

MOROCCO

CRC A/53/41 (1998)

7. Concluding observations:

255. The Committee considered the initial report of Morocco (CRC/C/28/Add.1) at its 317th to 319th meetings, on 24 and 25 September 1996 (see CRC/C/SR.317-319), and at its 343rd meeting, on 11 October 1996, adopted the following concluding observations.

(a) Introduction

256. The Committee welcomes the submission of the report, which contains information on the legal framework within which the Convention is implemented and on other measures adopted since the ratification of the Convention by Morocco. The Committee appreciates the written information provided by the Government in reply to the questions set out in the list of issues (CRC/C/Q.Mor.1), as well as the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of the State party indicated in a self-critical manner not only the policy and programme directions, but also the difficulties encountered in implementing the Convention.

(b) Positive aspects

257. The Committee notes the establishment in 1993 of the Ministry for Human Rights to deal with children's rights issues. The Committee also notes the establishment in 1994 of the National Congress on the Rights of the Child, which has recently been declared a permanent institution, and the creation in 1994 of the post of High Commissioner for Disabled Persons. The Committee recognizes the will of the Government to engage in a process of law reform in relation to children's issues and is encouraged by the drafting of a new Labour Code. The Committee also notes with appreciation the adoption, in 1992, following the World Summit for Children, of the National Plan of Action for the Survival, Protection and Development of Children. Finally, the Committee welcomes the Government's initiative to broadcast a number of special programmes on Children's International Radio and Television Day.

(c) Factors and difficulties impeding the implementation of the Convention

258. The Committee notes that severe economic and social problems have had a negative impact on the situation of children. The high level of external debt and the requirements of structural adjustment programmes which have resulted in budgetary re-allocations to the detriment of social services, as well as unemployment and poverty, have affected the enjoyment of children's rights. The Committee also notes that there are still traditional practices and customs which impede the full enjoyment of certain rights of the child.

(d) Principal subjects of concern

259. The Committee is concerned about the fact that the Convention has not yet been duly published in the official gazette.

260. The Committee is also concerned that insufficient measures have been taken to ensure that the principles and provisions of the Convention are widely known to children and adults.

261. The Committee is concerned at the reservation made to article 14 of the Convention by the State party, which may affect the implementation of the rights guaranteed in this article and may raise questions about the compatibility of the reservation with the objective and purpose of the Convention.

262. The Committee is concerned at the insufficient coordination between various ministries, as well as between the central and local authorities, in the implementation of policies for the promotion and protection of the rights of the child.

263. Insufficient attention has been paid to the collection of systematic and comprehensive data and the identification of appropriate indicators and monitoring mechanisms in all areas covered by the Convention. Disaggregated data and appropriate indicators seem to be lacking to assess the situation of children, especially those who are victims of abuse, ill-treatment or child labour or are involved with the administration of juvenile justice, as well as the girl child, children of single-parent families and those born out of wedlock, children in rural areas, abandoned, institutionalized and disabled children, and children who, in order to survive, are living and/or working on the street.

264. With regard to the implementation of article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, especially girls, children living in rural areas, children who are victims of abuse, children of single parents, children born out of wedlock, abandoned children, disabled children and children who are, in order to survive, forced to live and/or work on the street.

265. The State party has not yet taken fully into account in its legislation and policies the general principles of the Convention: non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6) and respect for the views of the child (art. 12).

266. The Committee is also concerned at the lack of conformity with the spirit and principles of the Convention of legislative provisions with respect to the legal definition of the child. The early marriageable age, the minimum age for employment and the age of criminal responsibility are matters of concern.

267. The Committee expresses its deep concern at the persistence of discriminatory attitudes towards girls, including the practice of early marriage, which hamper the enjoyment of their basic rights. The lower marriageable age for girls than for boys raises serious questions as to its compatibility with the Convention, in particular article 2.

268. In the light of article 30, the Committee is concerned at the lack of measures taken to provide school education in all the existing languages and dialects.

269. The Committee is concerned that appropriate measures have not yet been taken to prevent and combat ill-treatment of children within the family and at the lack of information on this matter. The problems of the exploitation of child labour, in particular the use of young girls as domestic workers, and child prostitution also require special attention.

270. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37 and 40 of the Convention, as well as other relevant United Nations standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, is a matter of concern to the Committee. The Committee is, *inter alia*, concerned that children aged between 16 and 18 years are treated as adults and that children deprived of their liberty are not separated from adults.

(e) Suggestions and recommendations

271. The Committee urgently recommends that the State party publish the Convention in the official gazette.

272. The Committee is of the opinion that greater efforts are required to make the provisions and principles of the Convention widely known and understood by adults and children alike, in accordance with article 42 of the Convention. The Committee wishes to encourage the State party to develop further a systematic approach to increasing public awareness of the participatory rights of children, in the light of article 12 of the Convention.

273. The Committee recommends that periodic training and retraining programmes on the rights of the child be organized for professional groups working with or for children, including teachers, law enforcement officials, social workers and judges, and that human rights and children's rights be included in their training curricula. In this respect, the Committee encourages the authorities to pursue their cooperation with the United Nations High Commissioner/Centre for Human Rights.

274. The Committee recommends that the Government of Morocco consider reviewing the reservation entered upon ratification of the Convention with a view to withdrawing it, in the spirit of the Vienna Declaration and Programme of Action, 4/ adopted in June 1993, in which the World Conference on Human Rights urged States to withdraw reservations to the Convention on the Rights of the Child.

4/ See A/CONF.157/24 (Part I), chap. III.

275. The Committee recommends that the State party take further steps to strengthen coordination

between the different governmental mechanisms involved in human rights and children's rights, at both central and local levels, and to ensure closer cooperation with non-governmental organizations.

276. The Committee also recommends that the State party undertake to gather all necessary data and statistics on the situation of children in the various areas covered by the Convention, including on children belonging to the most vulnerable groups. Efforts should be made to ensure implementation of policies and measures for the promotion and protection of the rights of the child, at both central and local levels, in cooperation with United Nations bodies and specialized agencies, including the United Nations Children's Fund and the International Labour Organization. It is also suggested that a multi disciplinary monitoring system be established to assess the progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, and in particular to monitor regularly the effects of economic change on children. Such a monitoring system should enable the State party to shape appropriate policies and to combat prevailing social disparities and traditional prejudices. The Committee also encourages the State party to consider the establishment of an independent mechanism, such as an ombudsperson for the rights of the child.

277. With respect to article 4 of the Convention, and in the light of the current difficult economic situation, the Committee emphasizes the importance of the allocation of resources to the maximum extent possible for the implementation of economic, social and cultural rights of the child at both the central and local levels, in accordance with the principles of the Convention, in particular those relating to non-discrimination and the best interests of the child (arts. 2 and 3).

278. The Committee recommends that appropriate political and legislative measures be taken to bring legislation into conformity with the Convention and other relevant international norms. In particular, the Committee recommends the reform of the penal and labour codes. It strongly encourages the Government of Morocco to ratify International Labour Organization Convention No. 138 on the minimum age for admission to employment and for that purpose to consider seeking further technical cooperation from the International Labour Organization.

279. The Committee recommends that awareness campaigns concerning the rights of the girl child be pursued in both rural and urban areas. It also urges the State party to implement a comprehensive national policy to promote and protect those rights. It further recommends that in the light of articles 2 and 3 of the Convention, the marriageable age be raised and made equal for girls and boys.

280. The Committee recommends that special protective measures be implemented in relation to children living in rural areas, children who are victims of abuse, children of single-parent families, children born out of wedlock, abandoned, institutionalized and disabled children, children involved with the juvenile justice system, particularly when deprived of their liberty, children involved in child labour and children who, in order to survive, are forced to live and/or work on the street.

281. The Committee encourages the Government of Morocco to take all measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children. It recommends that comprehensive studies be initiated with regard to those important issues to make possible a better understanding of those phenomena

and facilitate the elaboration of policies and programmes to combat them effectively. In this perspective, the Government should pursue its efforts in close cooperation with community leaders and with non-governmental organizations, with a view to promoting change in persisting negative attitudes towards children belonging to the most vulnerable groups.

282. The Committee recommends that the State party envisage undertaking a comprehensive reform of the system of juvenile justice in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, to the protection of the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice. The Committee would like to suggest that the Government of Morocco consider seeking international assistance in this area of the administration of juvenile justice from the United Nations High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations Office at Vienna.

283. Finally, the Committee recommends that, in accordance with article 44, paragraph 6, of the Convention, the initial report presented by Morocco be made widely available to the public at large and that consideration be given to the publication of the report, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, Parliament and the general public, including concerned non-governmental organizations.

CRC CRC/C/132 (2003)

455. The Committee considered the second periodic report of Morocco (CRC/C/93/Add.3) at its 881st and 882nd meetings (see CRC/C/SR.881 and 882), held on 2 June 2003, and adopted, at the 889th meeting (see CRC/C/SR.889), held on 6 June 2003, the following concluding observations.

A. Introduction

456. The Committee welcomes the submission of the State party's second periodic report, which followed the established guidelines. The Committee also takes note of the submission of the written replies to its list of issues (CRC/C/Q/MOR/2), which allowed for a clearer understanding of the situation of children in the State party, although they were submitted too late to be translated into English in time. The Committee acknowledges that the presence of a highly qualified, cross-sectoral delegation directly involved with the implementation of the Convention allowed for a better understanding of the rights of the child in the State party.

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

457. The Committee welcomes the positive developments in the area of human rights, inter alia:

(a) The ratification of the two Optional Protocols to the Convention on the sale of children, child prostitution and child pornography (October 2001), and on the involvement of children in armed conflict (May 2002) and ILO Conventions No. 138 concerning Minimum Age for Admission to Employment (January 2000) and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (January 2001);

(b) The hosting by the State party in recent years of several international conferences on the rights of the child, such as the Arab-African Forum Against the Sexual Exploitation of Children (2001) in preparation for the second World Congress against Commercial Sexual Exploitation of Children (Yokohama, 2001); and the Conference of Arab-African Ministers of Finance (2001) in preparation for the General Assembly special session on children;

(c) The increase in the age of compulsory recruitment into the armed forces to 20 years;

(d) The revision of the law concerning the protection of abandoned children (August 2002);

(e) The adoption of the Criminal Law Procedure containing a special chapter concerning juveniles in conflict with the law (due to enter into force in October 2003);

(f) The nomination of an Ombudsman (December 2002).

C. Factors and difficulties impeding the implementation of the Convention

458. The Committee acknowledges that poverty, the high rate of unemployment and the climatic

conditions have a negative impact on the human and financial resources available for the implementation of the Convention and have increased the financial burden on households for health and education.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Previous recommendations of the Committee

459. The Committee welcomes the publication of the Convention in the *Official Gazette* and the ratification of ILO Convention No. 138, but regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.60) after its consideration of the State party's initial report (CRC/C/28/Add.1) have been insufficiently addressed, particularly those contained in paragraphs 20 to 28, such as the reservation made to article 14 of the Convention, non-discrimination against girls and child labour. Those concerns and recommendations are reiterated in the present document.

460. The Committee urges the State party to make every effort to address the previous recommendations that have not yet been implemented and the concerns contained in the present concluding observations.

Reservations

461. The Committee is concerned at the reservation made to article 14 of the Convention by the State party, which affects the implementation of the rights guaranteed in this article, but welcomes the information given during the dialogue that the State party will reconsider the need for this reservation.

462. The Committee, in line with its previous recommendations (CRC/C/15/Add.60, para. 18) and in light of the 1993 Vienna Declaration and Programme of Action, encourages the State party to reconsider its reservation to article 14 with a view to withdrawing it.

Legislation

463. The Committee welcomes the establishment of a ministerial committee within the Ministry of Human Rights to address the harmonization of domestic law with international human rights instruments, including the Convention. In addition, the Committee takes note of the draft presented to the Government by the National Observatory on the Rights of the Child for such harmonization. However, the Committee remains concerned that there are still discrepancies between domestic legislation and the Convention.

464. The Committee recommends that the State party continue and strengthen its efforts to incorporate into domestic law the rights, principles and provisions of the Convention in order to ensure that all legislation complies with the Convention and that the provisions and principles of the Convention are widely applied in legal and administrative proceedings.

Resources

465. The Committee notes the efforts undertaken to increase the budget allocations for the social sector, but remains concerned at the relatively low level of these allocations as a percentage of the national budget. The Committee is also concerned at the lack of a breakdown of budgetary resources allocated for children in the various ministries. The Committee is further concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the “maximum extent of ... available resources” of economic, social and cultural rights of children.

466. The Committee recommends that the State party:

(a) Make every effort to increase the proportion of the budget allocated to the realization of children’s rights and, in this context, to ensure the provision of appropriate human resources, and to guarantee that the implementation of child policies is a priority;

(b) Develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of children’s rights and to collect and disseminate information in this regard.

Coordination

467. The Committee notes the establishment of the Office of the Secretary of State for Family Affairs and Social Welfare to coordinate all actions regarding children. However, the Committee, noting the information by the delegation that the change of title from Minister of State to Secretary of State does not change its level in the government hierarchy or its mandate, remains concerned that this body does not have the financial and human resources to coordinate the implementation of the Convention throughout the State party effectively.

468. The Committee recommends that the State party empower and provide the necessary financial and human resources to the Office of the Secretary of State for Family Affairs and Social Welfare so that it can effectively and efficiently coordinate the implementation of all areas of the Convention, both between ministries and between national, regional and local authorities.

National plan of action

469. The Committee notes that an evaluation of the 1992 Plan of Action was conducted by a national commission in preparation for the General Assembly special session on children, but remains concerned that the development of a new plan of action has not been started yet.

470. The Committee recommends that the State party take all necessary measures to expedite the preparation of a new plan of action for children and find the most appropriate way to proceed, e.g. through the revitalization of a reconstituted national commission which should include all major actors in the implementation of the Convention.

Independent monitoring structures

471. The Committee notes with appreciation the role of the National Observatory on the Rights of the Child in evaluating progress in the implementation of the Convention, as indicated in the State party's report (para. 71), and the nomination of the Ombudsman, but regrets the absence of an independent monitoring structure with a mandate which would include the power to receive and address individual complaints of violations of the rights of the child.

472. The Committee encourages the State party to consider the establishment of an independent national human rights institution, either as a part of the existing Observatory or Ombudsman's Office or as a separate body, in accordance with the Paris Principles and taking into account the Committee's general comment No. 2 on national human rights institutions, to monitor and evaluate progress in the implementation of the Convention at the national and local levels. In addition, the Committee recommends that the institution be allocated adequate human and financial resources and that its mandate include the power to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively. The Committee encourages the State party to seek technical assistance from, among others, OHCHR and UNICEF.

Data collection

473. The Committee welcomes the statistical data provided by the State party annexed to its report and in the written replies, as well as its intention to establish a national statistical information board. Nevertheless, the Committee remains concerned at the absence of a nationwide mechanism to collect and analyse data on the areas covered by the Convention.

474. The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age and urban/rural area. This system should cover all children up to the age of 18 years with specific emphasis on the particularly vulnerable. It further encourages the State party to use these indicators and data for the formulation of policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from, for example, UNICEF and UNDP.

Training and dissemination

475. The Committee welcomes the 1994 National Programme for Education and Human Rights which is still in its pilot phase and notes with appreciation the efforts made by the State party to publicize widely the principles and provisions of the Convention and to train various groups of professionals working with or for children. The Committee is, however, of the opinion that these measures need to be further strengthened and implemented in a sustained, comprehensive and systematic way.

476. In line with its previous recommendations (*ibid.*), the Committee recommends that the State party:

(a) Continue and strengthen its efforts to disseminate the Convention both among children and the wider public, including by means of appropriate material specifically for children and translated

into the various languages spoken in the State party, notably in the Tamazight language and Moroccan dialect;

(b) Continue and strengthen in a more systematic and sustained manner its education and training programmes on the principles and provisions of the Convention for all professional groups working for and with children, such as judges, lawyers, law enforcement officials, civil servants, teachers, health personnel, social workers and religious leaders.

2. Definition of the child

477. The Committee notes the positive measures taken to bring the different age requirements into full compliance with the Convention, inter alia by raising the minimum age of admission to employment to 15 years. While noting the statement of the delegation that the State party intends to increase the minimum age of marriage for girls to 18 years, the Committee remains concerned at the disparity in the minimum ages of marriage for boys (18 years) and girls (15 years).

478. The Committee recommends that the State party rectify the disparity in the minimum age of marriage for boys and girls by raising the minimum age of marriage for girls to that of boys.

3. General principles

Right to non-discrimination

479. The Committee welcomes the efforts undertaken to fight against gender discrimination within the framework of a national plan of action, but remains concerned by the persistence of, in particular, direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to personal status (e.g. inheritance, custody and guardianship), which is incompatible with article 2 of the Convention. The Committee is further concerned that a child born of a Moroccan mother and a non-national father cannot acquire Moroccan citizenship by birth. The Committee is concerned at the persistent disparities between different regions and between rural and urban areas.

480. In accordance with article 2 of the Convention, the Committee recommends that the State party continue and strengthen its measures, including enacting or rescinding civil and criminal legislation where necessary, to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The Committee further recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family, and train members of the legal profession, especially the judiciary, to be gender-sensitive. Religious leaders should be mobilized to support such efforts.

481. The Committee requests that specific information be included in the next periodic report on measures and programmes relevant to the Convention on the Rights of the Child taken by the State party as a follow-up to the Declaration and Programme of Action adopted by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking into account the Committee's general comment No. 1 on article 29 (1) (aims of education).

Best interests of the child

482. The Committee is concerned that in actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not always a primary consideration, including in matters relating to family law (e.g. custody under the law is determined by the child's age rather than the child's best interests).

483. The Committee recommends that the State party in its review of legislation and administrative measures ensure that article 3 of the Convention is duly reflected therein and taken into consideration.

Respect for the views of the child

484. The Committee welcomes the establishment of the Children's Parliament and the development of a model for Children's City Councils, but remains concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children on the part of schools, courts, administrative bodies and, especially, the family.

485. The Committee recommends that the State party:

- (a) Support and strengthen the activities of the Children's Parliament and develop effective and adequately resourced Children's City Councils;
- (b) Promote and facilitate, within the family, the schools, the courts and administrative bodies, respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;
- (c) Develop skills-training programmes in community settings for teachers, social workers, local officials and religious leaders to enable them to assist children to express their informed views and opinions and to take those views into consideration;
- (d) Seek assistance from UNICEF, among others.

4. Civil rights and freedoms

Birth registration

486. The Committee welcomes the new law on birth registration that has been in force since May 2000, but remains concerned at the rather low level (85.5 per cent) of birth registration.

487. The Committee recommends that the State party ensure effective implementation of the new law, supported by awareness-raising campaigns concerning the importance of birth registration, in order to achieve 100 per cent birth registration by May 2008.

Right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment

488. The Committee notes the efforts undertaken by the State party to raise awareness among law enforcement personnel, but remains deeply concerned about allegations of ill-treatment of children by law enforcement officers.

489. The Committee recommends that the State party:

- (a) Take all necessary measures to prevent all forms of ill-treatment by law enforcement officers or any other officials;
- (b) Set up child-sensitive mechanisms to receive, investigate and prosecute complaints against law enforcement officials regarding ill-treatment during arrest, questioning and police custody and in detention centres;
- (c) Strengthen its efforts to train law enforcement personnel on the human rights of children;
- (d) In light of article 39, take all appropriate measures to ensure the physical and psychological recovery and social integration of child victims of torture and/or ill-treatment.

5. Family environment and alternative care

Children deprived of a family environment

490. The Committee expresses its concern at the large number of children who are placed in institutions and at the living conditions in these institutions, and at the increasing number of children who are abandoned by their parents.

491. The Committee recommends that the State party:

- (a) Undertake a study to assess the situation of children placed in institutions, including their living conditions and the services provided;
- (b) Develop programmes and policies to prevent the placement of children in institutions, inter alia by providing support and guidance to the most vulnerable families and by conducting awareness-raising campaigns;
- (c) Take all necessary measures to allow children placed in institutions to return to their families whenever possible and consider the placement of children in institutions as a measure of last resort;
- (d) Set clear standards for existing institutions and ensure periodic review of the placement of children, in light of article 25 of the Convention.

Alternative care

492. The Committee welcomes the adoption of Dahir No. 1-02-172 in June 2002 revising Dahir No. 1-93-165 which regulates the *kafalah* system, but is concerned that its implementation may encounter difficulties. In addition, the Committee is concerned that in practice more girls than boys benefit from *kafalah*.

493. The Committee recommends that the State party take all necessary measures to fully implement the new dahir on the *kafalah* system in order to ensure that:

- (a) A judicial decision is at the origin of the placement of the child;
- (b) All social benefits are attributed to these children in the same way as is done for other children;
- (c) Effective mechanisms to receive and address complaints from children are established, standards of care are monitored and, in light of article 25 of the Convention, placement is reviewed periodically;
- (d) Boys and girls are given the same opportunities under *kafalah*.

Illicit transfer and non-return of children abroad

494. The Committee is deeply concerned at the existence of difficulties in the implementation of decisions of the courts regarding custody and visitation rights for Moroccan children one of whose parents live outside Morocco and for foreign children one of whose parents is Moroccan.

495. The Committee recommends that the State party undertake all necessary efforts to strengthen dialogue and consultation with relevant countries, as mentioned in the State party's report (para. 258), notably those with which the State party has signed an agreement regarding custody or visitation rights, and ratify the Hague Convention on the Civil Aspects of International Child Abduction of 1980.

Violence, abuse, neglect and maltreatment

496. The Committee notes the establishment of a committee of experts to draft a national strategy to fight child abuse and the exploitation of children and the various initiatives undertaken to raise awareness on this issue, such as the note sent in 2000 by the Ministry of Education to all education professionals directing them to refrain from administering corporal punishment. However, the Committee remains concerned at the apparently ongoing, and rather common, use of corporal punishment in schools; the lack of awareness of and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children; and the insufficient financial and human resources allocated to programmes to combat the abuse of children. Moreover, the Committee is concerned at the age-limit set in the legislation regarding certain types of violence against children as children over 12 do not benefit from the same protection as younger children (report, para. 183).

497. In light of article 19 of the Convention, the Committee recommends that the State party:

- (a) Conduct a study to assess the root causes, nature and extent of ill-treatment and abuse of children, and design policies and programmes to prevent and combat it;
- (b) Take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, in schools and in institutions;
- (c) Amend its legislation regarding the existing age-limit for special protection against violence;
- (d) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;
- (e) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;
- (f) Investigate and prosecute cases of ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;
- (g) Provide facilities for the care, recovery and reintegration of victims;
- (h) Train parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of ill-treatment;
- (i) Seek assistance from, among others, UNICEF and WHO.

6. Basic health and welfare

Health and health services

498. The Committee notes the sustained commitment by the State party to implement its primary health policies, notably through several national programmes, including the National Immunization Programme and the Programme for Integrated Management of Childhood Illness. However, the Committee remains concerned at the relatively high child, infant and maternal mortality rates; the lack of coordination between the various existing health programmes; the important disparities between rural and urban areas regarding access to health services; the high incidence of iodine-deficiency disorders; and the decreasing use of breastfeeding, taking into account the existence of a national strategy for breastfeeding.

499. The Committee recommends that the State party:

- (a) Strengthen its efforts to allocate appropriate resources, and develop, adopt and implement coordinated policies and programmes to improve and protect the health situation of children, particularly in the rural regions;
- (b) Facilitate greater and equal access to primary health services, reduce the incidence of

maternal, child and infant mortality, prevent and combat iodine-deficiency disorders and promote proper breastfeeding practices;

- (c) Seek technical assistance from, among others, WHO and UNICEF.

Adolescent health

500. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns, and substance abuse. The Committee is also concerned at the particular situation of girls, given, for instance, the high percentage of early pregnancies, which can have a negative impact on their health and education.

501. The Committee recommends that the State party:

- (a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of children and adolescents, and use this study as a basis for the formulation of adolescent health policies and programmes, paying particular attention to adolescent girls;
- (b) Strengthen sexual and reproductive health education and mental health and adolescent-sensitive counselling services and make them accessible to adolescents.

HIV/AIDS

502. The Committee welcomes the adoption of the National Strategic Plan to Fight AIDS, but remains extremely concerned at the increasing prevalence of HIV/AIDS amongst adults and children.

503. The Committee recommends that the State party:

- (a) Increase its efforts to prevent HIV/AIDS, taking into account the Committee's general comment No. 3 on HIV/AIDS and the rights of children;
- (b) Seek further technical assistance from, among others, UNICEF and UNAIDS.

Children with disabilities

504. The Committee notes the establishment of the Ministry of State for Disabled Persons and the adoption of Act 05-82 on the social protection of disabled persons and of Act 07-92 which provides a legal framework for the implementation of the previous Act. The Committee remains concerned at the lack of statistical data on children with disabilities in the State party, at the situation of children with physical and mental disabilities and, in particular, at the limited specialized health care, education and employment possibilities available to them, as well as at the very high rate of illiteracy among children with disabilities.

505. The Committee recommends that the State party:

- (a) Ensure the collection and use of adequately disaggregated and comprehensive data for the development of policies and programmes for children with disabilities;
- (b) Review the situation of these children in terms of their access to suitable health care, education services and employment opportunities and allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field;
- (c) Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339);
- (d) Seek assistance from, among others, UNICEF and WHO.

Standard of living

506. The Committee notes the efforts undertaken by the State party, notably through the National Five-Year Plan for Social and Economic Development (2000-2004), but remains concerned about the large number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, children living in remote rural areas and street children. In addition, the Committee is concerned that not many children benefit from the social security system.

507. In accordance with article 27 of the Convention, the Committee recommends that the State party:

- (a) Strengthen its efforts to provide support and material assistance to economically disadvantaged families, including single-parent families, and to guarantee the right of children to an adequate standard of living;
- (b) Extend further and strengthen the social security coverage;
- (c) Consider preparing a poverty reduction strategy with special emphasis on vulnerable children and their families;
- (d) Seek assistance from United Nations agencies and donors.

7. Education, leisure and cultural activities

508. The Committee also welcomes the efforts undertaken by the State party in this regard through the Five-Year Development Plan, as well as through the National Programme for Education and Human Rights launched in 1994, and the programme of cooperation with UNICEF to increase the school enrolment of girls (1997-2001), but remains concerned at the high illiteracy rate, notably among women. In addition, the Committee is concerned at the high dropout and repetition rates, gender and regional disparities in the education system, the cost of primary education (supplies, textbooks, etc.) and the decreasing enrolment in early childhood education. The Committee is further

concerned at the decrease in the portion of the national budget allocated to education; at the living conditions of teachers, which affect the quality of education; and at the difficulties faced by the vocational training system (report, para. 518).

509. The Committee recommends that the State party:

- (a) Progressively ensure that girls and boys, from urban, rural and least developed areas, all have equal access to educational opportunities, without any financial obstacles;
- (b) Take the necessary measures, including the allocation of adequate financial, human and technical resources, to ensure better internal efficiency in the management of education, taking into account general comment No. 1 on article 29 (1) (aims of education);
- (c) Pursue its efforts to introduce human rights, including children's rights, into the school curricula, as foreseen in the National Programme for Education and Human Rights;
- (d) Seek to implement additional measures to promote early childhood education and to encourage children to stay in school, and adopt effective measures to reduce illiteracy rates;
- (e) Continue cooperation with UNESCO and UNICEF in improving the education sector.

8. Special protection measures

Children affected by armed conflict

510. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the involvement of children in armed conflict and the setting of the minimum age for compulsory recruitment into the armed forces at 20 years, but remains concerned at the situation of children living in Western Sahara.

511. In light of article 38 of the Convention, the Committee recommends that the State party take all feasible measures to ensure full protection and care of children who are affected by the armed conflict taking place in Western Sahara.

Migrant children

512. The Committee is deeply concerned at the situation of Moroccan children who are deported, notably in the cities of Ceuta and Melilla in Spain. In particular, the Committee is concerned at allegations of police brutality against such children. The Committee is further concerned that these children, once they are back on the territory of the State party, do not receive adequate protection or assistance and that their situation is not monitored.

513. Taking into consideration its recommendations to Spain (CRC/C/15/Add.185, para. 46), the Committee recommends that the State party take all necessary measures:

- (a) To prevent unaccompanied children from migrating to other countries, including by offering them opportunities for education;
- (b) To coordinate with the Government of Spain to ensure that when children are repatriated from Spain to Morocco, they are returned to family members willing to care for them or to an appropriate social service agency for their care and rehabilitation;
- (c) To investigate in an effective way reported cases of ill-treatment of returned children.

Economic exploitation, including child labour

514. While noting the efforts of the State party to prevent and combat child labour (ratification of ILO Conventions Nos. 138 and 182, ILO/IPEC programme to fight child labour), the Committee is concerned that the incidence of economic exploitation remains widespread in the agricultural and handicraft sectors, including metalworking and jewellery-, carpet- and mosaic-making. The Committee is also deeply concerned at the situation of domestic servants (*petites bonnes*), mostly girls, who are subjected to harsh working conditions and abuse.

515. The Committee recommends that the State party:

- (a) Continue to strengthen its integrated strategy to fight all forms of economic exploitation of children;
- (b) Bring existing laws into full compliance with ILO Conventions Nos. 138 and 182, notably by enacting the new Labour Code, strengthen its labour inspectorates in terms of quantity and quality to ensure that labour laws are enforced, and protect children from economic exploitation, particularly in the informal sectors;
- (c) Provide social rehabilitation for economically exploited children, notably by reintegrating them in the educational system;
- (d) Take all necessary measures to prevent and end the practice of children working as domestic servants (*petites bonnes*) through a comprehensive strategy, notably by conducting debates and awareness campaigns, providing guidance and support to the most vulnerable families, and addressing the root causes of the phenomenon;
- (e) Continue cooperation with ILO/IPEC.

Sexual exploitation

516. The Committee welcomes the hosting by the State party of the Arab-African Forum Against the Sexual Exploitation of Children in preparation for the Yokohama Conference and notes that the Penal Code is under review regarding this issue, but remains concerned at the high incidence of sexual exploitation in the State party. The Committee is also concerned at the fact that the legislation of the

State party does not protect all children below 18 years from sexual exploitation, as various ages have been set in several acts regarding sexual exploitation. The Committee is further concerned at the status of child victims of sexual exploitation who may be treated as offenders.

517. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party:

- (a) Extend the protection from sexual exploitation in all relevant legislation to all boys and girls below the age of 18 years;
- (b) Ensure that child victims of sexual exploitation are never considered as offenders but rather benefit from programmes for their rehabilitation and recovery;
- (c) Undertake studies with a view to assessing the scope of commercial sexual exploitation of children, including prostitution and pornography;
- (d) Develop and implement an integrated strategy to fight sexual exploitation of children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

Street children

518. The Committee welcomes the study on street children undertaken by the State party (report, para. 318), but expresses its concern at their increasing number and at the lack of specific policies and programmes to address this situation and to provide these children with adequate assistance.

519. The Committee recommends that the State party:

- (a) Establish a comprehensive strategy to address the large and increasing number of street children with the aim of protecting them and of preventing and reducing this phenomenon;
- (b) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;
- (c) Ensure that these children are provided with recovery and reintegration services when they are victims of physical, sexual and substance abuse, protection from arrest by the police and services for reconciliation with their families, alternative families and community;
- (d) Collaborate with NGOs working with street children in the State party and seek technical assistance from, among others, UNICEF.

Children in conflict with the law

520. The Committee welcomes the adoption of a new Penal Procedure Code (August 2002) and

the fact that under this Code all children from 12 to 18 years who are in conflict with the law are accorded the full protection and special provisions of the Convention, but remains concerned that the full implementation of the Convention and related relevant standards may be hampered, inter alia by the lack of sufficient resources.

521. The Committee recommends that the State party take all appropriate measures to implement in an effective manner the new Penal Procedure Code, ensuring that the new system is in conformity with the Convention, in particular articles 37, 39 and 40, and with other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

522. In addition, the Committee recommends that the State party:

- (a) Undertake all necessary measures for the establishment of a sufficient number of juvenile courts and continue the training of juvenile judges;
- (b) Use deprivation of liberty (institutionalization) only as a measure of last resort and for the shortest possible period of time;
- (c) Protect the rights of children deprived of their liberty and monitor the conditions of their detention, and ensure that children remain in regular contact with their families while in the juvenile justice system;
- (d) Strengthen rehabilitation and reintegration programmes;
- (e) Consider seeking technical assistance from, among others, OHCHR, the Centre for International Crime Prevention and UNICEF.

Minorities

523. The Committee is concerned that children belonging to the Amazigh community cannot always exercise their rights to their own culture, the use of their own language and the preservation and development of their own identity. In particular, the Committee is concerned that parents are not allowed to give Amazigh names to their children.

524. In line with the recommendations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.57), the Committee recommends that the State party take all necessary measures to ensure that children belonging to the Amazigh community can exercise their rights to their own culture, the use of their own language and the preservation and development of their own identity. In particular, the Committee recommends that the State party allow parents from that community to give Amazigh names to their children.

9. Dissemination of documentation

525. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs. The Committee recommends that the State party request international cooperation in this regard.

10. Periodicity of submission of reports

526. In light of the recommendation on reporting periodicity adopted by the Committee (see CRC/C/114 and CRC/C/124), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. The Committee recommends that the State party submit its next periodic report on 20 January 2009, 18 months before the date of its next report according to the timetable provided in the Convention. This report will combine the third and fourth periodic reports, and should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.