



Distr.

GENERAL

Convention on the Rights of the Child

CRC/C/OPSC/MAR/CO/1

17 March 2006

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Concluding observations: Morocco

1. The Committee considered the initial report of Morocco (CRC/C/OPSA/MAR/1) at its 1085th meeting (see CRC/C/SR.1085), held on 11 January 2006 and adopted at its 1120th meeting, held on 27 January 2006 the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and appreciates the written replies to its list of issues as well as the frank and open dialogue with a competent delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 6 June 2003 contained in CRC/C/15/Add.211.

B. Positive aspects

4. The Committee welcomes a number of measures taken by the State party to implement and strengthen the protection of the rights covered by the Optional Protocol, including changes in the Penal Code criminalizing child pornography, sex tourism, sexual abuse and trafficking in persons. The Committee further welcomes:

GE.06-41027 (E) 110406(a) The fact that the State party is the focal point for the Arab-African region on follow up to the Yokohama declaration and Action Plan;

(b) The launching of a campaign between 2003 and 2004 to fight sexual exploitation of children;

(c) The incorporation of the Optional Protocol into domestic law by publication into the Official Bulletin No. 5192 of 4 March 2004;

(d) The establishment of specialized units within the police dealing with children and with cyber criminality.

C. Principal areas of concern and recommendations

C.1. General measures of implementation

Coordination and evaluation of the implementation of the Protocol

5. While the Committee takes note of the information that various ministries and governmental bodies, as well as several NGOs, are involved in implementing the Optional Protocol, it regrets the lack of mechanisms for the periodic evaluation of its implementation and that the coordination on the matter is still insufficient.

6. The Committee encourages the State party to strengthen and consolidate coordination in the areas covered by the Optional Protocol and to establish mechanisms for the periodic evaluation of its implementation.

National Plan of Action

7. The Committee notes the elaboration of a National Plan of Action for Children (PANE) 2005-2015 which also targets vulnerable groups, inter alia, children victims of abuse and violence.

8. The Committee recommends that the State party make a step further towards the adoption and implementation of the PANE and provide a specific budget allocation for its adequate implementation.

Dissemination and training

9. The Committee expresses appreciation for the State party's efforts to raise awareness among the public about the provisions of the Optional Protocol and, in particular, it welcomes the organization of specific training courses offered to professional groups working with and for children (teachers, judges, police officers, doctors, social workers, animators, etc.). However, the Committee is concerned that information on sexual exploitation is still insufficient and almost inexistent on child pornography and the sale of children and that there is also a need to raise public awareness in order to change attitudes and behaviours on these issues.

10. The Committee recommends that the State party continue and strengthen measures to disseminate the provisions of the Optional Protocol among its population, especially among children and parents, by using school curricula and appropriate materials specifically for children. In particular, it recommends that the State party consider launching a national strategy of communication to combat all types of exploitation, abuse and violence against children that would include information and awareness-raising campaigns.

Data collection

11. The Committee regrets that data on the issues covered by the Protocol are dispersed and not collected in a systematic way.

12. The Committee recommends that the State party establish a centrally coordinated mechanism of collection, analysis and dissemination of existing data on issues covered by the Protocol and to use them as a basis for action. The State party should also continue carrying out in-depth research and studies in order to gather as much disaggregated data as possible on issues covered by the Protocol.

Budget allocations

13. The Committee regrets that, according to the State party's report, most of the difficulties encountered in the implementation of the provisions of the Optional Protocol are due to inadequate funding allocated to the various departments working towards the implementation of the Optional Protocol.

14. The Committee encourages the State party to allocate more resources for the implementation of the Optional Protocol, including to organizations of civil society involved in its implementation, and to provide more complete information in this respect in its next report.

C.2. Prohibition of the sale of children, child pornography and child prostitution

Existing criminal or penal laws and regulations

15. The Committee welcomes an amendment to the Penal Code in 2003 introducing the crime of "sex tourism" but is concerned about the information that child prostitution and sex tourism involving young Moroccans as well as immigrants, especially boys, continues to be a problem.

16. The Committee recommends that the State party intensify its efforts to tackle the problem of prostitution of children, including in the context of sex tourism, by developing a specific strategy targeting the tourist industry, including specific messages on child rights and on the existing sanctions against child abusers.

Implementation of new laws

17. The Committee notes with appreciation the entry into force of new laws related to child labour, child pornography and trafficking of persons, and welcomes the approval of the revised Penal Code containing provisions against sexual abuse of children. The Committee is nonetheless concerned that the implementation of these laws is inadequate.

18. The Committee recommends that the State party ensure a proper implementation of its legislation. Furthermore, the Committee recommends that the State party:

(a) Consider adopting specific legislation on the obligations of internet service providers with a view to prohibiting child pornography on the Internet;

(b) Strengthen its legislative framework by becoming a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 2000 United Nations Convention against Transnational Organized Crime.

C.3. Penal/criminal procedure

Extradition

19. The Committee is concerned about the compliance of the State party's law and practice with article 5 (1) of the Optional Protocol, notably that all the offences referred to in article 3, paragraph 1 of the Optional Protocol be considered as extraditable offences.

20. The State party should take all necessary steps to ensure that its extradition policies are in conformity with the requirements set out in article 5 of the Optional Protocol.

C.4. Protection of the rights of child victims

Measures adopted to protect the rights and interests of child victims

21. The Committee welcomes the establishment of judges for juveniles at the first instance court and acknowledges with satisfaction the strengthening of the Minor Council's role. However, the Committee is concerned about the lack of mechanisms for the collection, monitoring and reporting of instances of child exploitation and abuse.

22. The Committee recommends that the State party establish a monitoring and reporting system on all cases of exploitation and abuse of children along with a mechanism for follow-up. The State party should also continue providing information on any investigation, prosecution by the police and/or the judiciary on cases covered by the Optional Protocol as well as on their outcome.

23. The Committee is concerned about the information that child victims of crimes covered by the Optional Protocol are often stigmatized and socially marginalized and may be held responsible, tried and placed in centres for the deprivation of liberty.

24. The Committee recommends that the State party ensure that child victims of exploitation and abuses are neither criminalized nor penalized and that all possible measures be taken to avoid the stigmatization and social marginalization of these children.

25. While the Committee welcomes the establishment in urban and rural communities of Child Protection Units that are in charge of receiving and counselling children who are victims of physical and sexual abuse, it is concerned that these Units have not yet been established throughout the country.

26. The Committee recommends that child victims are assisted within social and medical structures, including the recently established Child Protection Units, which should be expanded throughout the country.

27. The Committee, while welcoming the fact that children have the possibility of directly filing a complaint when they are victims of the practices prohibited under the Optional Protocol, is concerned about the need for appropriate measures of protection for children victims and witnesses.

28. The Committee invites the State party to modify its procedure in order to protect child victims and witnesses at all stages of the criminal justice process. It further recommends that the State party be guided in this respect by the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20). Inter alia, the State party should:

- (a) Limit as much as possible that a child victim of crimes covered under the Optional Protocol has to testify in Court;**
- (b) Use child-sensitive procedures, including interview rooms designed for children;**
- (c) Ensure that trials take place as soon as practical, unless delays are in the child's best interest;**
- (d) Avoid direct contact between child victims and witnesses and the alleged perpetrators at any point in the justice process;**
- (e) Introduce a systematic use of audio and video recording of the declarations of child victims.**

29. The Committee is also concerned about the difficulties the State party encounters due to budget constraints and limited human resources with respect to programmes concerning social reintegration and recovery for child victims.

30. The Committee urges the State party to give priority to allocating budgetary resources so that adequate services are available for child victims, including physical and psychological recovery, social reintegration and repatriation when appropriate. The State party should also provide assistance to NGOs providing counselling, recovery and reintegration services to children abused and exploited.

31. The Committee welcomes the establishment by the National Observatory on the Rights of the Child of a round-the-clock free-toll helpline number to assist child victims. In this regard it recommends that the State party ensure that children are aware of and can access the helpline and facilitate the collaboration of the helpline with child-focused NGOs, the police as well as health and social workers.

C.5. Prevention of the sale of children, child prostitution and child pornography

Prevention

32. The Committee is concerned about the difficult situation of certain groups of children, such as street children, working children, domestic maids, "petites bonnes", migrant and trafficked children, who are particularly vulnerable to all forms of exploitation.

33. The Committee, reiterating the concerns and recommendations expressed in its concluding observations on the State party's second periodic report (CRC/C/15/Add.211, paras. 60-61), recommends that the State party pay particular attention to the situation of vulnerable groups of children who are at particular risk of being exploited and abused. In this

respect it recommends that the State party allocate adequate human and financial resources for the implementation of programmes for the protection of the rights of vulnerable children, with special attention to their education and health care. More attention should also be devoted to raising the awareness among these children of their rights.

34. The Committee notes that the State party is initiating projects aiming at poverty reduction in cooperation with the UNDP Morocco, the civil society, and several NGOs. However, the Committee is concerned about the difficulties arising from the scarce coordination of these projects and the lack of adequate financial resources.

35. The Committee recommends that adequate importance be given, including at the financial level, to projects aimed at addressing poverty, which is among the main causes of all forms of exploitation, and encourages the State party to adopt a comprehensive policy to combat poverty.

36. The Committee encourages the State party to continue its efforts to inform children, their parents and all the individuals involved in protection of child rights about legislative and other measures, policies and programmes adopted to prevent the offences referred to in the Optional Protocol.

D. International assistance and cooperation

Protection of victims

37. The Committee encourages the State party to continue its cooperation with United Nations specialized agencies such as the United Nations Children's Fund (UNICEF)

and international non-governmental organizations (NGOs) such as End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) International to reform the relevant legislation and bring it into compliance with the Optional Protocol .

Law enforcement

38. The Committee notes with appreciation the numerous bilateral agreements that the State party has signed with other States in the domain of judicial cooperation. The Committee encourages the State party to strengthen the cooperation with law enforcement agencies of States facing problems in the area covered by the Optional Protocol.

E. Follow-up and dissemination

Follow-up

39. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia , by transmitting them to the members of the Cabinet of Ministers, the Parliament, and to local governments and parliaments, when applicable, for appropriate consideration and further action .

Dissemination

40. The Committee recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring .

F. Next report

41. In accordance with article 12, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child in accordance with article 44 of the Convention due before 20 January 2009 .
