



# Meeting of the States Parties to the Convention on the Rights of the Child

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## COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

### SUMMARY RECORD OF THE 1085th MEETING (Room B)

Held at the Palais Wilson, Geneva,  
on Wednesday, 11 January 2006, at 10 a.m.

Chairperson: Ms. ALUOCH

#### SUMMARY

#### CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (continued)

Initial report of Morocco on implementation of the Optional Protocol to the  
Convention on the Rights of the Child on the Sale of Children, Child Prostitution  
and Child Pornography

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*The meeting was called to order at 10 a.m.*

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (agenda item 4) (*continued*)

Initial report of Morocco on implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (CRC/C/OPSA/MAR/1); list of issues to be taken up (CRC/C/OPSA/MAR/Q/1) and written replies of the Government of Morocco to the list of issues to be taken up (CRC/C/OPSC/MAR/Q/1)

1. *At the invitation of the Chairperson, the delegation of Morocco took places at the Committee table.*

2. Mr. FARHANE (Morocco) said that his country set great store by the defence and promotion of the rights of the child. The National Plan of Action for Children had been drawn up in partnership with all government stakeholders, local communities, civil society and the private sector; it came under the national human development initiative launched by H.M. King Mohammed VI on 18 May 2005, which called for a new social policy in the area of childhood, one whose objective would be to fight against poverty and social exclusion and to encourage the development of human resources. The Government was working with civil society and NGOs to achieve the objectives of the declaration and plan of action of the 2002 special session on children of the United Nations General Assembly.

3. In the context of implementation of the Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children, Morocco had instituted a government department to monitor children's issues. A national congress on the rights of the child had been convened to evaluate the progress made and identify actions to be taken; its executive organ was the National Observatory on the Rights of the Child, which had joined in the work of harmonizing Moroccan legislation with the Convention on the Rights of the Child, in particular with regard to the Nationality Code, the Penal Procedures Code, laws governing marital status and the decree-law on the protection of abandoned children. The Children's Parliament, which was now a permanent institution, allowed children to democratically express their needs and aspirations.

4. In the context of this work of revision and harmonization of Morocco's laws with the international instruments relating to human rights, and in accordance with the Committee's recommendations, Morocco had lifted its reservations to Article 14 of the Convention, relating to freedom of worship.

5. In 2001, Morocco had organized an Arab-African regional consultation to define the region's priorities in combating the sexual exploitation of children. Morocco had undertaken to serve as the focal point for the Arab-African region in following up the recommendations of the Yokohama World Congress against Sexual Exploitation of Children.

6. In spite of the efforts made and the results achieved, the Moroccan Government was conscious how much work had still to be done to build on those achievements and fully implement the national strategy. In this respect, it was cooperating with United Nations child welfare mechanisms, and in March 2000 had welcomed the Special Rapporteur assigned to study the issue of the sale of children, prostitution of children and child pornography, Ms. Calcetas Santos, who was

pleased with the cooperation of the Moroccan authorities but dealt plainly with the problems that needed to be tackled, like the phenomenon of street children, small girls being hired as maids, and the links between tourism and the sexual exploitation of children.

7. Morocco was determined to deal with these issues in a serious, in-depth fashion. It was clear that the phenomena of exploitation of children hit poor countries harder. For that reason, Morocco was taking a preventive approach based on planned education and assistance measures. National human rights education programmes, as well as the creation of networks of legal and psychological support centres for children facing difficult situations, were significant in this respect.

8. Ms. KHATTAB said the laws adopted by Morocco were good but did not criminalize all acts referred to in Article 3 of the Optional Protocol. Moreover, the child victims themselves were often charged and treated like criminals. More information on these questions—to which greater attention should be paid—would be welcome.

9. The report indicated that the Ministry of Human Rights was in charge of the follow-up and implementation of the Optional Protocol, so it would be useful to know why the delegation did not include any representative of that Ministry, what the current relationship was between the aforementioned Ministry and the Secretariat of State for the Family, as well as the Congress of Children, and which body followed up Protocol implementation in Morocco.

10. Moreover, the Committee would like to know when the National Plan for Children would be adopted and whether it contained elements relating to the fight against the exploitation and prostitution of children.

11. Noting that the National Observatory on the Rights of the Child can receive complaints from children and that a toll-free number had been put into service for that purpose, Ms. Khattab asked for further information on that service and wanted to know whether children could access it easily and what they were offered in that context. She asked whether sufficient financial and material resources were allocated to the rehabilitation and reintegration of the child victims and to education and the fight against poverty, and what resources were allocated to the said programmes, especially those carried out jointly with UNDP and civil society. Morocco's willingness to give priority to these issues would remain a dead letter in the absence of sufficient resources.

12. The delegation might also indicate whether there was a mechanism whereby a compilation could be made of the data on children gathered by hospitals, the National Observatory and the other bodies working in the field.

13. As regards assistance and compensation for child victims, Ms. Khattab asked about instances where aggravated sentences had been imposed, as well as examples of limitation of proceedings for crimes and misdemeanours. She noted that physicians' obligation of professional secrecy was lifted where ill-treatment of a child was concerned, and asked whether sanctions were provided for those who failed to report it.

14. On the subject of legal aid for children without resources, was a child from an affluent background, but at odds with his or her family, eligible for legal aid? What was the minimum age to make such a request? It would be helpful to know what the

procedure was for a child that felt victimized to file a complaint, and in particular whether the child must go through an association or NGO or file the complaint in person.

15. The delegation might specify what sanctions were envisaged in cases of family violence; whether the relatively low number of cases of sexual abuse in the family was partly due to a lack of awareness or the embarrassment felt by the victims in speaking out; and what measures were being taken to encourage children to file a complaint.

16. Ms. VUCKOVIC-SAHOVIC asked whether the many NGOs present in Morocco, which played a major role in the protection of children against sexual exploitation, received State aid, and whether specific appropriations existed for programmes related to the implementation of the Optional Protocol. Where implementation of Article 4 of the Optional Protocol was concerned, what concrete measures were being taken with respect to Moroccan citizens who, outside Morocco, committed offences described in Article 3 of the Protocol, and to foreigners that committed the like offences on Moroccan territory.

17. The delegation might indicate, moreover, whether the many bilateral agreements entered into by Morocco expressly authorized extradition for the offences referred to in Article 3 of the Optional Protocol; provide detailed information on confiscations and seizures of child pornography; and, in connection with the protection of the rights of child victims, indicate what became of children in difficult situations after they were placed in a publicly-owned or private educational or training institution or establishment or with a third party.

18. Ms. SMITH asked whether there were really no courts for juveniles in Morocco. She noted that much of the information on juvenile offenders provided in the report gives the impression that child victims were treated as juvenile offenders, and would like to be reassured that such was not the case. Noting that the public prosecutor's office could take the initiative of placing a juvenile in an institution, she asked for details on that office's role.

19. It might be useful for the delegation to specify whether the listening and assistance centre for child victims of violence and ill-treatment set up by the National Observatory on the Rights of the Child was the pilot centre mentioned in paragraph 93 of the report and whether there were other centres of that type.

20. Mr. ZERMATTEN asked what was the earliest age at which a child could file a complaint; whether the complaint must necessarily be filed in writing; whether the child victim must go through a lawyer or could directly address the prosecutor or the police; and whether a child could file a complaint against his or her parents' wishes, and receive legal aid if required. It would be useful to know, moreover, what credence the legal system gave the child's word in proceedings against the perpetrator of the acts in question, and whether the child was systematically heard. On this subject, it was essential to know whether there was a threshold age after which the child could be heard and whether the child was heard in an adversary proceeding or by means of a video or audio recording.

21. On the issue of penalization of the child victim, the placement of child victims with third parties seemed very frequent, if not systematic, and girls that had been sexually abused seemingly had to prove that they had not consented. On this subject, the delegation might indicate whether children born of forcible sexual

intercourse were left with the mother or placed in a family according to the custom of kafala.

22. It would also be appropriate for the delegation to clearly answer the question about the compensation due to child victims of the offences referred to in the Optional Protocol, and to provide information on the training given to professionals working with child victims, in particular police officers (who were often the first to take a statement from a sexually abused child), judges and prosecutors, and social, medical and educational personnel.

23. Mr. PARFITT asked how the State endeavoured to raise the awareness of children and the whole population of problems relating to sexuality, most of which were still largely taboo in society, in particular incest, and to seriously face up to the phenomenon of sexual abuse of children or young domestic workers.

24. As Morocco was a significant transit country, it would be interesting to know whether the Government was taking specific measures to protect migrant children, who were particularly vulnerable, against sexual exploitation.

25. It would also be appropriate to have details on the methods of interrogation and recording of testimony used by the police force, on the earliest age at which a child was able to testify in court, on the process of examination of complaints after they were filed, and on possible assistance measures available to child victims and families.

26. Mr. LIWSKI, noting that the infraction of sale or purchase of a child was punishable by 2 to 10 years' imprisonment, asked whether persons convicted thereof could be paroled. He would like to know whether the measures contained in paragraphs 43 and 44 of the report were regarded as sufficient to interdict trafficking in children for adoption or whether the Moroccan authorities planned to extend them or make them more stringent to increase their effectiveness. It was to be feared that legal intervention in the cases of child victims would victimize them anew; accordingly, he asked whether medical or psychological care measures were planned to help child victims involved in legal proceedings.

27. He noted with concern the impression of confusion between child victims and juvenile offenders left by the report and would like to know whether these two categories of children were placed in different centres and, if so, what the characteristics of each type of establishment were. Much effort had been made, both by the Government and by civil society, to ensure child victims' rehabilitation and reintegration. It would be interesting to know whether the listening and reception centres had been the subject of an evaluation and whether they were endowed with adequate human and material resources.

28. Finally, the delegation might indicate whether the authorities paid particular heed to the plight of the clandestine children returned from Spain to Morocco.

29. Mr. POLLAR said that all awareness programmes on sexual exploitation should henceforth include an HIV/AIDS awareness component.

30. As regards extradition, he would like to know what treatment was received by the Belgian journalist who had abused Moroccan girls and what the outcome of that affair had been.

31. Referring to paragraph 60 of the report, he asked whether, when pornographic material was seized and confiscated, bodies corporate were held to the same standards of accountability as private persons.

32. The CHAIRPERSON asked how many people had been sentenced to a term of imprisonment for the sale or purchase of a child under the terms of Article 467 of the Penal Code.

33. She would like some explanation of the Crown prosecutor's duties as compared to those of youth court judges, and would like to know whether measures were being taken to better inform and sensitize children and their families in parallel with the training organized for judges and professionals of certain categories.

*The meeting was suspended at 11:10 a.m.; it resumed at 3:35 p.m.*

34. Mr. DRISS (Morocco) said that the Ministry of Human Rights had been eliminated during the last government reorganization in June 2004 and that henceforth the Ministry of Justice had responsibility for the protection of human rights; it cooperated in this field with the Secretariat of State responsible for the Family and Solidarity. Many bodies and structures, like the Advisory Council on Human Rights, also dealt with these matters.

35. There were two types of associations: public associations, exempt from taxation; and other associations, which received annual support in accordance with their programmes.

36. Relations with international organizations on human rights issues were also conducted through the Ministry of Justice. The Observatory on the Rights of the Child, which received complaints, was the executive body of the National Congress on the Rights of the Child and had several listening centres providing medical and psychological care for children, including one at the Rabat Children's Hospital.

37. The statistics on complaints filed with these various centres and the corresponding legal proceedings for 2003 to 2005 were broken down by age of victim, category of offence, and region, as well as by urban or rural area. The increase in the number of complaints observed between 2000 and 2004 could be due not so much to a worsening of the phenomenon as to increased use of the complaint mechanisms as a result for the awareness efforts. As regards violence within the family, the number of complaints remained larger among boys than among girls because of traditional attitudes that tend to stigmatize and marginalize girls who complain about aggression; hence the importance of going on with the awareness work, which was beginning to bear fruit.

38. Such was the thrust of the statement by H. M. the King at the session of the National Congress devoted to the ill-treatment and exploitation of children, where His Majesty had highlighted the role of the National Observatory. The aim of the national Human Rights Programme launched in 1995 was to see the culture of human rights take root throughout society through a reliance on schools, mosques, women's clubs and other service clubs. The programmes and textbooks of primary and secondary education had been altered to make room for human rights, and all national education stakeholders—not just teachers, but also administrative staff—had taken human rights training.

39. Guides had been distributed in the prisons and training given to instructors at prisons and child welfare establishments. Judges, and in particular youth court

judges, also took training courses, in particular within the framework of cooperation with UNICEF, while police officers were sensitized to international humanitarian law. The training centre put in place under the Advisory Council on Human Rights was tasked with making teaching and outreach documents available. It had already issued CD-ROMs and several illustrated booklets.

40. To these many tools were added the legislative and regulatory texts, including the law on awareness of violence in the school environment, the law on compulsory curricula or the memorandum on the reschooling of school dropouts. Ambitious efforts had thus been in hand since the 90s and the whole of society was involved in the combat for the rights of the child. The victims of violations of these rights, in particular street children and those requiring psychological or medical care, could if necessary be placed in rehabilitation and child welfare centres.

41. Mr. ZARHOUNI (Morocco) pointed out that Eid al-Adha, which Muslims were even now celebrating, had been interpreted as a message opposed to violence against children, since God had stopped the arm of Abraham when he was on the point of sacrificing his only son as a sign of submission.

42. In his capacity as deputy public prosecutor, Mr. Zarhouni received both victims and simple witnesses coming to file a complaint on behalf of a third party or to report a violation that had come to their notice. The law allowed anyone, of whatever age, to file a complaint, which could even take the form of an anonymous letter addressed to the court or the police. Any such report would give rise to an investigation and, if necessary, to protective measures.

43. Where ill-treatment of a child was concerned, as it was often difficult to collect evidence, a verdict of guilty could be pronounced based only on the victim's statements, if these were coherent and the court was convinced of their veracity. Victims were supported by doctors and psychologists and they were counselled to submit a claim for relief, which gave rise to a civil proceeding, in parallel with the criminal proceedings, at which the victim need not be represented by counsel but could simply be represented by a relative or guardian.

44. Mr. ZERMATTEN asked whether the victim appeared at the hearing in an adversary setting or whether the production of recorded testimony was an allowed practice.

45. Mr. ZARHOUNI (Morocco) answered that it was not possible to use audiovisual means. On the other hand, if it was considered preferable in particular cases for the victim, in view of his or her psychological state, to be spared direct confrontation with the perpetrator, one of the judges could hold an additional in-camera hearing. The victims could moreover be accompanied by their guardian or a representative of the police to provide moral support on such an occasion.

46. Ms. SMITH asked whether any child could testify in court, regardless of age, and if so whether consideration had been given to ways of avoiding having the youngest children testify repeatedly.

47. Mr. ZARHOUNI (Morocco) explained that juvenile victims were not automatically called to testify at the hearing. The decision on whether or not to call a child was for the youth justice judge to make. In general, the child was heard at the trial stage but not on appeal. A simple transcript of the child's statement could be submitted and, absent any ambiguity, the child would not have to be heard again.

The law did not set any age limit. The criterion employed was the child's capacity for self-expression and intelligibility to others. It was understood that, in all matters relevant to Article 3 of the Optional Protocol, procedures should be kept as short as possible; the expectation for these cases was that a verdict would be returned within three to four months. If the perpetrator did not pay the reparations ordered by the court, he or she could be constrained to do so or his or her effects distrained.

48. The Moroccan legal system was governed by a Penal Code dating back more than 40 years and did not have specialized youth courts, but there was a specialized unit within the Prosecutor's Office and each court, both at the trial stage and on appeal, did have a youth justice judge, who presided over cases involving juveniles. There was also a youth police force.

49. Any removal of organs from the person of a juvenile constituted a criminal offence. If practised on a living child, it was punishable by 10 to 20 years' imprisonment, and if on a deceased child by 2 to 5 years' imprisonment together with a fine. No cases of trafficking in juveniles' organs or of sale of children had been recorded in Morocco to date.

50. Ms. KHATTAB asked whether the State party intended to introduce a provision outlawing female genital mutilations, whether on Moroccan soil or abroad.

51. Mr. ZARHOUNI (Morocco) said that the law provided for prosecution of a legal entity involved in the sexual exploitation of children and that article 124 of the Penal Code provided that a juvenile that had been forced into prostitution was not regarded as a delinquent and was not prosecuted. Recent legislation of the Ministry of Justice had affirmed the need to impose the maximum sentence in cases of sexual exploitation. In rape cases, the victim was presumed not to have consented, and the law allowed the judge and the prosecution to use DNA tests to prove incest or other offences.

52. Mr. ABDELWAHAB (Morocco) indicated that orientation and care centres for child victims of violence, and in particular of sexual ill-treatment, had been set up in all parts of Morocco. A ministerial circular instructed physicians to set aside medical secrecy to report presumed cases of ill-treatment to the Prosecutor. The country's 11 listening centres had recently undergone an evaluation, which was on the whole positive, except for some coordination problems and the fact that these centres remained too little known to the population.

53. The incidence of HIV/AIDS was very low in Morocco, but the country was giving priority to the fight against this plague. Anonymous detection was possible in all areas and patients were treated free by triple therapy. A large-scale permanent information and communications programme was being implemented at all of the country's health establishments and schools. A televised public awareness campaign had also been launched, so that the fight against AIDS was no longer a taboo subject, given the risks involved. World AIDS Day had enabled all stakeholders in this area to be brought together.

54. Ms. KHATTAB asked for details on the National Plan of Action for Children.

55. Ms. BELFAKIR (Morocco) indicated that in 2004, in accordance with Morocco's commitments under various international instruments, the Government had, with UNICEF support, embarked on development of the 2005-2015 National

Plan of Action for Children (PAN)—now in the process of validation—which comprised four major components: health, education, HIV/AIDS, and protection. The Plan, which was meant to unify the activities in this area of all government departments, targeted all categories of children concerned (working children, abandoned children, street children, those in institutions and with disabilities, etc). Previously, Morocco had not had a specific budget for children, the relevant resources being distributed among several departments. The implementation of PAN, which relied on a participatory approach, would lead to the adoption of a budget drawn up with the same type of approach. Some elements of the Plan had already been put in place by 2005, in particular the Programme for Street Children's Reintegration into Their Families, the social SAMU (Emergency Medical Assistance Service) for those children, and the Child Welfare Units.

56. The Child Welfare Units were structures comprising a permanent team and a team of focal points and specialists whose mission it was to meet the needs of children in situations of violence and ill-treatment, to facilitate access to the services social required for those children's protection, and to protect them.

57. Mr. ZERMATTEN asked whether it was possible to systematically refer the victims of acts subject to the Optional Protocol to the Child Welfare Units rather than to the judicial system, so as to avoid any stigmatization.

58. Ms. KHATTAB said that there was indeed a need to avoid stigmatization so as to encourage victims to file complaints. In her report, the Special Rapporteur assigned to study the issue of the sale of children, child prostitution and child pornography had proposed a suitable timetable for action to clear the many remaining obstacles. Information on migrant children would be helpful.

59. Mr. FARHANE (Morocco) announced that the National Plan of Action's vaccination budget had been doubled.

60. Morocco was working closely with Spain and the Special Rapporteur to ensure that migrant children were treated with respect for their dignity and their rights.

61. As regards the Belgian national that had abused Moroccan girls, there was an extradition agreement between Morocco and Belgium and consultations were in hand with the Ministry of Justice. The Committee would be kept informed of the matter.

62. The CHAIRPERSON thanked the delegation for providing the Committee with a better understanding of the situation of the rights of the child in Morocco, more particularly with regard to the Optional Protocol.

*The meeting rose at 1 p.m.*