

## MOROCCO

### CESCR E/1995/22

101. The Committee considered the initial report of Morocco (E/1990/5/Add.13) at its 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> meetings on 5 and 6 May and, at its 26<sup>th</sup> and 27<sup>th</sup> meetings on 19 and 20 May 1994, adopted the following concluding observations.

#### A. Introduction

102. The Committee thanks the State party for the submission of its report and for the additional information provided by the delegation in response to the Committee's questions and comments.

#### B. Positive aspects

103. The Committee takes note with satisfaction of the information provided by the representative of the State party with regard to the adoption of a revised Constitution in September 1992 and the various measures introduced in this new Constitution, including in particular the establishment of a Constitutional Council and an Economic and Social Council.

104. The Committee appreciates the measures taken to reduce the effects of structural adjustment programmes on the most vulnerable sectors of society and measures taken by the State party to reduce the level of poverty in the country. Efforts to improve the enjoyment of the right to adequate housing are also appreciated.

105. The Committee welcomes the efforts made by the State party in the field of health services resulting in the reduction of infant and maternal mortality rates, as well as the adoption of a National Plan of Action for the implementation of the World Declaration on the Survival, Protection and Development of Children.

106. The Committee takes note of the increase in the level of school attendance, the efforts to reduce illiteracy and the measures to ensure vocational training for school drop-outs.

#### C. Factors and difficulties impeding the implementation of the Covenant

107. The Committee notes that the development process towards modernization has not equally affected all sectors and areas of society and has aggravated economic, social and cultural disparities between traditional and modern sectors, among the various income groups, between rural and urban areas, as well as between the male and female populations.

108. It observes that economic difficulties, including the persistence of poverty, high unemployment and the servicing of the external debt have had a constraining influence on the application of the Covenant.

109. Other difficulties noted by the Committee relate to the contradiction between the obligations set forth under the Covenant and various provisions relating to the civil law status governed by the Code of Personal Status which is partly based on religious precepts and falls within the King's competence. The Committee considers that when a State has ratified the Covenant without making any reservations, it is obliged to comply with all of the provisions of the Covenant. It may therefore not invoke any reasons or circumstances to justify the non-application of one or more articles of the Covenant, except in accordance with the provisions of the Covenant and the principles of general international law.

#### D. Principal subjects of concern

110. As regards Western Sahara, the Committee is concerned that the right to self-determination has not been exercised and expresses its hope that it will be exercised in full compliance with the provisions of article 1 of the Covenant, in accordance with plans approved by the United Nations Security Council. The Committee expresses its preoccupation about the negative consequences of the Western Sahara policy of Morocco on the enjoyment of the economic, social and cultural rights of the relevant population, particularly through population transfer.

111. In view of the obligations arising out of article 2 to guarantee the exercise of the rights enunciated in the Covenant without discrimination of any kind, the Committee expresses concern about the persistence, in the State party, of a "dual" society characterized by disparities in the level of modernization and enjoyment of economic, social and cultural rights which especially affect persons living in rural areas. These disparities are particularly evident in the marked differences in the levels of school attendance. According to the report submitted by the State party, the rate of primary school attendance in the urban areas is double that of the rural regions.

112. In the same respect, the Committee is concerned about the extent to which women enjoy the rights contained in the Covenant, in particular as regards matters arising under articles 6, 7, such as equal remuneration for equal work and employment opportunities, article 10, particularly relating to status of women in the family, and article 13, particularly in relation to the right to education. While recognizing that some progress has been achieved in this regard, the Committee notes with particular concern the gender differences regulating marriage and family relations.

113. The Committee takes note of the information provided by the States parties to the effect that a Labour Code is under preparation. It notes, however, that according to information provided by the ILO, this process has been under way since 1969. The Committee considers that this project should be brought to function in the shortest possible time in order to ensure full protection of the rights recognized in the Covenant.

114. The Committee is also concerned that labour laws and regulations are largely ignored or disregarded in the informal and traditional sectors of the economy and that the absence or limited presence of labour inspectors in these sectors has impeded the effective implementation of regulations relating to just and favourable conditions of work, including health and safety of the workplace.

115. The Committee is concerned about the full enjoyment of trade union rights as provided for

under article 8 of the Covenant. In this regard, the Committee notes with concern that, although the Constitution guarantees the right of association and the right to form and join trade unions, as well as the right to strike, these rights have on several occasions reportedly been violated in practice. The Committee has received from various sources information on concrete cases of limitations to the right to strike, and lack of effective protection of workers against anti-union discrimination including arbitrary dismissal, arrest or physical violence. In this regard the replies given by the Government to certain questions posed by the Committee cannot be considered satisfactory. No information was provided about the incidents at the Meknès enterprises Dimaplast and Comanan. The Committee is particularly concerned, however, about the lack of any response regarding the case of the two trade union activists Abdelhaq Rouissi and Houcine El Manouzi, who, according to non-governmental sources disappeared in 1964 and 1972 respectively and are reportedly still alive but detained in a secret prison.

116. The Committee is concerned about the discriminatory status of children born out of wedlock. It also expresses concern at the incidence of child labour, often even under the minimum legal age of 12, and the lack of implementation of protective labour legislation with regard to children employed as domestic servants, in agriculture or in the informal or traditional sectors. The Committee also notes with concern that many of those children are not fully enjoying their right to education.

117. The Committee is also concerned that economic constraints have led to a decline in the standard of living of certain segments of the population.

#### E. Suggestions and recommendations

118. The Committee recommends further measures by the State party to reduce existing disparities between the modern and traditional sectors of society and in particular between the rural and urban areas. In the Committee's view, particular efforts should be made to tackle the problem of discrimination against women and ensure their effective enjoyment of their rights under the Covenant. Such efforts should include both legislative measures and educational activities aimed at overcoming the negative influence of certain traditions and customs.

119. The Committee wishes to bring to the attention of the State party the need to adopt further measures to provide adequate safety nets for the vulnerable sectors of society affected by structural adjustment programmes. Such measures should include a system of taxation favouring direct and progressive taxes and the extension of the social security system to those categories which do not yet benefit from it.

120. The Committee recommends that the State party should envisage adopting further measures to reduce the high rate of unemployment among young people.

121. The Committee recommends that the State party should consider adopting relevant measures to ensure that effective sanctions are adopted and implemented in order to penalize the infringement of labour and trade union freedoms and regulations. The Committee suggests that the State party should give serious consideration to complaints about violations of labour regulations and trade union rights and provide judicial remedy to victims of such violations.

122. The Committee recommends that urgent steps should be taken in order to protect the workers' rights to join the trade unions of their choice, and to provide protection against arrest, imprisonment and arbitrary dismissal of their labour leaders. In the context of trade union freedoms, the Committee requests the Government to respond to the concrete issues raised in paragraph 115 above, in particular to provide information about the fate of the trade union activists Abdelhaq Rouissi and Houcine El Manouzi, by 30 September 1994.

123. The Committee recommends that measures should be taken to eliminate discrimination and ensure effective protection against discrimination with regard to children born out of wedlock, as well as any differentiation resulting from the status of parents. Similarly, the Committee encourages the efforts currently under way to raise the minimum working age and suggests that measures should be taken to ensure that working children, including those in the informal sector and in agriculture, benefit from relevant protection at work and effectively enjoy their right to an education.

124. The Committee recommends that more effort should be made in the area of education, particularly in the less favoured rural areas, and that an effort should also be made in the direction of reducing the apparent disparities between the rates of school attendance of boys and girls.

## **CESCR E/2001/22**

512. The Committee considered the second periodic report of Morocco on the implementation of the Covenant (E/1990/6/Add.20) at its 70th to 72nd meetings, held on 22 and 23 November 2000, and adopted, at its 81st and 82nd meetings, held on 29 and 30 November 2000, the following concluding observations.

### **A. Introduction**

513. The Committee welcomes the submission of the second periodic report of Morocco, prepared in general in conformity with the revised reporting guidelines established by the Committee, and welcomes the written replies to its list of issues.

514. The Committee appreciates the candid and constructive dialogue with the delegation, which consisted of experts in the field, and its readiness to reply to additional questions and to furnish additional information whenever available. The Committee, however, regrets that the delegation was unable to provide an adequate response, in particular statistical information, to some specific questions in the list of issues, as well as to follow-up questions during the dialogue. The Committee notes the State party's indication that replies to the questions which were not adequately answered during the dialogue would be made available as early as possible.

### **B. Positive aspects**

515. The Committee welcomes the initiative taken by King Mohammed VI and his new Government to further the development of a human rights culture in Morocco and notes with satisfaction the establishment of the Ministry for Human Rights. In addition, the Committee welcomes the efforts of the State party to implement its obligations under international human rights instruments in general, and under the Covenant in particular.

516. The Committee notes with satisfaction the establishment of a national human rights institution and the intention of the State party to set up an office of a national ombudsman.

517. The Committee appreciates that, following the Fourth World Conference on Women,<sup>10</sup> the State party introduced a national strategy for the advancement of women in 1997, and that an action plan for integrating women into development has been adopted.

518. The Committee notes with satisfaction the efforts by the State party with respect to the information campaign to disseminate information on international human rights instruments among the judiciary.

519. The Committee notes with interest the efforts being made by the State party to deal with the

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<sup>10</sup> Held at Beijing, from 4 to 15 September 1995.

debt burden, such as bilateral debt conversions with certain donor countries.

### **C. Factors and difficulties impeding the implementation of the Covenant**

520. The Committee notes that the persistence of traditional practices and attitudes, deeply entrenched in Moroccan society, with regard to women and children hamper the ability of the State party to protect and promote their economic, social and cultural rights.

521. The Committee also notes the difficulties faced by the State party in complying with its debt servicing obligations which take up a considerable percentage of GNP, thus impeding the State party's ability to comply with its obligations under the Covenant.

### **D. Principal subjects of concern**

522. The Committee expresses its concern that the State party has not provided any information on the measures taken by the State party with regard to the suggestions and recommendations made by the Committee in its concluding observations on Morocco's initial report,<sup>11</sup> nor on the effects of these measures. Many of the issues referred to in the concluding observations made in 1994 remain subjects of concern in the present concluding observations.

523. The Committee is concerned that no legislative, judicial and administrative measures have yet been adopted by the State party to give effect to many of the provisions of the Covenant.

524. With regard to the situation in the Western Sahara, the Committee regrets that there has not been a definite solution to the question of self-determination.

525. The Committee is concerned that the State party has not yet formulated a comprehensive plan of action on human rights in accordance with paragraph 71 of the Vienna Declaration and Programme of Action.<sup>9</sup>

526. The Committee regrets that the State party does not take its obligations under the Covenant into consideration in its negotiations with international financial institutions.

527. Despite the measures taken by the State party to advance the status of women in Moroccan society, the Committee is concerned that there are still persisting patterns of discrimination against women in national legislation, particularly in family and personal status law, as well as inheritance law.

528. The Committee regrets the continuing delays with regard to the adoption of a new labour code, aiming at the unification of existing labour legislation, which was already referred to by the

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<sup>11</sup> See *Official Records of the Economic and Social Council 1995, Supplement No. 3 (E/1995/22-E/C.12/1994/20)*, chap. V, paras. 118 to 124.

Committee in its concluding observations on the initial report of Morocco.<sup>12</sup> Moreover, the Committee is concerned that certain issues contained in the draft labour code, such as the minimum age for labour and conditions of child labour, are not in conformity with the relevant ILO Conventions, No. 138 (1973) concerning the minimum age for admission to employment and No. 182 (1999) concerning abolition of the worst forms of child labour and immediate measures for their prohibition, respectively, which the State party has not yet ratified.

529. The Committee expresses its concern that the minimum wage in Morocco is not sufficient to allow workers to maintain an adequate standard of living for themselves and their families. Moreover, no adequate reason was given for the considerable discrepancy between the minimum wage of industrial workers and that of agricultural workers.

530. The Committee is concerned that the State party did not provide sufficient information regarding the number of accidents, including those causing serious injury or death, occurring in the workplace and regarding the legislative and administrative measures in place to prevent the occurrence of such accidents.

531. The Committee expresses its concern that the State party does not provide for appropriately severe and enforceable penalties to ensure that employers, especially in the handicraft and light industries, are prevented from resorting to child labour under the legal minimum working age.

532. The Committee is also concerned that there is no legislation in place which affords protection to those who are employed as domestic workers, especially young girls, who are ill-treated and exploited by their employers.

533. The Committee is concerned about the continuing restrictions on the right to strike as laid down in article 8 of the Covenant, particularly under article 288 of the State party's Penal Code. The Committee regrets that the State party has not yet ratified ILO Convention No. 87 (1948) on the freedom of association and protection of the right to organize.

534. The Committee notes with concern the persistent discrimination against children born out of wedlock, who are frequently abandoned by their parents, and their lack of legal protection with regard to the Personal Status Code and family law.

535. The Committee is concerned about the large number of children who live in the streets, of whom 22 per cent are under the age of five.

536. The Committee expresses its concern about the high percentage of people living below the poverty line in Morocco, especially in rural areas.

537. The Committee is concerned about the disparities in the standard of living between rural and urban areas, insofar as the former have considerably less access to clean drinking water, sanitary

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<sup>12</sup> Ibid., para. 113.

facilities and electricity.

538. The Committee also expresses its concern about the lack of affordable social housing in Morocco. In addition, the Committee regrets that the State party has not provided adequate information, including statistical data, on the incidence of homelessness and forced eviction, taking into account the Committee's General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions.

539. The Committee regrets that the State party has not adopted a national strategy and action plan on health, and that health coverage provided by the State party does not cover more than 20 per cent of the population. Moreover, the Committee is concerned that access to primary health care in rural areas is even more limited, in comparison to the urban areas.

540. The Committee expresses its concern about the high rate of maternal and infant mortality in Morocco.

541. The Committee is concerned that the State party does not exercise sufficient control, by means of legislative and administrative measures, over factories manufacturing foodstuffs which do not conform to international standards and cause death or constitute a health hazard to the population of Morocco.

542. The Committee expresses its concern about the high rate of illiteracy in the State party, especially among women in rural areas.

543. The Committee is deeply concerned about the low level of primary school attendance. Currently less than 50 per cent of children of both sexes are being regularly educated. In addition, the Committee is also concerned that the access of young girls to education is considerably more limited, particularly in the rural areas, which accounts for the fact that the adult illiteracy rate is 65 per cent for women, as against 40 per cent for men.

544. The Committee regrets that the State party has not provided adequate information on the enjoyment of the right of minorities, such as the Amazigh people, to participate in cultural life in Morocco.

## **E. Suggestions and recommendations**

545. The Committee urges the State party to adopt legislative and other measures to give effect to all the provisions of the Covenant.

546. The Committee encourages the State party to seek a solution, in cooperation with the United Nations, to the problems impeding the realization of the referendum on the issue of self-determination in Western Sahara.

547. The State party is urged to formulate and implement a comprehensive national plan of action for the protection and promotion of human rights, as recommended in paragraph 71 of the Vienna Declaration and Programme of Action, and to include information on this matter in the next periodic

report.

548. The Committee encourages the State party to ensure that the Office of the National Ombudsman, which is to be established shortly, functions in conformity with the Paris Principles. The Committee looks forward to receiving information on the results of these efforts in the next periodic report of Morocco.

549. The Committee strongly recommends that Morocco's obligations under the Covenant be taken into account in all aspects of its negotiations with international financial institutions, like the IMF, the World Bank and the WTO, to ensure that the economic, social and cultural rights of Moroccans, particularly of the most vulnerable groups of society, are not undermined.

550. The Committee reiterates its recommendation in its concluding observations on the initial report of Morocco,<sup>13</sup> that the State party needs to adopt further measures to provide adequate safety nets for the vulnerable sectors of society affected by structural adjustment programmes.

551. The Committee strongly recommends that the State party proceed as expeditiously as possible with the adoption and full implementation of the National Action Plan for Integrating Women into Development. In particular, the Committee urges the State party to amend existing legislation that institutionalizes discrimination against women, such as provisions of family, inheritance and personal status law, with a view to strengthening the legal status of women.

552. The Committee urges the State party to adopt the draft labour code and to ensure that the provisions thereof are in conformity with articles 6, 7 and 8 of the Covenant, as well as with the relevant ILO conventions to which Morocco is party. In this regard, the State party is strongly encouraged to ratify ILO Conventions No. 87 (1948) concerning freedom of association and protection of the right to organize, No. 138 (1973) concerning the minimum age for admission to employment, No. 169 (1989) concerning indigenous and tribal peoples in independent countries and No. 182 (1999) concerning the worst forms of child labour and immediate measures for their prohibition.

553. The Committee recommends that the State party undertake measures to eliminate the existing significant disparity in the minimum wage afforded to the various categories of workers, particularly industrial and agricultural workers. In addition, the Committee strongly recommends that the minimum wage be established at a level that will better ensure an adequate standard of living for workers and their families, in accordance with article 7 of the Covenant.

554. The Committee requests the State party to provide in its next periodic report detailed information regarding (a) the incidence of accidents in the workplace and (b) all the measures taken by the State party to prevent their occurrence.

555. The Committee urges the State party to take remedial action, including the imposition of

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<sup>13</sup> Ibid., para. 119.

appropriately severe penalties, in order to ensure that employers, especially in the handicraft and light industries, are prevented from resorting to child labour under the legal minimum working age. In addition, the Committee urges that the State party raise the minimum working age from 12 to 15 years, in accordance with ILO standards (Convention No. 138 (1973)).

556. The Committee also urges the State party to adopt legislation immediately in order to protect minors who are employed as domestic workers, especially young girls, from being exploited by their employers.

557. The Committee recommends that the State party undertake measures to eliminate excessive restrictions on the right to strike, in particular article 288 of the State party's Penal Code, which criminalizes certain forms of strike.

558. The Committee reiterates its recommendation in its concluding observations on the initial report of Morocco<sup>14</sup> that the State party take legislative and other measures to eliminate discrimination and ensure effective protection against discrimination with regard to children born out of wedlock.

559. The Committee also strongly recommends that the State party address the problem of street children and children born out of wedlock who are abandoned by their parents.

560. The Committee urges the State party to intensify its efforts to address the problem of poverty, especially in the rural areas.

561. The Committee reiterates the recommendation it made in its concluding observations on the initial report of the State party,<sup>15</sup> which strongly encourages the State party to take measures to reduce the disparities that exist between the rural and urban areas, *inter alia*, by improving access to water, electricity and sanitary facilities in the rural areas.

562. The Committee recommends that the State party intensify its efforts to improve the housing situation in Morocco, particularly by providing affordable social housing. The Committee also requests that the State party provide, in its next periodic report, detailed information, including statistical data, on the incidence of homelessness and forced eviction in Morocco, on the measures taken by the State party to address these issues, as well as on the effects of these measures.

563. The Committee also recommends that the State party adopt a national strategy and action plan on health which will increase the health coverage provided by the State party, in particular with regard to the rural areas.

564. The Committee urges the State party to take all necessary measures in order to address the

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<sup>14</sup> Ibid., para. 123.

<sup>15</sup> Ibid., para. 118.

problem of the high rate of maternal and infant mortality in Morocco.

565. The Committee also urges the State party to take the appropriate legislative and administrative measures to ensure that sufficient control is exercised on factories manufacturing foodstuffs so that the products manufactured conform to international standards and do not constitute any health hazard.

566. The Committee strongly urges the State party to ensure access to free and compulsory primary education for all, especially for women and girl children, and particularly in the rural areas, taking into consideration the Committee's General Comments No. 11 (1999) concerning plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant). In addition, the Committee requests that information be included in the next periodic report on government subsidies to private higher education and on education programmes for nomadic peoples, on measures taken by the State party in this respect and on the effects of these measures.

567. The Committee urges the State party to take remedial action to address the persistent problem of the high rate of illiteracy, particularly among women in rural areas.

568. The Committee requests more detailed information, including statistical data, on the enjoyment of the rights contained in the Covenant by the Amazigh people, including their right to participate in cultural life in Moroccan society, as well as to use their own language.

569. The Committee strongly recommends that the State party avail itself of technical assistance offered by the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies and programmes in its efforts to realize economic, social and cultural rights, in compliance with its international legal obligations under the Covenant.

570. The Committee has decided that the third periodic report of Morocco is to be submitted by 30 June 2004, and that it should include information on the steps undertaken by the State party with regard to the suggestions and recommendations contained in the present concluding observations.

571. The Committee requests the State party to disseminate the concluding observations as widely as possible among its citizens at all levels of society.