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COMMITTEE ON ECONOMIC, SOCIAL  
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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL  
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Replies by the Government of Morocco to the list of issues (E/C.12/Q/MAR/2) to be taken up in connection with the consideration of the third periodic report of Morocco concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.29).

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[30 November 2005]

## I. GENERAL INFORMATION

1. Please provide updated information on factors and difficulties that impede the State party's ability to implement its obligations under the Covenant, especially in Western Sahara.

The period following the submission of the third periodic report on the International Covenant on Economic, Social and Cultural Rights was marked by the launch of a national initiative for human development that was announced by His Royal Highness King Mohamed VI on 18 May 2005. The initiative, which is a major undertaking, is based on a comprehensive vision of the construction of a modern Moroccan State founded on democracy, the law and human rights. The initiative opened the way for the implementation of structural reforms and projects designed to further the development process in accordance with a strategy that focuses on the economic, social and cultural dimensions of human development. As His Majesty the King said in an address on 20 August 2005: "It is an epic challenge involving major strategic projects like the Tangiers-Mediterranean project, the construction of basic infrastructure, human resources training, regional programmes and local development initiatives which encourage free enterprise and self-employment and strengthen social solidarity." The initiative is a charter drawn up by the Government of Morocco in order to implement its plan of action in cooperation with partners from local communities, the private sector, civil society and regional and international organizations, and on behalf of all parties in the Kingdom. The initiative targets all social strata throughout the country. However: "The first step in implementation of the initiative - which is designed to achieve social integration - must be taken on the basis of objective criteria that take account of the urgency of, and pressing need for, social rehabilitation of beneficiaries. Priority must be given to 360 rural communities and 250 of the poorest and most marginalized urban areas, as well as groups and individuals living in difficult circumstances and suffering from isolation and disabilities." The approach underlying this initiative, which is designed to achieve the Millennium Development Goals, to which Morocco subscribes, is based on promoting social assistance, social solidarity and economic and regional renewal in the context of national unity.

Efforts to implement the initiative and various social projects have continued in spite of the economic difficulties with which Morocco has had to contend in the past few years, such as:

- A large debt burden;
- Poor harvests in 2004-2005;
- Rising oil prices;
- The Hasima earthquake;
- A locust infestation in the south; and
- The growing number of young persons who, according to the 2004 general population census, are looking for employment each year.

In any event, Morocco's commitment to internationally recognized human rights remains undiluted, as confirmed by the constitutions of 1992 and 1996 and by His Majesty the King on more than one occasion, in particular in the address which he gave on 10 December 1999 to mark the fiftieth anniversary of the Universal Declaration of Human Rights. On that occasion, he spoke of the need to defend and promote human rights and to disseminate a human rights culture.

The special attention which the Saharan regions have been accorded since 1976 is reflected in social, economic and cultural programmes geared towards the development of construction works, health and education services, basic infrastructure, the administration, the economy, services, sports and culture. The same attention is paid to the national initiative for social development. Following its establishment, the Development Agency for Southern Morocco designed an integrated development programme worth 8 billion dirhams and consisting of a series of ambitious programmes intended to satisfy the hopes of the population. The programmes utilize the region's human and natural resources to build up basic infrastructure, expand electricity, drinking water and road networks, make administrative structures more accessible to the public, universalize education, provide decent housing and medical and sports facilities, promote Saharan culture, and organize local festivals to celebrate the region's cultural heritage. These programmes also cater for the economic side by supporting the fishing sector, especially sea fishing, as well as tourism, traditional industries and the establishment of economic projects which will turn the region into an economic pole with distinctive characteristics that complement those of other regions, but one that benefit all Moroccans, both in the north and south of the country, without any distinction or discrimination in accordance with the principles enshrined in the Constitution.

2. Please provide updated information on the results of initiatives taken by the State party to tackle the debt burden.

Although the foreign debt burden remains large, the macropolicy climate has improved, prompting Morocco to adopt a strategic debt management policy with several main focuses:

- Reducing the budget deficit to not more than 3 per cent of gross domestic product (GDP);
- Financing the treasury;
- Introducing the necessary reforms to develop and modernize the domestic financial market, and choosing the best methods of using the market to finance the State.

Numerous initiatives have been undertaken to deal with the debt burden in the context of the Government's proactive debt management policy, including:

**(a) Debt-to-investment conversion**

The purpose of this strategy is to convert foreign debt into investments. This mechanism was developed based on the outcomes of the fifth and sixth meetings held with the Paris Club on

the rescheduling of Morocco's debts. Morocco has endeavoured to expand the scope of the mechanism to include other creditors outside the Paris Club and has created the following two tools for the purpose:

- With regard to public debt conversion, the creditor forfeits the debt in exchange for the debtor using it for economic and social projects;
- As for private debt, a foreign investor whose project has been approved buys Moroccan debt at a discount from the lending State and then sells it to Morocco.

**(b) Dealing with highly expensive debt**

Two methods are used:

- Replacing the old debt with a new debt on more favourable terms;
- Renegotiating with lenders in order to reduce the original interest rate.

**(c) Dealing with financial risks**

This strategy is designed to reduce the risks associated with fluctuations in exchange rates and interest rates. The following measures have been taken:

- Debts in Japanese yen and United States dollars have been converted into euros;
- A master derivatives agreement was signed with the World Bank to allow for currency and interest rate swaps on some Bank loans;
- A loan issued by the World Bank was converted into euros and given a fixed rate of interest.

It is worth noting that most debt reduction activities have yielded positive results on the financial and economic fronts.

**1. On the financial front:**

- A large currency reserve has been accumulated, since converted debt is purchased in local currency;
- The public debt has shrunk by over \$1 billion.

**2. On the economic front:**

Debt-to-investment conversions have paved the way for the implementation of educational, health and agricultural development projects. Spending on such projects exceeds \$4 billion and over 1,200 jobs have been created.

As a result of this debt management strategy and concerted endeavours to apply a cautious borrowing policy, Morocco has managed to score important successes, as described hereunder.

- By the end of 2004, total public foreign debt had been brought down to \$14 billion, as compared with a figure of \$22.5 billion at the end of 1995;
- Government foreign debt fell from \$15.7 billion to \$8.5 billion over the same period;
- The debt-to-GDP ratio fell by 42 percentage points, levelling off at 26 per cent. This year, it has fallen 18 points vis-à-vis the balance of payments, levelling off at 12 per cent.

3. Please provide information on whether the mandate of the Human Rights Advisory Council also covers economic, social and cultural rights.

The Human Rights Advisory Council was restructured pursuant to a royal decree that was issued on 10 April 2001 in the light of the Paris Principles on national human rights institutions. The third reason given for the restructuring exercise was that it was consistent with ongoing efforts to promote human rights, safeguard freedoms, strengthen a State based on the rule of law and enhance the dignity of citizens in the context of a vision of human rights as a powerful motor for development which takes account of all areas of human rights, including political, civil, economic, social and cultural rights.

The Council, as an advisory body to his Majesty the King and by virtue of its membership structure and functions, concerns itself with human rights in the broad sense of the term - i.e. any matters likely to further and defend the human rights gains which Morocco has scored and to promote a human rights culture. The Council operates in its capacity as “an institution responsible for assisting His Majesty the King in all issues that relate to the dignity and freedoms of citizens, groups and structures” (Decree, art. 1).

In view of the priorities which the Council included in its programme of work for the post-restructuring phase, five working groups made up of different members of the Council were set up to carry out the following tasks:

- Promoting a human rights culture;
- Protecting human rights against violations;
- Human rights and social (political, economic and cultural) development;
- Studying laws and general policies;
- External relations.

The Council held brainstorming sessions on the subject of economic, social and cultural rights in order to draw up scenarios and recommendations for its work.

## **II. GENERAL LEGAL FRAMEWORK**

4. Please indicate the status of the Covenant in the legal order of the State party, and provide information on cases which have been brought before domestic courts involving violations of rights enshrined in the Covenant.

The preamble to the Moroccan Constitution makes a commitment to internationally recognized human rights. After gaining independence, Morocco joined the United Nations and signed and ratified the principal human rights instruments. It diligently submits periodic reports on these instruments, harmonizes its domestic legislation with their provisions, works to withdraw the reservations it has made to them, and abides by the principle of the primacy of international treaties over domestic law in the event of conflict between the two. This is confirmed by a body of jurisprudence; judgements take account of the principles embodied in international treaties, including the International Covenant on Economic, Social and Cultural Rights, as soon as the instruments are signed, ratified and published in the Official Gazette. Morocco is in the process of harmonizing all its domestic legislation with international treaties and will provide, in its response to questions 11 and 16, information about cases brought before the courts involving violations of principles enshrined in the Covenant.

### **III. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

#### **Article 2 (2) - Non-discrimination**

5. Please provide information on the concrete steps taken by the State party to implement the provisions of the Covenant relating to non-discrimination, particularly with regard to the population of Western Sahara.

As stated in article 5 of the Constitution, all Moroccans have equal rights and duties and are equal before the law without any distinction based on sex, language, religion, ethnic origin or political, cultural or regional identity. The ethnic composition of the population, which is made up of Arabs and Amazighs, has been a constant source of diversity and an asset which help to strengthen national unity. Muslims, Christians and Jews have been living side by side for centuries and mosques, churches and synagogues coexist in peace and harmony. Women and men enjoy the same rights and have the same responsibilities. For years, Morocco has been working to give women the status that they deserve as representatives of one half of society and active partners in development.

The differences in cultural traditions, customs and heritage between groups in the northern, southern, central, Atlas and Saharan regions and between Arabs, Amazighs, Jews and Christians, have never been a divisive factor but rather enhance national unity. This is a rule which applies to all and on which everyone agrees, including Moroccans in the Saharan regions. Persons from these regions are given equal consideration with regard to legal transactions, legal treatment, the channelling of investments and the creation of employment opportunities in accordance with the principle of equal conditions of life, equal investment of resources and equal sharing of wealth. The new provisions embodied in the Criminal Code strengthen protection against discrimination, as defined by the legislature in broad terms and in keeping with the

international definition. The definition refers to: “Any discrimination among individuals on grounds of national or social origin, colour, sex, family or health status, disability, political opinion, trade union membership, or actual or presumed membership or non-membership of a particular race, nation, ethnic group or religion” (431-1). On the basis of the aforementioned definition, discrimination is punished by a term of from one month to two years’ imprisonment and a fine of between 1,200 and 250,000 dirhams.

In addition, this principle is defended by the Diwan al-Madhalim (the Ombudsman’s Office), the administrative courts and institutions which receive complaints from individuals and groups about violations of any kind. Anyone who feels that he has suffered discrimination at the hands of an individual, a group or an organization can seek redress from the aforementioned bodies.

### **Article 3 - Equal rights of men and women**

6. Please provide updated information on the progress of the reform of the Personal Status Code proposed by the Royal Commission (report, paras. 69 ff.).

The development of family law and improvement of the circumstances of families are priorities for the major policy choices that Morocco has made. With regard to the Family Code and the courts established for its implementation, the efforts of the Ministry of Justice and the Government have all been geared towards its successful implementation. On 3 March 2001, His Royal Highness King Mohammed VI, having heard submissions from women activists on amendments to the Personal Status Code, took the initiative of setting up a royal commission to revise the Code. The Committee, having held numerous meetings and concluded numerous agreements, produced a draft which it submitted to His Majesty the King. The draft Code was forwarded to the Parliament for approval and consideration of the modalities for implementing the Code and simplifying and speeding up the processing of cases in accordance with its terms. Draft amendments were submitted on particular articles of the Code of Civil Proceedings with a view, in particular, to replacing the slow and complicated written procedure used for maintenance and divorce cases with oral proceedings; reducing the length of time it takes to obtain a ruling; giving the orders and judgements issued in such cases binding legal force; and raising the profile of the Department of Public Prosecutions to enable it to play its oversight role as a key party involved in the application of the Code. With a view to creating appropriate facilities for family divisions, the following steps were taken:

- Twenty divisions were installed in separate and appropriate buildings;
- Separate wings were set aside for 38 divisions in courts of first instance;
- Eight divisions are headquartered in courts of first instance.

Family judges were appointed in 180 judicial centres, and counselling bureaux, which use modern methods to facilitate consultations with litigants, were set up at the centres. In order to guarantee that the initiative got off to the best possible start, senior judges were appointed to preside over the family courts. Permanent structures with competence for hearing cases under the jurisdiction of these divisions were set up under the auspices of judges of the Department of

Public Prosecutions. It may be worth noting that the Family Code pays particular attention to the Moroccan expatriate community and to finding solutions to deal with any changes in their family circumstances. Moroccan judges employed as notaries public by some embassies have been engaged as family judges, respectively, in France, the Netherlands, Belgium, Italy, Germany and Spain. Moreover, in order to deal with cases of persons whose economic circumstances make it impossible for them to comply with maintenance orders, the idea was mooted of establishing a family solidarity fund. The Prime Minister commissioned a ministerial unit to conduct an in-depth study of the modalities for creating such a structure.

In the year after the Family Code entered into force, manuals, commentaries, decrees and memorandums were issued to facilitate implementation on the ground.

7. Please provide additional information on specific measures taken to ensure women's rights, in particular measures to promote women's effective participation in decision-making affecting the sustainable development of the country.

Article 8 of the Constitution states: "All citizens are entitled to have access to government jobs and public office under the same conditions of eligibility." Anyone can participate in the running of the country's public affairs and in efforts to develop and modernize the country. Morocco established, and is working to develop and update, a legal framework to further the right to participation in public affairs. It introduced numerous legislative reforms aimed at promoting the human rights recognized in laws and creating new legal conditions that favour women. This provided a powerful impetus for the promotion of equal political rights for men and women, allowing women to play a more active part in political decision-making. For example, some productive techniques were used to get more women into parliament using a form of positive legal discrimination; 10 per cent of the 325 seats in parliament have now been set aside for women (quota system). This approach was first used some years ago to enable women to have access to important posts and functions in the three powers of the State. This choice is progressively promoting women's entry into the highest positions of responsibility in different bodies, positions and areas.

8. Please provide updated information on the present status of women, particularly with regard to inheritance rights, divorce and polygamy.

**(a) Polygamy**

If the Family Code makes polygamy subject to authorization by a court, whenever justified by exceptional circumstances, the conditions laid down by the Code and the procedures which courts must follow when dealing with the issue have helped to reduce the scale of this phenomenon. In the first three months after the introduction of the Code, there was a marked fall, of 10 per cent, in the number of cases of polygamy. This does not include 186 cases. Thus, real limits have been placed on polygamy, which the courts will only authorize if a husband can prove that his wife will receive just and equal treatment in all areas of life. If exceptional and compelling reasons can be evinced for a second marriage, the first wife must be summoned to give her consent. The second wife must be told and accept the fact that the husband has another wife and the first wife is entitled to demand a dissolution on grounds of injury. These are the procedures and rules which regulate this matter and they effectively curb polygamy in practical terms.



**(b) Divorce**

Divorce is the dissolution of a marriage contract and is undertaken by men and women, depending on their respective legal circumstances, in the light of the new provisions of the Code and under court supervision. Special rules have been introduced to curb arbitrary divorce and to strengthen conciliation and mediation mechanisms through the intervention of the family and a judge. Thus, whenever a divorce happens, the court will protect all the woman's rights before authorizing the divorce. The new procedure makes divorce subject to prior authorization by a court and prohibits the registration of a divorce until the husband has paid all he owes to the wife and children. An oral pronouncement of divorce is not normally accepted. With regard to dissolution of marriage, women have been given broader rights to apply for a dissolution if the husband breaches the terms of the marriage contract or injures the wife by failing to pay maintenance, leaving the home, behaving violently or harming her in any other way.

During the period from the date of the issuance of the Code until 31 December 2004, the courts registered a total of 10,449 cases. If we compare this figure with the number of cases of divorce registered during the same period, we will see that, depending on the area, the total number fell by between 27 and 72 per cent. The percentage of divorces pronounced by the husband fell by 9.19 per cent, confirming the validity of the choice which the Code made of attempting to reconcile spouses and to resolve disputes which jeopardize family stability. At the same time, the number of divorces instituted by women fell by 75 per cent. These used to be the most common kinds of divorce, but have now declined sharply, accounting for only 24 per cent of the total number.

**(c) Inheritance**

What is new about the Family Code is that it gives grandchildren on the mother's side the same inheritance rights as grandchildren on the father's side based on the legal principle that there is no legitimate reason why wills should deny them this right.

Members of the human rights and women's movements and all political forces agree that these reforms are a quantum leap in terms of recognizing women's rights, improving the situation of families and offering greater protection by creating conditions more conducive to social cohesion and social stability.

**IV. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED  
IN THE COVENANT (arts. 6-15)**

**Article 6 - The right to work**

9. Please provide disaggregated statistics on the unemployment situation in the State party following the adoption of the new Labour Code. In addition, please provide information on results of the measures described in the report (*ibid.*, paras. 90 ff.).

The new Labour Code entered into force in October 2003. Its enactment was a significant achievement for the working class because of the provisions contained therein and the rights which it promotes in light of the country's socio-economic circumstances. Unemployment

remains high, although it did decline in 2004, and fell sharply in the final quarter of 2004, compared with the same period in 2003. Unemployment fell from 12.3 to 10.4 per cent of economically active persons over 15 years of age, a drop of 1.9 points nationally. There was a corresponding fall in urban and rural unemployment during the same period; urban unemployment dropped from 20.4 to 18 per cent, while the rural average fell from 4.1 to 2.5 per cent. The fall in unemployment affected almost all economically active groups. In September 2005, a national debate was held on employment, bringing together all stakeholders. The event led, inter alia, to the adoption of recommendations and initiatives to reduce unemployment and create opportunities for young persons to set up small businesses.

#### **Article 7 - The right to just and favourable conditions of work**

10. Please indicate what specific measures have been taken to effectively implement Covenant provisions on equal pay for work of equal value, which is also established in the Constitution.

The Labour Code prohibits all forms of wage discrimination that violate the principle of equality of opportunity. It also prohibits wage discrimination between men and women, placing an equal value on the work that they do in keeping with International Labour Organization Convention No. 100 of 1951, concerning equal pay, which Morocco ratified in 1979, and with the Constitution. Article 9 of the Code states: "It is prohibited to discriminate among wage earners on grounds of descent, colour, sex, disability, marital status, creed, political opinion, trade union membership, or national or social origin and also in violation of, or derogation from, the principle of equality of opportunity or treatment with respect to employment or recruitment, particularly of employees, the management and assignment of work, vocational training, pay, promotion, the right to social benefits, disciplinary measures and dismissal."

Article 12 of the Code imposes a fine of 1,500 dirhams for discriminating between men and women with respect to wages and doubles the penalty in the event of recidivism.

Labour inspectors who visit industrial, services and agricultural facilities verify compliance with legislative provisions guaranteeing effective wage equality.

11. Please indicate the number of cases involving violence or sexual harassment in the workplace that have been brought before the courts, following the reform of the Labour Code, which makes these acts criminal offences.

With regard to cases of violence or sexual harassment in the workplace that were brought before the courts following the entry into force of the Labour Code, the figures for 2004 are provided hereunder:

- Rape: 38 cases;
- Rape of a virgin: 17 cases;
- Violence resulting in a period of sick leave of less than 20 days: 52 cases;
- Violence resulting in a period of sick leave of over 20 days: 6 cases.

### **Article 8 - Trade union rights**

12. Please provide updated information regarding the State party's process of accession to International Labour Organization (ILO) Convention No. 87, concerning Freedom of Association and Protection of the Right to Organize.

Trade union organizations play a fundamental role in the development of the national economy. They make a constructive contribution to social relations in the context of negotiations and the world of work, helping to strengthen the bargaining skills of the social partners when finalizing collective employment agreements. In this way they further the principle of citizens' active participation in trade union negotiations designed to improve working conditions and the workplace environment. They do this in accordance with the labour rights and freedoms recognized in the Constitution, internationally-recognized human rights, and International Labour Organization conventions, particularly on the subject of trade union activities. Morocco ratified International Labour Organization (ILO) Convention No. 98, concerning the right to organize and collective bargaining, although it has yet to ratify Convention No. 87, concerning freedom of association and protection of the right to organize. Account was taken of the principles enshrined in this Convention during the drafting of the Labour Code (arts. 396 et ff.), an exercise involving all economic and social actors. With this Code, Morocco attempted to establish the right economic and social conditions to meet development challenges and create a climate conducive to good labour relations. The preamble to the Code states: "Trade union freedom is a fundamental right which workers and employees exercise, according to recognized methods, in order to defend their material and moral rights and advance their economic, social and professional interests." The Code protects trade union representatives and creates the right conditions to enable them to play their representational role in negotiating agreements, contributing to the socio-economic development process and building good professional relations that serve the interests of both workers and employers alike.

13. Please describe the progress made in amending article 288 of the Penal Code (*ibid.*, paras. 169-170).

No amendments have yet been made to article 288 of the Penal Code, although the Ministry of Justice has taken steps to review the Moroccan Penal Code in its entirety and revise any article that is difficult to apply or needs to be amended in accordance with the international human rights instruments to which Morocco is a party.

14. Please indicate the present status of the bill on the right to strike, which has been submitted, according to paragraph 171 of the report, to the social partners and the ILO for an opinion.

With regard to the law on the right to strike, a right enshrined in the Constitution, the Ministry of Employment drafted a bill on the exercise of this right in 1994. However, in response to the wishes expressed at a social dialogue conference held in 2003, amendments to the bill were confined to regulating the right to strike in the private sector. Numerous meetings were held with representatives of economic and social stakeholders in order to study and discuss the matter in greater depth. The most such recent meeting was held on 18 January 2005 and efforts are still being made to get agreement on a text that will satisfy the demands of all sides.

### **Article 9 - The right to social security**

15. Please provide information on Government mechanisms to monitor private social security schemes.

The implementation of social security legislation is monitored through two principal mechanisms: labour inspectorates and social security inspectorates. They discharge their functions in accordance with article 146 of the Decree concerning the Social Security Act No. 184-72-1 of 27 July 1972, as amended. Thus, social security schemes are monitored by social security representatives, inspectors and monitors, and by labour inspectors.

Monitors can verify the number of employees, read social security declarations and check employment records.

These persons can use many different legal mechanisms to guarantee the effective implementation of the Social Security Act, including through the writing of reports, the issuance of warnings, and the use of distraints.

16. Please provide information on the extent of coverage of unemployment benefits in the State party. Please also provide statistics on recipients of unemployment benefits, disaggregated by sector of activity.

This subject is addressed in articles 66 to 71 of the Labour Code, which state that any employer in an industrial, commercial or agricultural enterprise or a traditional industry employing 10 or more persons who, for organizational or economic reasons, decides to dismiss all or some of his staff, must inform the staff and trade union representatives not less than one month before the date on which dismissal proceedings are initiated. At the same time, the employer must provide the representatives with full background information on the dismissals, including the reasons for the procedure and the number and categories of staff who will be affected. The employer must consult and negotiate with them in order to devise ways and means of avoiding job losses or mitigating their impact, including through possible reassignment to other posts. Dismissals must be approved by the authorities within two months from the date on which the employer submits an application to the regional representative for employment. The application must be accompanied by an explanation of the economic reasons for the move and by the following documentation:

- A report outlining the economic reasons for the institution of dismissal proceedings;
- A statement on the enterprise's economic and financial position;
- A report prepared by an accountant or auditor.

No enterprise may be closed down, wholly or in part, if employees would lose their jobs as a result, unless the circumstances make it impossible for the enterprise to continue operating. In any event, closures must be carried out in accordance with the procedure laid down in articles 66 and 67 of the Labour Code. In the event of dismissal, employees are entitled to compensation for the period of notice and the dismissal itself, as provided for in articles 51 and 52 of the same Code. In the event of unauthorized dismissal, employees will not be

compensated for any injury, except as determined in a court judgement, if they are subsequently reinstated with all their original rights. Such employees are given priority with respect to reinstatement in accordance with the conditions laid down in article 508 of the Code.

### **Article 10 - Protection of the family, mothers and children**

17. Please list any court cases in which acts relating to the sale or prostitution of children or child pornography were prosecuted.

The figures hereunder refer to the number of cases of child trafficking, child prostitution and sexual exploitation of children that were recorded by the courts in 2004.

- Rape: 153 cases;
- Indecent assault of a minor accompanied by violence: 729 cases;
- Indecent assault of a minor without violence: 215 cases;
- Facilitating the prostitution of minors: 49 cases.

18. Please indicate whether measures have been taken to address the concern raised in the Committee's previous concluding observations concerning discrimination against children born out of wedlock (E/C.12/1/Add.55, paras. 23 and 47).

With regard to this category of children, in addition to being given Moroccan nationality, they are recognized as the offspring of the mother or a person acting in her stead. They are given a first name, a father's name, taken from names which honour Almighty God, and a special family name. As stated in the Civil Status Decree of 3 October 2002 and its implementing regulation of 9 October 2002, the family name and the first name must be Moroccan and must not be offensive or inimical to the maintenance of public order. A higher committee consisting of the Kingdom's historiographers, in the position of chairman, a judge representing the Minister of Justice and a representative of the Minister of the Interior must make sure that the choice of family names is a sound one. They also review first names that are rejected by civil registrars whose job is to approve the choice of names. The committee's decisions are binding, whether the name is accepted or rejected.

19. Please provide information on progress made in the proposed plan of action mentioned in paragraph 213 of the report, which aims at strengthening the protection of children who work in handicraft production and light industries and of girl children employed as domestic workers.

With regard to the first part of this question, concerning the provision of information on progress made in strengthening the protection of children who work in handicraft production and light industries, Act No. 65.99, concerning the Labour Code, contains a number of new provisions on the employment of minors. It offers them additional protection and prohibits the employment of minors below 15, rather than 12, years of age, in implementation of

International Labour Convention No. 138. In accordance with International Labour Organization Convention No. 182, concerning the worst forms of child labour, it is illegal to employ children below 18 years of age in hazardous work.

In terms of the practical measures taken in this regard, a series of procedures have been put in place to root out this phenomenon in the employment sector. These measures include the following in particular:

- Extending the pilot project on the elimination of child labour in the handicrafts sector to include the city of Fez;
- Given the importance of the above-mentioned project, the same experiment was carried out in the cities of Marrakesh, Asafi and Meknès. Work has begun on the implementation of the project in the city of Asafi and 30 children have benefited from it by being allowed to pursue informal studies with a view to their eventual integration into formal education;
- Local projects on the elimination of child labour in traditional industries have been carried out in the cities of Marrakesh and Meknès. The plan is to reach out to children employed in this sector and to enrol them in education with funding from the International Programme on the Elimination of Child Labour/Morocco.

As for the second part of the question, a legal framework has been developed to regulate the employment of young female domestic workers in accordance with article 4 of the Labour Code. The Ministry has drafted a bill defining the conditions of domestic employment and work in residential homes. Copies of the bill have been sent to the relevant ministries for comments and suggestions.

#### **Article 11 - The right to an adequate standard of living**

20. Please provide information on measures taken to provide alternative housing to households that have been affected by the programme of slum clearance and the renovation of substandard housing.

Given the scale of the problem of substandard and slum housing in our country, it was necessary to revise the methods used to deal with the problem. A new approach was adopted based on instructions from His Majesty the King, the legislative and regulatory reference sources which regulate construction management in our country, particularly at the local level, and the experience which Morocco has accumulated over several decades of dealing with the problems of substandard and slum housing.

According to current estimates, slums are the most common category of substandard housing. They house approximately 270,000 families, 38,000 of them in villages and 232,000 in urban areas, with a further 20,000 in the southern regions. Approximately 212,000 of these families live in 70 towns and urban centres, 64 per cent of them concentrated in six towns lying along the Baida-Qunaitrah coast, in addition to Marrakesh and Agadir.

## 1. New approach

### *Reference framework*

In the address which he delivered on 20 August 2001, His Royal Highness the King called for the development of a legislative and regulatory framework for the national programme on the elimination of substandard housing. He recalled that, in order to pay for social housing schemes, new and effective sources of funding had to be found (royal address of 11 October 2002).

In implementation of the King's instructions, the Social Housing Fund was replaced pursuant to the Finance Act of 2002. The Act sought to raise revenue from a tax on cement that was set at 0.50 dirhams per kilo. The tax was subsequently raised to 0.10 dirhams [sic] per kilo under the 2004 Finance Act.

The housing sector is accorded special attention. His Majesty the King, in a royal address given to mark the occasion of the opening of the seventh session of parliament in 2002, referred to housing as a national priority on which all efforts must be focused. He said: "We will not be able to safeguard the dignity of citizens unless we provide them with decent housing and speed up the implementation of the national programme on slum clearance and the elimination of shanty towns."

The royal address which His Majesty delivered on the occasion of Throne Day 2003 focused on the problem of substandard housing, warning about the dangers which such housing poses to the cohesiveness of urban society and to local urban planning. He also calls for the introduction of strict monitoring and accounting procedures for the management of public property.

This new monitoring scheme was developed on the basis of other source documents such as the governmental statement on the revision of house construction methods and the elimination of substandard housing.

On the international front, this programme was developed in the context of:

- The United Nations Millennium Declaration on improving the lives of more than 100 million people living in slum housing by 2020;
- The Cities without Slums Programme, which was designed by an alliance of towns and launched by the United Nations in 1999. In addition, international organizations such as the World Bank, the United Nations Human Settlements Programme, the United States Agency for International Development, Coopération Française, and the European Union MEDA Programme expressed a desire to participate in the implementation of the slum clearance programme and their ambition of replicating the Moroccan experiment in other countries with a similar predicament.

## **2. Focuses of the new approach**

This new approach has three main focuses:

### **(a) Stopping the spread of substandard housing by the following means:**

- Preparing draft law No. 04-04 on housing and construction;
- Simplifying and speeding up authorization procedures;
- Drawing up urban cadastral plans;
- Creating more urban development agencies.

### **(b) The use of prevention polices and revival of social housing**

- Utilizing public real estate (3,400 hectares of public land) in the first instance;
- Funding primary networks out of the Housing Solidarity Fund;
- Forming partnerships with the private sector through expressions of interest;
- Setting up insurance schemes (“Fogarin”, “Fogaloge”);
- Expanding access to microcredit to include social housing.

### **(c) Addressing existing situations**

- Adopting urgent intervention procedures to deal with housing in danger of collapse and with illegal housing, giving priority to the elimination of urban slums in the framework of the slum clearance programme.

## **3. The slum clearance programme**

When this ambitious programme was designed, in consultation with regional presidents, prefects and municipal directors, the approach adopted focused on the following:

- The city as a basic programming unit;
- The development of a contractual framework to allocate responsibilities between the authorities, local communities, the population concerned and the Ministry of Housing;
- Getting parties to agree to a specific timetable for programme completion;
- Undertaking to prevent the spread of this type of housing;
- Increasing production of emergency housing units.



The Ministry adopted a number of measures and implementing regulations for the completion and realization of the slum clearance programme. These can be summarized as follows:

*The Cities without Slums Contract*

This is a contract which the State concludes with local authorities and communities, spelling out the duties and roles of the various parties involved in implementing slum clearance projects in any given city. What is distinctive about this document is that it is based on a local initiative which is designed by representatives of the Ministry of Housing and Construction in cooperation with local stakeholders, particularly local authorities and communities.

*Financing and implementation agreements*

These agreements are drawn up by the Ministry of Finance and Privatization, the Ministry of Housing and Urban Development and the enterprise which will carry out the local slum clearance programme in accordance with the terms of the Cities without Slums contract. The agreements define the tasks to be carried out by the selected enterprise and the process for managing and implementing slum clearance activities, as defined in the contract for the city concerned. They also provide for the establishment of a regional assignment and implementation committee.

*Follow-up and evaluation of the slum clearance programme*

In order to follow up on slum clearance programmes, a number of committees have been established at the national, provincial and regional levels, namely:

- The National Follow-up Committee;
- The Provincial Coordinating Committee;
- The Regional Assignment and Implementation Committee.

**4. Restructuring of public housing entities**

Numerous measures have been taken to improve the financial and capital position of public institutions, helping to improve their intervention capacities and win back the confidence of national and international partners.

To begin with, Holding d'Aménagement Al Omrane was established to bring the National Agency for the Elimination of Sub-standard Housing, the National Furbishment and Construction Company and a joint venture company together in one institution, and the object of the Holding was defined. Its activities and the activities of regional furbishment and construction institutions are geared towards the accomplishment of tasks that complement those carried out by the private sector and aim primarily at carrying out urban development work and eliminating substandard housing.

## **5. Urban planning and emergency shelter programme**

This programme was established as part of a strategy devised by the Ministry of Housing to renew the stock of social housing and emergency shelters using land of several types, particularly State-owned public property. Some 3,400 hectares of land was made available, pursuant to agreements signed in the presence of the Prime Minister on 26 December 2003, and was used for the creation of two new towns and 10 urban centres.

One year after the launch of the slum clearance programme, we can say that this programme has been largely satisfactory, scoring important successes on many levels. It has helped to create synergies between all the ministerial sectors involved, mobilizing regional presidents, prefects and elected local representatives and benefiting from the assistance offered by international, governmental and non-governmental organizations, as well as domestic civic associations.

With a view to increasing the housing stock in Morocco, the Construction Code was adopted and launched at the first national convention held on 3 October 2005. His Majesty King Mohamed VI gave an address in which he described the Construction Code as a modern and well-planned code with precisely defined mechanisms and a clear purpose. A comprehensive review will be conducted of the construction sector and the Code will open the way for investment and globalization, developing new scenarios to address the shortcomings in existing urban planning laws and streamlining procedures.

### **Article 12 - The right to physical and mental health**

21. Please provide information on the medical assistance scheme for the economically vulnerable mentioned in paragraph 275 of the report. Please provide disaggregated statistics concerning the beneficiaries of the scheme and on the types of health problems for which assistance is provided.

Morocco launched a basic health coverage initiative (Act No. 65-00) in keeping with its objective of making the promotion of social rights a major national priority and a tool for the spread of a civic culture and the improvement of society. The Act represents an initiative of major significance, which responds to society's needs. The Health Coverage Act was designed to guarantee the right to basic medical care and treatment as provided by public facilities, thereby protecting the right to health and addressing the shortcomings of the present situation. If compulsory health insurance is based on the principle of joint risk-sharing, the provision of medical insurance is based on the principle of national solidarity with the poor. Thus, health coverage for this category of beneficiaries is provided exclusively by State institutions and establishments, since the medical assistance scheme (RAMED) will be paid for out of the State budget and local authority budgets. The National Health Insurance Agency will manage the scheme's finances and will identify target groups, under the supervision of the six committees that were set up for this purpose on 12 July 2005. The committees will deal with the technical and financial aspects of the health assistance scheme in the light of the Government's overall objectives. The Committee can be broken down as follows:

**(a) The Administrative Procedures Committee**

*Coordinator: The Minister of the Interior*

*Tasks:*

- To approve a standard assistance application form;
- To identify the parties involved in interventions and their respective duties;
- To decide on the composition of a standing regional committee to approve assistance applications;
- To define the committee's functions and working methods;
- To define procedures and time limits for appeals.

**(b) The Management Committee**

*Coordinator: National Agency for Sickness Insurance*

*Tasks:*

- To design a system for registering users and issuing registration cards;
- To issue users with health assistance cards;
- To select and develop an information management system for the scheme;
- To design financial management procedures.

**(c) The Reimbursement and Coverage Committee**

*Coordinator: Minister of Health*

*Tasks:*

- To recommend health services that are consistent with health services available elsewhere, excluding eyesight correction services;
- To assess the volume of recommended health services that were used in 2004;
- To propose reference prices for the services covered and reimbursement mechanisms;
- To design mechanisms to regulate treatment delivery.

**(d) The Finance Committee**

*Coordinator: Minister of Finance and Privatization*

*Tasks:*

- To calculate the size of the target population;
- To establish criteria for determining income levels;
- To approve eligibility criteria and verify their appropriateness on the ground;
- To evaluate the cost of health assistance coverage, based on recommended health services;
- To establish funding mechanisms for the scheme.

**(e) The Pharmaceuticals and Medical Equipment Committee**

*Coordinator: Ministry of Health*

*Tasks:*

- To draw up lists of drugs and medical equipment which must be supplied to hospitals in order to provide health assistance.

**(f) The Legal Committee**

*Coordinator: Secretary-General of the Government*

*Tasks:*

- To formulate implementing provisions for Act No. 65-00, concerning the health coverage scheme (RAMED), based on the conclusions reached by a technical working group.

The Health Coverage Act makes a quantum leap in the direction of strengthening the right to health by improving medical services and allowing all kinds of citizens to benefit from them in accordance with the principles of solidarity and equality. To this end, the Act has established two schemes: the first, a compulsory health insurance scheme for persons engaged in remunerative employment, salaried workers and students; and the second, a medical assistance scheme for persons on limited incomes.

22. Please provide additional disaggregated information on the prevalence of HIV/AIDS in the State party as well as information on measures taken to prevent the spread of HIV infection and to support and assist persons living with HIV/AIDS.

Programmes to combat AIDS and sexually-transmitted diseases were first launched in Morocco in 1986. The national programme to combat these diseases is managed centrally by the Directorate of Epidemiology and Disease Eradication of the Ministry of Health and regionally by regional health units which deal with sexually-transmitted diseases.

### **1. Epidemiological situation**

The total number of AIDS cases as at 31 July 2005 was around 1,697. Adults below 40 years of age were the group that was worst affected: 25 per cent of all persons with AIDS are between 15 and 29 years of age and 43 per cent are between 30 and 39 years of age.

According to the HIV surveillance scheme established in 1993, the percentage of the Moroccan female population with the virus is low; the latest figures show that the incidence of the virus is 0.13 per cent among pregnant women, 0.23 per cent among persons with sexually-transmitted diseases, 0.89 per cent among women prisoners, and 2.27 per cent among sex workers.

Based on the calculation methodology used by the World Health Organization and the Joint United Nations Programme on HIV/AIDS, the Ministry of Health estimates that the total number of persons with HIV is between 13,000 and 16,000.

### **2. National strategies to combat sexually-transmitted diseases and AIDS**

Thanks to the national expertise which has been developed to deal with this complex disease, many strategic plans have succeeded in scoring important gains in the epidemiological, medical and sociological domains. The National AIDS Strategy for 2002-2004 was the fruit of strategic planning and contributions from national and regional AIDS specialists attached to governmental organizations and non-governmental organizations which deal with social issues. The strategy consisted of a situation analysis phase and a needs analysis phase, followed by a third phase in which the strategy design was finalized, planning documentation was drawn up, and approval was given for both. The strategy focused on persons most at risk of infection and the most critical areas in the country. At the same time, coordination was stepped up among different sectors operating at the central and regional levels to ensure that prevention, information and welfare activities covered the entire national territory. Several key activities were envisaged in the areas of prevention and support for persons living with AIDS. The strategic plan was extended until the end of 2005.

### **3. Support for AIDS sufferers and HIV carriers**

In 2004, significant headway was made in this domain, as triple therapy was made available free of charge to all AIDS sufferers, of whom 1,120 were receiving treatment as of the end of July 2005. This result is based on a process that went through the following key phases:

- Strengthening the services of, and utilizing the financial resources provided by, the Ministry of Health;

- Reducing drugs prices by:
  - Waiving customs levies on retroviral drugs;
  - Signing Morocco up for the UNAIDS initiative on HIV drug price reduction;
  - Utilizing support from the Global Fund to Fight AIDS, Tuberculosis and Malaria;
  - Establishing five regional treatment centres and two university treatment centres in Rabat and Casablanca respectively to care for AIDS sufferers.

#### **4. Information, education and communication**

The national public information campaign was developed as a mechanism for combating AIDS in pursuance of the national strategy. Designed with the support of communications experts, the campaign was rolled out in four different phases: raising awareness of the presence and dangers of HIV; providing information about methods of prevention; improving preventive and diagnostic services; and using television, radio, newspaper advertisements, billboards and posters to implement the campaign.

In parallel with the national public information campaign, an education drive was launched in partnership with government sectors, particularly the Ministry of National Education and the State Secretariat for Youth, together with a number of non-governmental organizations operating in the social sphere.

#### **5. Outlook for the future**

The National AIDS Programme is conducting an evaluation and review of the national plan for 2002-2004 with a view to:

- Identifying the successes scored;
- Overcoming the obstacles to the implementation of certain activities;
- Analysing compliance among users of HIV drugs;
- Analysing compliance among migrants in southern Sahara.

The results of this evaluation will be used to help formulate the national strategy for 2006-2010.

### **Articles 13 and 14 - The right to education**

23. Please provide updated information on progress made in the implementation of the National Charter for Education and Training, which sets out the educational policy for the decade 2000-2009.

The National Charter for Education and Training describes the national policy for the decade 2000-2009 as a major educational and training reform project which is part of a strategic vision that links training to knowledge, the inculcation of civic values, and efforts to integrate future generations into the economic, social and cultural development process. The Charter stresses the importance of schools as a basic vehicle for disseminating and inculcating human rights and civic values from a national and global perspective and opening up society to the noble principles and values that form part of the shared global heritage.

During the early part of the decade, a series of institutional, legal, legislative and educational reforms were undertaken at different levels and in different branches of education, management training, and scientific research.

The reforms were primarily aimed at: making education compulsory; regulating primary education; developing a private education system; establishing regional education and training academies; restructuring central administrative structures in line with new regulations; implementing provisions on management of the education and training system at the central, regional, provincial and local levels; establishing the Mohammed VI Foundation for the Promotion of Social Education; and issuing a basic law on national education managers. In addition, school textbooks were reviewed from the perspective of human rights education and a new approach was adopted for the design of new books and the revision of programmes and curricula which represent important vectors for educational reform and improving the quality of education. Wider use was made of modern information and communications technology with efforts focused on developing students' skills and capacities. Training and ongoing training was offered to teachers, examinations were revamped, and a new examination system was put in place.

The year 2004 was a moment for reflection, marking as it did the midpoint of the decade. It was an opportunity for evaluation and appraisal, as His Majesty King Mohamed VI pointed out in a statement on October 2003, when he said: "If we have reached the half-way mark with regard to the implementation of the National Decade for Education and Training and have created important opportunities and made progress in spite of the not inconsiderable difficulties that we face, we must devote the next five years to dealing with the complexity of this vital reform, devoting all our efforts to a qualitative, rather than just a quantitative, reform of our education system and giving schools the status that they deserve in society."

Morocco held two conferences on quality issues, focusing on improving training and the dissemination of information. The Government adopted a three-year programme targeting 8,600 institutions and 5.5 million students and earmarking 1 billion dirhams for the purchase of 100,000 computers. A total of 223,000 teachers will receive special training. The foundations were laid for a new system of government based on a policy of decentralization. Teaching of the Amazigh language was introduced in primary schools. In the past few years, efforts have focused on: raising the school enrolment rate to over 6 million; delivering education in the regions, particularly for rural girls (82.2 per cent compared with below 25 per cent in the mid-1990s); combating the phenomenon of dropping out of school; providing informal education to cater for children over the legal age for admission to education (6 years); promoting eradication of illiteracy; increasing the number of schools; and resolving the administrative and material problems of teaching and administrative staff.

Efforts to implement the Charter are continuing and are picking up speed as the end of the Decade approaches, since the education and training sector is one of the most important sectors for the development and recovery of the national economy.

As for higher education, in the first five years of the reform, the expansion process which had been launched in the previous decade continued. Student numbers grew, capacity expanded and the educational infrastructure grew bigger. In 2003, the architecture of education was re-engineered based on a system of bachelor's and master's degrees and doctorates, and units and educational streams. Efforts were made to improve scientific research, train staff, establish eight multidisciplinary faculties in towns and regions with no university institutions and improve the material situation of university staff. Attention was focused on training managers to reorganize their institutions and standardize management procedures in line with the practices used by universities under the terms of the Higher Education Act.

The attention given to the development of the education system is consistent with Morocco's second most important priority and has won consensus among all members of Moroccan society.

24. Please indicate whether, pursuant to Act No. 04-00, children who are not enrolled in the nearest school lose their entitlement to free education.

The Compulsory and Free Education Act does not discriminate among students of school age (6 years) on any grounds whatever. They can change to another school for any reason whatever and can move from a nearby school to one that is further away. The principle of free education applies within and between cities.

25. Please indicate the percentage of schoolchildren who attend private schools, at all levels of education, and provide information on how the quality of education in private schools compares to that in public schools.

The State hopes that the private education sector will be catering for 20 per cent of students by 2010. A total of 6 per cent of students are enrolled in private education at present. Teachers in private and public schools undergo the same training, graduate from the same colleges, and receive the same certificates. They all uphold the same professional standards and are subject to educational monitoring which is carried out by inspectors from different parts of the Ministry of Education.

### **Article 15 - Cultural rights**

26. Please indicate whether the facilities for the linguistic and cultural development of the Amazigh community called for under the National Charter for Education and Training have been effective. In addition, please indicate the number of universities that have been provided with such facilities and the percentage of Amazigh students that benefit from them.

In addition to the efforts that have been made to improve the quality of education, whether by revising curricula or developing the use of modern information and communications technology, numerous government bodies have worked hard to promote the right to cultural



participation and respect for cultural identity in the general sense of the term. At the Ministry of Education, work is continuing on the establishment of local and regional curricula, which represent 30 per cent of all curricula. Teaching of foreign languages and informatics is being expanded and the Amazigh language has been introduced as a subject of study at primary schools. This experiment will gradually be extended, in coordination between the Ministry of Education and the Royal Institute for Amazigh Culture which was established under the patronage of His Majesty the King, pursuant to a decree issued on 17 October 2001. The Institute is a type of university made up of departments dedicated to the preservation and dissemination of Amazigh culture, the celebration of the Amazigh heritage, studying the grammar, rhetoric and prosodic features of Amazigh poetry and Tifinagh terminology and grammar. The Institute studies the three main Amazigh dialects and works with representatives of Amazigh associations. It organizes educational events and training courses and translates books. For the past two academic semesters, textbooks for teachers and students have been published in cooperation with the Ministry of Education and some activities, notably festival and exhibitions, have been organized in conjunction with the Ministry of Culture. Coordination is effected with the Ministry of Communications, whose television and radio stations broadcast news and some programmes in Amazigh. The teaching of Amazigh is being piloted in the first grade at 360 primary schools throughout the Kingdom. The experiment will soon be expanded, after the requisite teaching resources have been put in place. Other structures for Amazigh culture are likely to be created.

The Institute's functions include collecting, documenting, preserving, protecting and disseminating various forms of Amazigh culture; studying the written culture in order to facilitate the teaching of Amazigh using proper teaching methods; and preparing general and specialized dictionaries. This is all consistent with the State's general policy on education and with article 3 of the Decree founding the Royal Institute for Amazigh Culture.

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