5	7.1
Farmers, fishermen, foresters, hunters and agricultural workers	7.6	94.8	83.8	6.9	94.0	84.4
Skilled and unskilled non-agricultural workers	49.7	2.4	8.4	51.7	2.4	7.9
Undeclared	0.5	0.1	0.1	0.0	0.0	0.0

<sup>2</sup> Proportion of children working compared to overall children aged between 7 and under 15 years of age.

Indicators	1999			2013		
	Urban	Rural	National	Urban	Rural	National
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
Employment breakdown (in %) by economic sector:						
Agriculture, forestry and fishing	7.8	94.8	83.9	6.9	94.0	84.4
Industry (including handicrafts)	41.9	3.1	8.0	22.2	2.9	5.0
Construction	1.2	0.2	0.3	5.4	0.4	0.9
Services	48.6	1.8	7.7	65.5	2.7	9.6
Others	0.5	0.1	0.1	0.0	0.0	0.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Source: National employment survey, Office of the High Commissioner for Planning (Statistics Department).

**(I) The number of detained children, the grounds and duration of their detention as well as the number of children placed in child protection centres**

188. The Code of Criminal Procedure provides for measures to be taken by juvenile judges in respect of minors in conflict with the law. According to the most recent statistics from 2013, 21,296 minors were prosecuted.

189. A number of measures have been taken in respect of these minors, most frequently returning them to their parents. Below are details of the measures taken:

Table 4

**Measures taken in respect of children in conflict with the law**

Type of measure	Number	Rate
Measures applied to children in their natural environment		
Return to family	10 785	50.65%
Supervised release	1 502	7.05%
Suspended prison sentence	910	4.27%
Fine	1 500	7.06%
Acquitted	1 381	6.48%
<b>Total</b>	<b>16 078</b>	<b>75.51%</b>
Institutional measures		
Transfer to a hospital facility	86	0.40%
Placement in an educational establishment	2 335	10.96%
Placement in a penitentiary establishment	2 787	13.13%
<b>Total</b>	<b>3 772</b>	
<b>Overall total</b>	<b>21 296</b>	<b>100.00%</b>

190. The decision to place a minor in a penitentiary or a child protection centre is based on a number of factors, including the severity of the crime committed by the minor and the risk or danger posed by the child's situation to their own life and the lives of those around them.

191. Placing a minor in a penitentiary is an exceptional measure applied by judges only in extreme cases and for limited periods. In such cases, in view of their age, immaturity and lack of decision-making capacity, minors receive half the sentence provided for adults. Judges are legally obliged to give reasons for their decision and to justify why they opted for this measure.

192. There are currently 163 abandoned children living in various hospitals in the State party.

193. Children in difficult situations or in conflict with the law who are brought before the courts include foreign children who are provided with protection or rehabilitation measures. There were 19 such children in 2013.

194. In May 2013, the Ministry of Justice and Freedoms issued a circular to all the courts in Morocco, encouraging magistrates with responsibility for minors in the public prosecutor's office and juvenile judges to take the necessary protection measures for unaccompanied migrant children in accordance with each individual's human and social situation and to coordinate with the International Organization for Migration as the organization with responsibility for the matter, with a view to facilitating the voluntary return of those minors who wish to do so, taking into consideration the best interests of the child.

Table 5

**Number of children placed in child protection centres in 2011, 2012 and 2013**

<i>Year</i>	<i>Number of children</i>
2011	5 027
2012	5 065
2013	4 805

Table 6

**Types of acts committed by children placed in child protection establishments in 2011, 2012 and 2013**

<i>Type of act committed</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Difficult situations	1 254	1 263	1 206
Drug use	846	852	810
Crime against persons	1 073	1 028	957
Crime against property	1 562	1 609	1 558
Sale of alcohol or tobacco	292	313	274
<b>Total</b>	<b>5 027</b>	<b>5 065</b>	<b>4 805</b>