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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-sixth session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 11 May, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Third periodic report of Morocco (continued) (E/1994/104/Add.29; E/C.12/Q/MAR/2; E/C.12/MAR/Q/2/Add.1)

1. At the invitation of the Chairperson, Mr. Abouzaid, Mr. Aghmani, Mr. Almaalami, Mr. Bastaoui, Mr. Batiti, Mr. Bouzoubaa, Mr. Eljirari, Mr. Elkadmiri, Mr. El Mokhtari, Mr. Farhane, Mr. Ghemija, Mr. Kadiri, Mr. Laraki, Mr. Loulichki, Mr. Najem and Mr. Zirari (Morocco) resumed their places at the Committee table.
2. The CHAIRPERSON invited the delegation of Morocco to continue with its replies to the questions raised at the previous meeting.
3. Mr. AGHMANI (Morocco) said that, according to a national study carried out in 2004, there were approximately 1.5 million disabled persons in Morocco, representing some 7 per cent of the total population. The study had taken stock of the situation of disabled persons in such areas as education, employment, health and the exercise of rights. Various legislative provisions ensured the protection, integration and health care of disabled persons. In order to protect disabled persons' right to work, 7 per cent of civil service jobs were reserved for disabled persons. A project was under way to establish a similar quota in the private sector. Since disability was often accompanied by poverty, a special programme had been introduced to provide education grants to disabled children from disadvantaged families. Morocco had actively supported the drafting of a United Nations comprehensive and integral international convention on protection and promotion of the rights and dignity of persons with disabilities.
4. Much progress had been made in improving the status of women in Morocco. National laws had been amended to grant Moroccan women the freedom to marry foreigners, transfer Moroccan nationality to their children and, in the case of unmarried women, keep their children. A ministerial committee closely monitored all measures to promote the notion of women's equality among Moroccan men. Morocco was a signatory to the Convention on the Elimination of All Forms of Discrimination against Women and had withdrawn its reservations to that Convention.
5. Partnerships had been formed with NGOs concerned with the protection of women's rights. A national strategy to promote equality between men and women had been developed and would be implemented at the national and local levels. In June 2006, Morocco would host a high-level meeting with the European Union to consider the situation of women in the context of human development.

6. A national charter to improve the status of women in the media had been adopted by public and private sector institutions, including national journalism organizations. Efforts were being made to develop a national strategy to prevent violence against women. Morocco's legislation prohibited sexual harassment and domestic violence, and a 24-hour hotline with multilingual operators had been set up to assist women victims of violence.
7. Progress had been made in increasing women's political participation. Recently enacted legislation on political parties stipulated that 20 per cent of the seats in political parties should be allocated to women. A number of initiatives had been taken to include women in high-level advisory and decision-making posts within the Government. Several Saharan women advisers were included in the section of the Advisory Council that dealt with issues relating to the Saharan people.
8. With the backing of the Government and the private sector, a number of NGOs actively supported single mothers, and provisions regarding single mothers had been included in the Family Code. On the basis of DNA tests, children born out of wedlock could now be recognized by law, and single mothers could have a family register.
9. Morocco had signed International Labour Organization (ILO) Convention No. 79 concerning the Restriction of Night Work of Children and Young Persons in Non-Industrial Occupations. Children under the age of 15 were prohibited by law from working. With assistance from the United Nations Development Programme, the ILO International Programme on the Elimination of Child Labour, and the United Nations Children's Fund (UNICEF), the Government was implementing a national programme that called for the introduction of provisions in the Family Code that would require the application of relevant legislation concerning the recruitment age and conditions of work of domestic employees. An awareness campaign had been organized to prevent the use of intermediaries in the procurement of domestic employees, and new legislation that made school attendance compulsory had been enacted in an effort to discourage girls from becoming domestic workers.
10. Mr. GHEMIJA (Morocco) said that the Covenant took precedence over domestic law and its provisions could be invoked in court. Several court decisions had been taken to uphold Covenant rights, including the right to education, the right to work and the right to just and favourable conditions of work. There had been changes in divorce legislation, and a Moroccan woman could ask for a divorce on eight grounds. The Government recognized the need for environmental protection and had enacted several environmental laws, including laws to prevent air and water pollution.
11. Ms. BRAS GOMES asked whether the State party was in a position to ratify ILO Convention No. 103 concerning Maternity Protection. According to some reports, the flexibility that had been introduced in the new Labour Code could have a negative impact on job security and could make it easier for companies to hire temporary staff and to dismiss workers. She wished to know whether those concerns were justified. In its fourth periodic report, the State party should provide disaggregated data on employment and unemployment rates. She requested clarification of the current unemployment rate and the unemployment rate for women. The delegation should indicate whether there was still a large gap between rural and urban unemployment and, if so, whether the Government was taking measures to address that problem.

12. She wished to know whether women working in the informal sector, particularly the export-oriented textile industry, had adequate maternity protection. She asked whether women risked losing their jobs if they became pregnant. It was regrettable that the Labour Code did not contain any provisions on domestic workers.

13. She enquired whether the State party would ratify ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; if not, the delegation should explain why. She asked why article 288 of the Penal Code had not been amended, since the current provision could lead to violation of the right to strike. She asked whether institutionalized Government procedures for collective bargaining were still in place for the three types of labour contracts contained in the new Labour Code. She wished to know to what extent labour inspections ensured that Moroccan employers and multinational companies complied with the Labour Code. The delegation should indicate what kind of unemployment protection were available in Morocco.

14. The State party should indicate whether it planned to reform the pension scheme and introduce a unified system that covered all categories of workers. She asked what percentage of the total number of pensioners received the minimum of 500 dirhams and whether that amount was sufficient to cover food and medicine. She wished to know whether mutual societies provided pension benefits in addition to health-care services.

15. Ms. GHOSE said that the State party should amend its list of approved first names. Since the list excluded Amazigh names, it violated Moroccan laws on equality and non-discrimination. The delegation should indicate whether employment figures disaggregated by Amazigh and non-Amazigh were available.

16. She requested additional information on the difficulties that women experienced in exercising their legally recognized rights, and the reasons for those difficulties. She would welcome further details on access to education and employment for women in poor urban and rural areas. She asked whether there was a Government strategy to promote vocational training for women. The delegation should indicate whether the Government had adopted legislation prohibiting sexual harassment and, if not, whether it planned to do so.

17. Since little progress had been made in eliminating polygamy, she wished to know whether the Government intended to reconsider the issue in the near future. She asked whether domestic violence against women was illegal. Additional information should be provided on shelters for battered women, measures to protect women from violent or abusive relationships, and support for women who were thrown out of their homes.

18. She asked what percentage of the total population was Amazigh, and how many people wished to learn the Amazigh language. She enquired what measures had been taken to teach the Amazigh language, and whether it was difficult to find sufficient teachers of that language.

19. Mr. SADI asked for information on cases in which the International Covenant on Economic, Social and Cultural Rights or the International Covenant on Civil and Political Rights had been invoked in the domestic courts.

20. He enquired whether the State party would consider following the example of Tunisia, which had prohibited polygamy on the basis of a provision of sharia law. He wished to know whether a woman could divorce her husband on the grounds that he had a venereal disease. Additional information should be provided on the possibility of criminalizing marital rape in the reporting State. The delegation should indicate whether there were strict laws banning crimes of honour.
21. Mr. PILLAY asked why the new Labour Code did not cover domestic workers, particularly since such workers were often subjected to exploitation, including sexual harassment, by their employers. He wished to know why sexual harassment was not classified as an offence under the Penal Code. He enquired why the Labour Code did not provide sufficient protection for agricultural workers, most of whom were women.
22. He wished to know whether Morocco's poverty reduction strategy integrated economic, social and cultural rights, and whether it aimed to reduce the disparity between the standard of living in urban and rural areas.
23. In its fourth periodic report, the reporting State should provide updated statistics on housing. The information should give a clear indication of the size of the housing deficit, how many people were homeless, lived in slums or were squatters, what infrastructure was available in informal settlements, and how many forced evictions had been carried out. He asked whether the guidelines in the Committee's general comment No. 7 had been followed in the State party's slum clearance programme. In particular, he wished to know whether all slum dwellers had been consulted before being evicted, and whether they had been provided with alternative accommodation. The Committee had received reports that many people, mostly Amazigh, in northern Morocco were being denied compensation after the 2004 earthquake because they did not have property titles. Camp dwellers in Western Sahara had allegedly been displaced from camps in which they had lived for many years, without any alternative being provided.
24. Mr. MARTYNOV asked whether the Government had a permanent, structured programme to address the problem of beggars. A study had shown that there were currently about 500,000 beggars, many of whom were children on the streets.
25. Mr. ATANGANA asked whether Morocco systematically registered all births. The delegation should explain what the State party had done to remedy the deplorable conditions in children's institutions, and how it was dealing with the growing number of street children. He wished to know whether the marriageable age was the same for both men and women.
26. He enquired what the State party was doing to address the fact that enterprises had found the new Labour Code's requirement for the establishment of health and safety committees so strict that, in many cases, they had stopped hiring doctors altogether.
27. He asked what measures the State party was taking to reduce the delays of the competent public services in issuing acknowledgments of receipt of requests by persons wishing to establish a trade union.

28. Ms. BARAHONA RIERA said that she hoped that Morocco would overcome any difficulties that it encountered in implementing measures to promote gender equality under its Family Code. Polygamy should be outlawed.

29. She wondered what kind of social assistance the family register provided to single mothers and whether children who had their mother's last name had the same legal rights as other children. When a child's father was identified through DNA testing, she wondered whether the child would then be eligible for childcare benefits or acquire inheritance rights. She asked whether Morocco had any measures to promote equal opportunities for women, and whether there were public day-care centres, or subsidies for private day-care centres, that enabled single mothers to work. The delegation should indicate whether Morocco had a specific law on violence against women or any plans to criminalize domestic violence, and whether the Penal Code punished trafficking in women and children.

30. She wished to know what sexual and reproductive health services were offered to women and young adults, such as information on birth control and ways of preventing HIV/AIDS. She would welcome statistics on abortion and information on how the Government addressed that problem.

31. She asked what kind of protection Morocco offered children who were sent back to Morocco after emigrating unaccompanied to countries such as Spain, and what measures were being taken to prevent such emigration. She requested additional information on the protection of women in Western Sahara, particularly in the areas of housing, education and health.

32. Mr. RZEPLIŃSKI asked whether the significant number of abandoned children in Morocco was an old or a new phenomenon; he wished to know why parents abandoned their children. The delegation should provide up-to-date statistics on the number of such children. He wished to know what programmes were in place to protect children against exploitation, to what extent children's rights to health care and education were protected, and the amount of budgetary resources allocated to address those matters. He also wished to know how many children were forced into professional begging. He wondered whether Morocco had a plan of action to address the deplorable sanitation conditions and lack of health care in institutions for abandoned children. He would welcome additional information about the sanitation and health-care situation for persons being held in public psychiatric hospitals involuntarily, or in overcrowded prisons.

33. He enquired whether Moroccan universities had separate faculties that offered courses in Amazigh literature or history in the Amazigh language; if so, he wished to know how many students were enrolled in such courses. He asked whether private universities could be set up under domestic law. He wondered whether girls in rural and less developed areas of Morocco had access to education and how many teachers there were in such areas. The delegation should indicate the average time girls in rural areas spent in schools, as compared with the figures for boys in urban areas.

34. Mr. PILLAY wished to know what steps were being taken to provide affordable rental housing and to invest in social housing, particularly for the marginalized and disadvantaged.

35. Mr. AGHMANI (Morocco) said that there was no legal discrimination against women in Morocco, and that the new Family Code made polygamy nearly impossible. While there had

been elements of discrimination against women under the previous Administration, the current Administration, with the help of women's rights NGOs, had developed a national strategy to combat gender inequality and to ensure economic, social and cultural parity. Morocco's Finance Act would help to eliminate gender discrimination, and the State party was developing a plan to eliminate illiteracy by 2015. Violence against women was a criminal offence in Morocco. That issue was being addressed in an awareness-raising campaign. A number of centres to assist women victims of violence had been set up, and the Government was taking steps to establish such centres throughout Morocco.

36. The claim that there were 500,000 beggars in Morocco was a gross exaggeration. A study conducted by different organizations had revealed that there were about 30,000 street children. However, the figures varied depending on how statistics were arrived at and how the concept of "street children" was defined, since some street children were not necessarily homeless but came from families in difficult circumstances. Morocco had introduced a programme to prevent begging and to prohibit the exploitation of children. UNICEF and an NGO were implementing a programme to reintegrate street children into the school system.

37. There were public day-care centres and kindergartens in Morocco to help single mothers who wished to work. With regard to the DNA procedures under the new Family Code, he said that any single mother could appear before a court and request that the presumed father of her child should be tested. Once paternity was proven, the father would be obligated to provide benefits to both the mother and child.

38. With regard to the civil status and registration of children, Morocco planned to ensure that all children in Morocco would be eligible for Moroccan citizenship and social benefit by 2008. Measures had been taken to simplify registration procedures. Couples could register with the civil authorities, even without a marriage contract.

39. Morocco had concluded an agreement with Spain, under which Morocco was responsible for ensuring the return of Moroccan children who had emigrated to Spain unaccompanied. A Spanish-Moroccan committee met several times a year to consider repatriation cases. Morocco had a national plan to review cases of unaccompanied children in Morocco and to provide them with health care and social services. The rights of such children to education and a dignified life were also protected. The minimum age for marriage was 18 for both men and women; however, if one of the partners was under 18, a legal agreement could be sought.

40. Mr. GHEMIJA (Morocco) said that Moroccan legislation did not provide for the application of the Covenant. Parties to a dispute did not have to stipulate which articles of the Covenant had been violated when they brought their case before a court. However, since the Covenant had constitutional status in Morocco, particularly with regard to employment and education, any Moroccan citizen could assert his or her rights under the Covenant.

41. With reference to article 288 of the Penal Code, he said that Morocco did not criminalize the right to strike but had adopted measures to protect employment and prevent exploitation. The Penal Code would be revised.

42. Legislation on sexual harassment provided for sentences of between one and two years; the Labour Code also dealt with that offence. Domestic violence was punishable under the

Penal Code. Under the amended Penal Code, women victims of domestic abuse or conjugal rape received compensation for damages and could file for divorce. While the recently rescinded Penal Code had contained provisions that could have been interpreted in favour of males in honour crimes, the current provisions on adultery made no reference to such crimes.

43. The Family Code had been adopted in response to a need for change in family culture. In the two years since its implementation, there had been positive results. For example, a woman could marry without her father's consent; in 2005, such marriages had constituted some 20 per cent of all marriages contracted. In 2005, there had been 804 polygamous marriages, which represented only 0.34 per cent of the total number of marriages contracted that year.

44. Mr. NAJEM (Morocco) said that the teaching of Amazigh had begun in 2001 following the establishment of the Royal Institute of Amazigh Culture, which was funded directly by the Royal Palace. The Royal Institute, in cooperation with the Ministry of Education, had begun training teachers in Amazigh language and culture, and courses were offered at a number of centres. Amazigh was currently being taught at the primary and secondary school levels, and it was hoped that the subject would be extended to all educational levels. A series of teaching manuals had been published, which included a cultural component. Although no university faculty taught Amazigh, there were plans to offer classes for students wishing to study both Arabic and Amazigh.

45. With regard to access to education in rural areas, he said that, under the universal education system, all children on the civil register were enrolled in a school in their region and must attend school there for six years. Figures for school attendance were 4.6 million in towns and 2.8 million in rural areas. There had been a 12 per cent increase in school attendance in recent years. Budget allocations had been earmarked to provide school canteen services to some 991,000 pupils. The Government was taking all the necessary measures to eradicate illiteracy, which was 47 per cent among women.

46. With regard to housing, he said that the Government planned to eliminate shanty towns, where some 270,000 families currently lived. Considerable efforts were being made in the area of affordable housing, and in 2005 some 113,000 low-cost units had been built as part of the social housing programme. There was also a programme to rehabilitate unsanitary housing. The Development Agency for the Southern Provinces had been established to implement infrastructure projects, which would cover social and cultural infrastructure as well as housing and hospitals.

47. Mr. ELJIRARI (Morocco) said that the recently amended Labour Code stipulated the conditions for redundancy for economic reasons. The economic factors must be studied in order to decide whether they justified the closure of a company, and a report containing that information must be submitted to the authorities within two months following the request for closure. Workers received a redundancy package in accordance with their level of seniority, up to a maximum of 36 months' salary.

48. The right to strike was guaranteed by the Constitution, and a bill on the right to strike had been submitted to social partners for discussion. Although the unions had objected that the bill restricted the right to strike, employers had insisted on its adoption. The bill had been submitted

to ILO, which had given its general approval, but had made a number of recommendations, which would be taken into account. The bill reaffirmed the right to strike and the principles governing that right, and sought to ensure that strikes would not be detrimental to non-strikers. It also described the measures to be taken when obligations were not met, and fines were stipulated in order to prevent any abuses. In recent years, there had been 810 strikes, involving some 110,000 workers.

49. Labour inspectors must ensure respect for social security legislation in companies, including in rural areas. Inspectors used the legal measures available to them to draw up reports and, in some cases, to seize the assets of non-complying companies. In 2005, 45,380 labour inspections had been carried out and fines amounting to 235 million dirhams had been imposed.

50. Although Morocco had not yet ratified ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, the principles of the Convention were contained in the new Labour Code. While the Convention did not pose any problems with respect to the private sector, the status of State employees was an obstacle to ratification. However, dialogue on ratification was continuing with social partners.

51. The right to work was guaranteed by the Constitution, and the preamble to the Labour Code stated that work was one of Morocco's most important problems. Following a recent national debate, recommendations on that subject had been drafted and approved, and the relevant statistics would be provided to the Committee. There were many skills training programmes in both the public and private sectors; such programmes had benefited 150,000 people. The aim was to train 280,000 people by 2010.

52. Mr. ZIRARI (Morocco) said that compulsory health insurance also applied to retirees, who benefited from the same basic medical coverage as persons employed in the private and public sectors. Reproductive health services for women were provided free of charge and were part of the primary health-care services. In 2004, family planning had been available to 63 per cent of Moroccan women, prenatal care had been available to 68 per cent, and 61 per cent of women had benefited from assisted childbirth. Advice on nutrition and general health was also provided. Those indicators had improved considerably in the past 15 years as a result of better access to health services among women in rural areas.

53. Free screening and treatment were provided for women with sexually transmitted diseases. AIDS screening was provided anonymously and treatment was free, and triple therapy was available in a number of hospitals. Abortion was provided only if the woman's life was in danger, in which case it was considered an emergency service and was provided free of charge.

54. Mr. ABOUZAID (Morocco) said that rural development was a Government priority. A strategy had been designed to strengthen infrastructure and development in rural areas by 2020, particularly in the areas of training and health. The Government had established a

standing council, a ministerial council and a State secretariat for rural development. The Government was focusing its efforts on coordination with all sectors concerned, decentralization, cooperation with NGOs, and international cooperation. In order to reduce the isolation of rural areas, the national road-building programme had increased road coverage from 37 per cent to 67 per cent in 2005, and planned to achieve 80 per cent coverage by 2015. Electricity coverage had reached 80 per cent in 2005, and it was hoped that it would be universal by 2007. Drinking water coverage had been increased from 14 per cent in 1994 to 70 per cent in 2005; that figure should reach 90 per cent in 2007. The number of health centres in rural areas had increased from 1,086 to 1,662; 1,992 doctors worked in rural areas.

The meeting rose at 1 p.m.