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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-third session

SUMMARY RECORD OF THE 882nd MEETING

Held at the Palais Wilson, Geneva,
on Monday, 2 June 2003, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Second periodic report of Morocco (continued) (CRC/C/93/Add.3; CRC/C/Q/MAR/2; CRC/C/RESP/34; HRI/CORE/1/Add.23/Rev.1 and Corr.1)

1. At the invitation of the Chairperson, Ms. Ayoubi Idrissi, Ms. Belfakir, Mr. Farhane, Ms. Harrak, Mr. Hilale, Ms. Houmane, Mr. Mediani, Ms. Meshaque, and Ms. Oufrouki took places at the Committee table.
2. Mr. KRAPPMANN enquired whether vulnerable children, such as those from minority ethnic groups, disabled children or children in homes, could participate in the National Children's Parliament, given that its members were selected on the basis of academic achievement. He wondered what follow-up was given to the children's resolutions, proposals and complaints, and whether children were given an opportunity to express their views in schools and families.
3. Mr. LIWSKI wished to know how many rehabilitation centres for child victims of torture were in operation and how many children had made use of their services. He wondered whether the centres were governmental or non-governmental in nature and whether they provided any scope for international cooperation.
4. Ms. ORTIZ said that she was concerned about what appeared to be an excessive number of children in institutions in Morocco and requested confirmation of the figures contained in the second periodic report (CRC/C/93/Add.3). Many abandoned children could be spared institutionalization if alternatives could be found for children born out of wedlock or children of divorced mothers who did not have the means to care for them. She wished to know if such children were placed in institutions only as a last resort, as was recommended in the Convention. She wondered whether both the Ministry of State for Solidarity and Humanitarian Action and the National Cooperation Agency dealt with children in conflict with the law and children deprived of a family environment, and whether the number of children in the latter group was rising.
5. The delegation should explain the practical implications of its new legislation on the kafala system. She asked whether the legislation recommended that efforts should be made to avoid separating children from their families and that trained staff should examine the child's situation prior to issuing a declaration of abandonment. The delegation should comment on the effectiveness of follow-up in the kafala system and how the new legislation dealt with intercountry adoption of children who had previously been in the kafala system. She wondered whether the kafala system benefited girls more than boys because girls were being used as domestic labour. Lastly, she enquired whether the law protected children from false birth registration.
6. Ms. ALUOCH wished to know whether any steps had been taken to increase awareness in towns and villages of the new legislation on the protection of abandoned children. She wondered if female genital mutilation was a problem in Morocco.

7. Mr. AL-SHEDDI said that there was a need for national legislation that incorporated the provisions of article 11 of the Convention, which sought to combat the illicit transfer and non-return of children abroad. Bilateral agreements were not sufficient to deal with those issues, which related to emigrants, immigrants and mixed marriages in Morocco and abroad.

8. Mr. HILALE (Morocco) said Moroccan children and children living in the Moroccan Sahara were treated equally. Meeting the needs of all Moroccan children was an important element of the Government's national strategy. He hoped for a political settlement of the dispute over the Moroccan Sahara so that children could re-establish contact with their relatives in the Tindouf camps and so that the countries in the region could work together to make the dream of an Arab Maghreb a reality.

9. The Government was concerned about Moroccan emigrants, both legal and illegal, living in European countries, particularly Spain. In addition to embassies and consular services for its citizens abroad, the Government also provided instruction in the Arabic language and in Moroccan history and culture for children of Moroccan expatriates. In order to address issues relating to emigrants, the Government had signed a number of bilateral agreements with various countries, including Spain. Non-governmental organizations (NGOs) worked in conjunction with government bodies, such as the Ministry of Foreign Affairs and the Hassan II Foundation for Expatriate Moroccans.

10. Morocco's uniqueness was a source of pride and strength, not a barrier to international cooperation. Its prevailing spirit of openness compelled it to move forward and to deepen its international commitments. Morocco had always been one of the first of the developing nations to ratify international agreements, and it had pledged its commitment to human rights, the rule of law and the edification of a democratic nation. It had also been one of the first countries in the region to sign a cooperation agreement with the International Organization for Migration and to set up an information centre for human rights.

11. Ms. AYOUBI IDRISSE (Morocco) said that new legislation making birth registration compulsory had been enacted and that both governmental agencies and NGOs had conducted awareness-raising campaigns to educate people about the new law. It was hoped that that would increase the rate of birth registration above the current level of 80 per cent.

12. Discrimination was prohibited by the Constitution of Morocco, which guaranteed the equality of all Moroccans before the law. The draft labour code expressly prohibited discrimination and penalized those who violated its provisions. In addition, a directive had been issued instructing government agencies to promote the appointment of women to decision-making posts, and a quota system had been introduced to increase the number of women in Parliament. Many other reforms had improved the situation of women in Morocco, and the notion that women should be included as full-fledged partners in the country's development was supported at the highest levels of government. That was reflected by King Mohamed VI's decision to establish a commission to reform the Code on Personal Status and to rename it the Family Code.

13. Since nationality was acquired by descent or by birth, the problem of children born out of wedlock was one of vital statistics, not nationality. New legislation on vital statistics had addressed the problem, and children born of an unknown father could now be given a family name. The legislation did not contain restrictions on first names for children.

14. The principle of the best interests of the child was reflected in the Code on Personal Status. The Code was based on Islamic law and established the responsibilities of parents, particularly with regard to custody, visitation and maintenance. With regard to torture and inhuman or degrading treatment, many Moroccan law enforcement officers had been severely punished for abuses in the performance of their duties. In addition to applying the law, the Government had taken steps to increase awareness of human rights, including through the development of courses to teach human rights to law enforcement officers.

15. Since 1998, annual campaigns to reduce violence towards women had been conducted and centres to provide psychological and legal counselling for female victims of violence had been set up. In addition, new provisions in the draft penal code dealt with violence in the home and sexual harassment in the workplace.

16. Issues regarding the name and nationality of the child did not derive from Islamic law, and a bill to amend the Nationality Code was being considered in order to enable mothers to transfer their nationality to their children. While the Code on Personal Status conferred responsibility for children's maintenance on fathers in the case of divorce, the Penal Code stipulated that both parents were responsible for the actions of their minor children. There was, in fact, a general trend in Moroccan legislation to hold both parents, not just the father, responsible for children, as attested by the fact that women could now be considered legal guardians.

17. The National Children's Parliament was composed of children from both public and private schools who had been selected on the basis of their achievement; poor children were not excluded. Its members included 16 children from vocational schools and 12 disabled children. Moreover, 55 per cent of the parliamentarians were girls.

18. Ms. OUFROUKI (Morocco) said that the preservation of the family unit was one of the Government's top priorities. The Law on the Protection of Abandoned Children had been amended to accord greater protection to abandoned children. All persons under the age of 18 who were unable to earn their own living were said to be abandoned if their parents were unknown or if their father was unknown and their mother had deserted them. That definition also applied to orphans and children whose parents were unable to assume their parental responsibilities.

19. The increasingly popular kafala system of State-sponsored foster care had been introduced in 1993 to ensure that abandoned children received adequate care. Abandoned children could be placed with a couple, an agency or an officially recognized welfare organization. Anyone who agreed to care for a child under the system was obliged to assume parental responsibilities. Consequently, foster parents were entitled to the same rights as natural parents. In addition, they received an allowance from the State. At the request of a number of women's organizations, single women were currently allowed to foster a child. A Family Solidarity Fund had been established in 2003 at the request of King Mohammed VI in order to

provide foster parents with additional financial support. The Code on Personal Status contained provisions that made it possible to register the birth of an abandoned child and to give him or her a name.

20. Mr. AL-SHEDDI asked whether any measures were being taken to provide adequate protection for children placed in foster care and to ensure that persons who offered to provide care for a child were not motivated by financial gain.

21. Ms. BELFAKIR (Morocco) said that the Family Solidarity Fund had been established specifically to protect children who risked being abandoned following the divorce of their parents.

22. Moroccan legislation contained numerous provisions to guarantee the physical and moral integrity of children and to protect them from neglect, abuse and exploitation. It also contained provisions to punish those who harmed children. Morocco had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

23. The Government was working together with civil society to raise awareness of the importance of preventing child abuse. The media played an important role in that regard. In addition, a number of round-table discussions and awareness days had been organized. In 2003, funds had been earmarked from the State budget for the publication of a guide for child victims of abuse.

24. The Government had introduced a number of initiatives in cooperation with NGOs to help child victims of abuse and to protect children in difficult circumstances. A national strategy on child abuse was currently being prepared with a view to strengthening child-protection mechanisms. Although Moroccan legislation provided children with adequate protection from exploitation and abuse, the question of whether any amendments should be made to the Penal Code following Morocco's ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography would be discussed in Parliament in the near future.

25. The Ministry of Justice had organized a special seminar to provide judges with special training on the issue of child abuse and to raise their awareness of the conclusions of such international conferences as the World Congress against Commercial Sexual Exploitation of Children. In addition, the Ministry of Justice had conducted a study of all the child abuse cases brought before the Moroccan courts with a view to implementing a strategy to prevent such abuse.

26. The General Prosecutor had the power to initiate legal proceedings against any person accused of ill-treating or abusing a child, even when no complaint had been made. Following a recent amendment to the Penal Code, medical professionals were no longer bound by the code of professional secrecy in cases involving child abuse and were being encouraged to report all suspected cases. Adults were now able to prosecute persons who had abused them as a child.

27. The use of corporal punishment in schools was strictly prohibited. Perpetrators of such punishment were liable to legal sanctions.

28. Ms. AL-THANI said that it was unclear whether there were any individual complaints mechanisms available to allow children to file complaints. She enquired whether any complaints had ever been filed against teachers who used corporal punishment.

29. Ms. BELFAKIR (Morocco) said that, while there was nothing to prevent a child from filing a complaint, children were usually reluctant to do so, especially if the abuse had occurred at home. Complaints had been lodged against teachers, however, and legal proceedings had been taken.

30. Ms. ALUOCH asked whether child victims of abuse were entitled to any form of compensation.

31. Ms. BELFAKIR (Morocco) said that anyone over the age of 18 was entitled to seek civil compensation for damages incurred during childhood.

32. The CHAIRPERSON said that he wished to know with whom a child could lodge a complaint.

33. Ms. BELFAKIR (Morocco) said that a telephone hotline had been established for child victims of abuse. The National Observatory for the Rights of the Child had the power to inform the courts of any cases of abuse. Furthermore, a new law enabled the child protection authorities to institute legal proceedings against perpetrators of abuse.

34. Mr. MEDIANI (Morocco) said that Morocco's reservation to article 14 of the Convention did not affect the right of followers of other religions to freedom of thought, conscience and religion, a right that was guaranteed by the Constitution, even though the official religion of Morocco was Islam. A number of measures had been taken to enhance the right to freedom of expression. For example, a new law had been adopted to facilitate the work of journalists. Another law had been adopted to allow the establishment of associations serving a public interest.

35. The CHAIRPERSON requested further information on the system of institutional care in Morocco. According to the report, 384 social institutions specialized in childcare and accommodated some 33,000 children. However, the report also indicated that the National Cooperation Agency had provided assistance in 1998 to some 75,000 children in 1,493 centres. It was unclear exactly how many children were living in institutions in Morocco. In addition, he wished to learn more about the State's policy on alternative care. He wondered why more children were not cared for by members of their extended family or placed in foster care. He also wished to know whether the system of institutional childcare was periodically reviewed.

36. Ms. AYOUBI IDRISSE (Morocco) said that children were placed in institutions only as a last resort. The 384 social institutions mentioned in the report were run by philanthropic organizations and provided care for orphans and children from destitute families in rural areas. They did not provide rehabilitative care for juvenile delinquents or care for abused children.

37. Steps had been taken to develop a clear set of guidelines to govern the placement of children under the kafala system, particularly with regard to the financial responsibilities of foster parents.

38. Ms. KHATTAB asked whether the Government had taken any measures to prevent the migration of rural children to urban centres.
39. Mr. KOTRANE said that, instead of placing emphasis on the punishment of perpetrators of child abuse, the Government of Morocco should pay more attention to the issue of prevention. Consideration should be given to the introduction of legislation making it compulsory to report cases of abuse. Efforts were also needed to reduce the number of children in institutional care.
40. Ms. SMITH agreed that more should be done in the field of prevention. Punishing a parent was ultimately tantamount to punishing the child.
41. Ms. HARRAK (Morocco) said that, in order to receive assistance from the National Cooperation Agency, a child did not necessarily have to be fully institutionalized. Therefore, the number of beneficiaries far exceeded the number of children in institutions. The institutions and centres listed in the report had different functions. For example, some of the institutions provided care for children whose families lived in areas so remote that it would be impossible for them to attend school if they lived at home. Others provided care for children whose families could not afford to feed them. There were also a number of day-care centres.
42. The placement of an abandoned child in institutional care was an exceptional measure. By law, a child could be placed in an institution while investigations were being carried out to determine whether or not the child had been permanently abandoned and while awaiting placement in more appropriate care. Despite some initial problems with the kafala system, a growing number of couples and young women were showing an interest in fostering a child.
43. Ms. ORTIZ asked whether a trained specialist carried out a preliminary review of potential foster parents and whether any follow-up care was provided to ensure that the placement had been successful. She also wished to know whether any steps were being taken to ensure that a child was not removed from his or her new family. She wondered why more girls than boys were placed in foster care and whether there was a risk that girls were being fostered with a view to becoming domestic servants. She also wished to know whether the system encouraged the falsification of birth certificates.
44. Ms. OUFROUKI (Morocco) said that foster parents had the obligation to treat their foster child in the same way as they treated their own children. If foster parents failed to do so, the foster child would be taken away from the family.
45. Mr. CITARELLA wished to know the reasons for which children could be placed in institutions. Since health sector expenditure made up only 4 per cent of Morocco's gross domestic product (GNP), he wondered what measures had been taken to ensure proper health care for the poorest families. He asked what was being done to increase girls' enrolment in primary and secondary education.
46. He enquired whether the new Code of Criminal Procedure had entered into force and what practical measures had been taken to implement its provisions. He wished to know whether Moroccan legislation still provided for capital punishment and life sentences for children from 16 to 18 years of age. It would also be useful to know whether special courts for minors had been established and, if so, how many.

47. Mr. FILALI asked how the right to visit a child was applied in cases of divorce between parents of different nationalities.

48. A child could be imprisoned with his or her mother until the age of 3, or the age of 5, upon request. According to psychologists, the maximum age up to which a child should be allowed to remain in prison was 2. At the age of 2, children became active and began understanding gestures, and keeping them in prison after that age could be detrimental to their development.

49. Since measures to treat children who had been subjected to sexual violence did not deter such crimes, preventive measures were of vital importance.

50. He would be interested in knowing whether the curriculum of Koranic schools was compatible with that of conventional schools and whether Koranic schools were monitored.

51. It would be useful to know why provisions on flagrante delicto could not be applied to children. Referring to paragraph 287 of the report, he asked for clarification of the words “purity of progeny”.

52. Mr. KRAPPMANN requested up-to-date figures on formal and informal education. He asked what sort of activities children who did not attend school were involved in. He wished to know whether the situation with regard to informal education had changed and what programmes the Government was conducting in that area.

53. Ms. Yanghee LEE expressed concern about the high illiteracy rate among disabled children and about the number of disabled children who had never attended school. She wished to know whether disabled children faced discrimination in education.

54. She asked why only 3 per cent of blind and visually impaired children knew Braille and only 13 per cent of hearing impaired children knew sign language. Teaching those skills did not require special institutions or services.

55. Mr. AL-SHEDDI said that he was shocked by the number of Moroccan children who did not attend school; that situation was unacceptable. The delegation should provide information on the Government’s efforts to guarantee every child’s right to adequate education. According to the figures provided, girls, children from rural areas and children from poor families accounted for the majority of children who had been deprived of an education. He wished to know what mechanism was in place to ensure that parents registered their children in schools and what measures were taken against those who failed to do so.

56. The delegation should provide information on the decline in the quality of education and on the results of the National Programme for Education and Human Rights.

57. Ms. AL-THANI wished to have up-to-date figures on infant mortality, maternal mortality and the mortality rate for children from 1 to 5 years of age. Up-to-date immunization figures would also be welcome. She wished to know why so few children were breastfed and what was being done to check the spread of drugs among schoolchildren.

58. Ms. TAYLOR wished to know how the raising of the age of criminal responsibility to 18 affected children under 18 who had been sentenced prior to the change. It would also be useful to know whether any discussion on the length of pre-trial detention had been held.
59. A number of unaccompanied migrant children, who were either on their way to Spain, or returning to Morocco, were being registered as street children. She wished to know whether the Government had considered conducting a survey on those children with a view to finding out who they were, why they were migrating, how they could be accommodated, whether they knew their rights in both Spain and Morocco, and how they could be reunited with their families.
60. Mr. LIWSKI said that, although the mortality rate in Morocco had decreased, it remained rather high. He wished to know whether the drop in the mortality rate could be maintained without an increase in health expenditure.
61. The delegation should provide further information on children's access to peripheral community-based clinics and the medical staff working there. He asked whether the Government had conducted any training programmes on children's rights for health staff.
62. It would be useful to know whether any measures had been introduced with regard to teenage maternity and paternity. Information on mental health programmes for children would also be welcome.
63. Ms. SMITH said that, according to the report, juvenile delinquents were placed in institutions for protection and rehabilitation. She wished to know more about such institutions, whether institutionalization was a frequent occurrence and whether that practice would continue.

The meeting was suspended at 5.10 p.m. and resumed at 5.20 p.m.

64. Mr. HILAË (Morocco) said that the Government of Morocco attached considerable importance to education. Morocco was one of the few countries in the world where education at all levels, from primary to tertiary, was free of charge. University students whose parents could not pay for their living expenses received government grants.
65. The high rate of illiteracy in Morocco was due to socio-economic factors. The illiteracy rate was particularly high in remote rural areas where access to education was limited. The Government had begun campaigns to increase the availability of education in rural areas.
66. Ms. AYOUBI IDRISSE (Morocco) said that the Government planned to translate the Convention on the Rights of the Child into languages other than Arabic, including Tifinar.
67. In 2002, Morocco had signed an agreement with the International Organization for Migration to establish a migrant rights centre in Rabat. With regard to transfrontier problems concerning parents' rights of custody and access, the Moroccan authorities were fully committed to judicial cooperation with other countries.

68. The Government had taken measures to encourage girls living in rural areas to attend school. Efforts had been made to stamp out gender-based discrimination in education. The Ministry of Education had focused its efforts on increasing human resources and improving conditions at schools, and curricula were being revised with a view to raising the quality of education.
69. Since Morocco had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1993, it had done all it could to combat such phenomena. The reference in paragraph 233 of the second periodic report to the Rehabilitation Centre for Victims of Torture, which was only for adults, was misleading; no minors had been victims of torture in Morocco. The rehabilitation centres for children in Morocco were intended to assist children with other difficulties.
70. She wished to point out an error in paragraph 287 in the French and English versions of the report. Islamic law prohibited adoption but not for the sake of the “purity of progeny”. That expression was probably the result of a mistranslation from Arabic.
71. Ms. HARRAK (Morocco) said that legislation had recently been adopted to establish specialized courts to deal with minors. Judges had received training in juvenile justice, with assistance from the United Nations Children’s Fund (UNICEF). Guidelines for dealing with minors in court proceedings had been published and would be distributed to all concerned.
72. Minors could not be sentenced to death. The maximum sentence applicable to minors - 10 years’ imprisonment - was applied only in exceptional circumstances.
73. Following a recent legislative amendment, children could stay with their mothers in prison up to the age of 5 at the request of the mother.
74. Ms. ALUOCH said that children should not be allowed to stay in prison with their mothers up to the age of 5, since that would adversely affect their physical and mental health.
75. Ms. HARRAK (Morocco) said that previously children had been allowed to stay with their mothers in prison until the age of 3, in exceptional cases only. Since the introduction of new legislation, that period could be extended to the age of 5, subject to approval by the Ministry of Justice, which would be given only in unusual circumstances. Charities helped to provide such children with day-care facilities, recreational activities, food and health care.
76. In Morocco, street children were not treated as delinquents but as “children with difficulties”. Juvenile judges did all they could to protect such children and their interests.
77. New procedures had been introduced concerning minors held on remand. The police were instructed to take all necessary measures to protect children and could detain them for a maximum of 48 hours. If the investigation into allegations concerning them had not been completed within that time, the minors could be held in an educational facility for a maximum of 15 days. When minors were arrested, their social and psychological background had to be ascertained. They had to be returned to their families as soon as possible, unless circumstances

dictated otherwise, or if their release would expose them to danger. Alternatively, they could be sent to a public childcare institution, a medical centre or an educational establishment. While it was for the judge to determine how long minors could be detained, the views of the minors, their immediate family or other interested persons had to be taken into account.

78. Ms. MESHAQUE (Morocco) said that the shortcomings of State health care in Morocco had been due mainly to the lack of institutionalized solidarity. Global health expenditure amounted to 4.5 per cent of GNP, only one quarter of which was State spending. Nevertheless, since 1990, the budget of the Ministry of Health had increased at an average annual rate of 13 per cent. The latest figures showed that 5.3 per cent of the State budget had been allocated to health.

79. Under legislation adopted in 2002, the Government had, for the first time, set universal basic health coverage as one of its priorities. Compulsory medical insurance had been introduced, while the State would guarantee the neediest members of society, including the severely disabled, free health care.

80. The CHAIRPERSON asked how the Government intended to finance such a generous scheme.

81. Ms. MESHAQUE (Morocco) said that the health-care scheme would be introduced gradually. Compulsory medical insurance would be paid by employers and their salaried employees. With the help of the local authorities and private donations, the State would provide assistance to those most in need.

82. All the latest health indicators pointed to major improvements in Morocco. For example, infant mortality rates had fallen sharply since 1992. Up-to-date statistics would be made available to the Committee.

83. The Ministry of Health's immunization programme had been highly successful. New vaccinations against hepatitis and meningitis had or were about to be introduced. There had been no cases of poliomyelitis in Morocco for many years, and measles had been virtually eradicated.

84. The CHAIRPERSON requested more information on government measures concerning breastfeeding, iodine deficiency and HIV/AIDS.

85. Ms. MESHAQUE (Morocco) said that the Ministry of Health had begun to implement a communication strategy on breastfeeding, which was aimed at health professionals and society at large.

86. Since 2002, the Ministry of Health had been taking measures to ensure that iodized salt was distributed. The Government was planning media campaigns to raise awareness of other nutritional deficiencies, such as iron and vitamins A and E.

87. The Government's priority for basic health was the establishment of more health centres, particularly in rural areas.

88. A new government strategy to combat HIV/AIDS had begun to take effect in 2002. It focused on prevention and targeted children and adolescents in particular. In the past, there had been very few cases of HIV infection among young people in Morocco.

89. In cooperation with NGOs, the Ministry of Health and the Ministry of Education had begun a joint study of drug consumption among secondary school children.

90. Mr. CITARELLA, speaking on behalf of the Committee, thanked the delegation of Morocco for its informative replies. The conclusions and recommendations would take account of the fact that the most recent legislation, which incorporated provisions of the Convention into Moroccan law, would take time to have an effect. The Committee would also take into consideration the special socio-economic conditions prevailing in Morocco. The Committee hoped that Morocco would withdraw its reservation to article 14 of the Convention.

The meeting rose at 6.05 p.m.