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Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Fourth periodic reports of States parties due in 2009

Morocco*

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Contents

	<i>Paragraphs</i>	<i>Page</i>
Acronyms and abbreviations		3
I. Introduction	1–11	4
II. Implementation of general recommendations	12–271	6
Article 1 – Exercise of the right to self-determination	23–27	13
Article 2 – Economic, social and cultural rights	28–35	14
Article 3 – Equal rights of men and women	36–56	16
Article 4 – Employment	57–72	22
Article 7 – Working conditions	73–85	28
Article 8 – Trade unions	86–101	32
Article 9 – Social security	102–113	35
Article 10 – Family-marriage	114–146	39
Article 11 – Poverty	147–186	46
Article 12 – Physical and mental health	187–216	57
Article 14 – Education	217–246	63
Article 15 – Culture	247–271	71

Acronyms and abbreviations

ADS	Social Development Agency
AIDS	acquired immune deficiency syndrome
CNDH	National Council for Human Rights
CNEF	National Charter for Education and Training
CNOPS	National Fund for Social Welfare Organizations
CNSS	National Social Security Fund
DIDH	Interministerial Delegation for Human Rights
FWBD	food and/or water-borne diseases
GDP	gross domestic product
HIV	human immunodeficiency virus
HCP	Office of the High Commissioner for Planning
ICT	information and communications technology
INDH	National Initiative for Human Development
IRCAM	Royal Institute for Amazigh Culture
MDGs	Millennium Development Goals
MSFFDS	Ministry of Solidarity, Women, the Family and Social Development
ONDH	National Observatory for Human Development
ONEP	National Office for Drinking Water
PACTE	Territorial Convergence Action Plan for the Protection of Children
PANE	National Action Plan for Children
RAMED	Medical Assistance Scheme for the Economically Underprivileged
SAMU	Emergency Medical Assistance Service
SMAG	guaranteed minimum agricultural wage
SMIG	guaranteed minimum inter-occupational wage
STI	sexually transmitted infections
UNHCR	Office of the United Nations High Commissioner for Refugees
VSE	very small enterprise
WHO	World Health Organization

I. Introduction

1. The Kingdom of Morocco, which has been a party to the International Covenant on Economic, Social and Cultural Rights (hereinafter “the Covenant”) since 3 May 1979, is submitting its fourth periodic report pursuant to articles 16 and 17 of the Covenant.
2. The report has been prepared in accordance with the guidelines on treaty-specific documents (E/C.12/2008/2) and in response to the concluding observations (E/C.12/MAR/CO/3) adopted by the Committee on Economic, Social and Cultural Rights (hereinafter “the Committee”) following its consideration of the third periodic report (E/1994/104/Add.29). It reviews the measures taken by Morocco during the period 2006–2012 to give effect to the economic, social and cultural rights recognized in the Covenant, and it highlights the progress made and the difficulties encountered in implementing appropriate policies and actions designed to ensure more effective compliance with the provisions of the Covenant. It reviews each of the Committee’s recommendations and provides as much statistical data as possible.
3. The report was prepared on the basis of a participatory approach involving all stakeholders representing ministerial departments, national institutions and civil society. Extensive consultation meetings were held to provide a solid basis for the report and to ensure its validity. The report was prepared in accordance with a procedure based on dialogue and wide-ranging consultations involving all stakeholders who participated in the preparation of reports submitted to the Human Rights Council and other treaty bodies.¹
4. Since the submission of the third periodic report in 2005, the Moroccan Government has spared no effort in promoting economic, social and cultural rights, particularly on behalf of vulnerable groups, and it has taken action on the points raised in the concluding observations on the third periodic report.
5. Morocco is engaged in far-reaching constitutional and institutional reforms at the time of submission of this report, including the adoption in 2011 of the new Constitution, which marks a historical and decisive turning-point in the process of building a State based on the rule of law and the Kingdom’s democratic institutions.

¹ National report for the second cycle of the universal periodic review, February 2011 (A/HRC/WG.6/13/MAR/1); third and fourth periodic reports of the Kingdom of Morocco on the implementation of the Convention on the Rights of the Child, May 2012 (CRC/C/MAR/3-4); initial report of the Kingdom of Morocco on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, June 2012 (CMW/C/MAR/1); report of the Special Rapporteur on the right to education, Vernor Muñoz: Mission to Morocco (27 November-5 December 2006) (A/HRC/8/10/Add.2); report of the Special Rapporteur on the right to education, Vernor Muñoz Villalobos: Preliminary note on the mission to Morocco (27 November-5 December 2006) (A/HRC/4/29/Add.2); report of the Special Rapporteur on the rights of migrants, Gabriella Rodríguez Pizarro: Visit to Morocco (E/CN.4/2004/76/Add.3) (19–31 October 2003); report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ofelia Calcetas-Santos: Report on the mission of the Special Rapporteur on the issue of commercial sexual exploitation of children to the Kingdom of Morocco (28 February-3 March 2000) (E/CN.4/2001/78/Add.1); report of the Working Group on the issue of discrimination against women in law and in practice: Mission to Morocco (A/HRC/20/28/Add.1) (13–20 February 2012); report of the Independent Expert in the field of cultural rights, Farida Shaheed: Mission to Morocco (5–16 September 2011) (A/HRC/20/26/Add.2).

A. Strengthening of the institutional framework for the promotion of economic, social and cultural rights

6. Morocco reiterates its commitment to the promotion of economic, social and cultural rights and environmental rights through the establishment of a legal and institutional framework that contributes to the consolidation of the rule of law, the development of an environment that fosters participation and the establishment of inclusive economic and social institutions. The adoption of the new Constitution in 2011 resulted in the constitutional recognition of the Economic, Social and Environmental Council which was established in February 2011, the National Council for Human Rights (CNDH), the Office of the Ombudsman and the Competition Council, as well as the creation of the Interministerial Delegation for Human Rights (DIDH) in 2011.

7. The reform process and the strengthening of the institutional framework for the promotion and protection of human rights have continued and led to the establishment of the following institutions entrusted with general or specific mandates: the High Authority for Audiovisual Communication; the Higher Council for Education, Training and Scientific Research (CSEFRS); the Central Authority for the Prevention of Corruption (ICPC); the Royal Institute for Amazigh Culture (IRCAM); the Royal Advisory Council for Saharan Affairs (CORCAS); the National Observatory for Human Development (ONDH); the National Commission to Oversee the Protection of Personal Data (CNDP); and the National Commission on International Humanitarian Law (CNDIH).

8. All of these institutions are highly active in their respective areas of responsibility. The Constitution provides for the establishment of additional institutions with human rights mandates: the Authority Responsible for Parity and the Fight against All Forms of Discrimination; the Advisory Council on the Family and Children; the Advisory Council on Young People and Social Action, etc.

B. Development of the legislative framework

9. The new Constitution provided for the adoption of about ten organic laws dealing with economic, social and cultural rights. Special attention was given to strengthening the rights of specific groups and to provisions for the protection of categories of persons or of particular fields such as trade union law, health care, safety in the workplace, consumer protection, care for vulnerable persons, recognition of the Amazigh language as an official language, the advanced regionalization project, the Emergency Plan for Education adopted in 2007 to speed up implementation of the guidelines set forth in the National Charter for Education and Training adopted in 2000, a strategy for the "Green Morocco Plan" adopted in 2008, adoption of a new Local Authority Charter, reform of the audiovisual media, drafting of the National Charter for the Environment and Sustainable Development, launching of the second stage of the National Initiative for Human Development (INDH), and implementation of a gender-sensitive budgeting system (arrangements to ensure accountability for the full enjoyment by women of their economic, social and cultural rights). As part of the budgetary reform based on results and performance, detailed reports on the public authorities' finance and budget laws are published in the press and on the Internet and widely discussed in the written and audiovisual media. This process is to be sustained through the adoption of the new organic law on financial legislation. The purpose of the law is to modernize public administration by enhancing the performance, oversight, transparency and accountability of administrators. It will develop budget policy tools and promote the preservation of macroeconomic balance. It will also support the process of regionalization and strengthen local governance and the development of synergies at the local level.

C. The economic and financial situation in the Kingdom

10. Morocco has enjoyed a period of sustained economic growth of over 4.5 per cent per annum during the past ten years. This successful trend is due, on the one hand, to an economic strategy aimed at opening up markets and attracting foreign investment with a view to bolstering sectors at the forefront of economic growth and, on the other, to vigorous action at the national level, primarily in the context of the INDH, to reduce social exclusion and to combat poverty and insecurity. Structural unemployment has declined. Progress in the management of public finance has enabled the State to step up investment in infrastructure and to improve the economic climate. As a result of this progress, the country has been able to enhance its citizens' enjoyment of economic, social and cultural rights. Action to ensure access to basic facilities throughout the territory is a basic prerequisite for the democratization of social life and for the enjoyment by the population of economic, social and cultural rights.²

11. Morocco has established institutional and political conditions on the ground that facilitate participation and dialogue at the national and local levels. Civil society has developed apace, benefiting in particular from the consultation arrangement established as part of the INDH. Staff elections have been held in companies and in chambers of trade and crafts so that the status of representatives of occupations and employees has been legitimized and a solid basis has been set for economic and social dialogue. The new Local Authority Charter requires the authorities to publish their budget. Extensive legal bases have been laid to enable all economic and social actors to express their views and to exert an impact on decisions affecting them. The practical implementation of these new facilities, which promote the enjoyment of economic, social and cultural rights, depends on collective experience and a collective learning process.

II. Implementation of general recommendations

Recommendation 34: Establishment of a database to monitor the realization of the rights enshrined in the Covenant

12. There is no database specifically designed to monitor the Covenant. However, public agencies such as the Office of the High Commissioner for Planning (HCP) and the National

² In some areas, however, Morocco has found it difficult to meet communities' expectations and to comply with the provisions of the Covenant. The realization of economic, social and cultural rights calls for investment and the mobilization of financial resources on a scale that is frequently unattainable. Such resources are mobilized by the State and local authorities. The budgetary funds available to the local and central authorities depend on economic growth, the volume of investment and an increase in the productivity of the country's economic units. The country's serious educational underdevelopment has greatly impeded the modernization of economic units in Morocco. In the agricultural, construction, craft and service sectors, most of the workforce is employed by small-scale units, whose equipment and techniques are outmoded when compared with production standards at the international level. In economic sectors faced with international competition, the rate of growth in productivity recorded in the international market is frequently higher than that achieved by producers in Morocco. The resulting pressure on prices and income limits the potential for investment in the country. Nevertheless, the State has supported the investment process in the public and private sectors. The rate of investment has improved, climbing to more than 30 per cent in recent years. The Moroccan economy has remained resilient in the face of the global financial and economic crisis. Household consumption has improved, particularly that of the poorest households.

Observatory for Human Development (ONDH), and many other bodies have established structured databases that can be used for monitoring purposes.³

Recommendation 36: Adoption of legislative and other measures to give effect to all the provisions of the Covenant

13. Morocco has undertaken under its new Constitution to give effect to all the provisions of the Covenant. The preamble to the Constitution, which now constitutes an integral part of the text, stipulates: "Considering the vital importance of enhancing its role on the world stage, Morocco, as an active member of international organizations, is committed to the principles, rights and obligations enshrined in their respective charters and conventions; it reaffirms its commitment to universally recognized human rights and its determination to continue taking action to preserve peace and security in the world." Moreover, article 31 of the new Constitution stipulates that the State, public establishments and local authorities shall take steps to mobilize all available resources to facilitate equal access of citizens to conditions that enable them to exercise their rights to vocational training, work and support from the public authorities for access to employment or self-employment and to sustainable development. Furthermore, article 35 of the new Constitution enshrines the right to property and free enterprise and guarantees free competition. The article also guarantees free access to investment.

14. The constitutional regime of the Kingdom of Morocco is based on the principles of separation, balance and collaboration among authorities, the principles of citizen-based and participatory democracy, and the principles of good governance and accountability. In this context, continuous action is taken to establish a cohesive, well-adapted and progressive legislative and regulatory framework. The new Constitution provides for the drafting of organic laws in a number of fields, including those of economic, social and cultural

³ The HCP maintains up-to-date economic and social indicators. The indicators are based on general statistical data and data compiled through surveys of households, enterprises, non-profit-making organizations and local authorities. The HCP produces a regular report on progress towards achievement of the Millennium Development Goals. The annual Gender Budget Report issued by the Ministry of Economy and Finance contains statistical annexes covering demography, education and training, employment and health. A distinguishing feature of the 2012 edition of the Gender Budget Report was the adoption of a new analytical approach based on a gender analysis of budgets from a human rights perspective. This analytical approach is rooted in the principle that all development policies and programmes seek to ensure respect for and the realization of the human rights enshrined in the Universal Declaration of Human Rights and in other international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights. Human rights standards and principles thus constitute the main guiding norms for all development planning in every sector and during all stages of the planning process, which is based on structural and procedural indicators and outcomes for the 26 departments involved. Moreover, the Budget Directorate of the Moroccan Ministry of Economy and Finance has developed a cartographic system covering all development projects in Morocco that receive foreign support. There are plans to expand the system by incorporating relevant indicators into its information base relating to MDGs and the gender-based approach as well as the human development indicators devised by the HCP. The ONDH has developed the Al Bacharya database, which incorporates a very large proportion of the indicators relating to economic and social rights. The INDH National Coordination Unit has created a database containing information about projects supported by the INDH. The Social Development Agency and various regional development agencies maintain data on their projects. The Office for the Development of Cooperation has a detailed database on cooperatives that is updated each year. At the operational level, the requisite conditions have been created to enable the agencies concerned to develop, in the near future, effective collaboration with a view to adopting a joint methodology and obtaining appropriate software support for the compilation, processing and dissemination of the information required to monitor policies aimed at promoting economic, social and cultural rights.

governance. The duration of the first legislative period following its promulgation was fixed as the time limit for the drafting of the organic laws and their submission to the Chamber of Representatives for approval (art. 86).⁴

15. In the linguistic and cultural field, the Amazigh language has been recognized as an official language alongside Arabic under article 5 of the Constitution. The National Council for Languages and Culture has been established. The procedures for implementing these measures will be laid down in the organic laws.

16. Major advances have also been achieved in the area of consumer rights protection (for instance, the adoption of Act No. 31-08 in February 2011⁵) and in the area of environmental law (national debate in 2009 and 2010 on a National Charter for the Environment and Sustainable Development⁶).

Recommendation 37: Provision of accurate and detailed information on, and real-life examples of, the legal remedies available to victims of violations of the rights enshrined in the Covenant

17. Statistics on administrative legal proceedings provide information on registered, decided and pending cases before the administrative courts and the administrative appeal courts. In 2010 a total of 18,081 cases were registered with the administrative courts, 17,138 had been decided and 12,169 were pending. A total of 4,880 cases were registered with the appeal courts, 3,521 had been decided and 7,283 were pending. Disputes concerning expropriation accounted for 15 per cent of cases and those concerning abuse of authority and taxation accounted for 9.4 per cent and 10.9 per cent respectively of cases

⁴ The Constitution provides for the expansion and formal structuring of the framework for citizen participation and initiatives. According to article 15, citizens have the right to submit petitions to the public authorities; an organic law specifying the conditions and procedures for exercising this right is to be adopted. Article 139 provides for the establishment by regional councils and the councils of other local authorities of participatory dialogue and consultation mechanisms “to facilitate the involvement of citizens in the elaboration and monitoring of development programmes”. In particular, citizens can submit petitions for the inclusion of issues in the agenda of such councils that fall within their fields of competence. In addition, a draft organic law on finance is being adopted to promote more effective consultations during the process of drafting and adoption of financial legislation. The law in question specifies the types of information, documents and data required to flesh out parliamentary debates on draft financial legislation (art. 75). The new Constitution develops the scope of the former Economic and Social Council by providing for an environmental dimension (by virtue of this provision, Morocco has assumed a proactive standard-setting role through its endorsement of environmental rights). The Council can be consulted by the Government, the Chamber of Representatives and the Chamber of Counsellors on all economic, social or environmental issues. The opinions it issues are based on general trends in the national economy and in relation to sustainable development. The composition, organization, mandate and operating procedures of the Council are to be established in an organic law (art. 153).

⁵ Mention may be made in this connection of other laws such as Act No. 24-09 on the safety of products, and Act No. 28-07 and draft Decree No. 2-12-462 setting forth model articles of association for consumer protection associations whose public utility status may be recognized.

⁶ Draft General Principles Act No. 99-12 concerning the National Charter for the Environment and Sustainable Development is currently being adopted.

registered with the administrative courts.⁷ There is as yet no analytical register of case law in Morocco.⁸

18. However, alongside the administrative courts, there are national institutions such as the CNDH and the Office of the Ombudsman which look into cases involving violations of economic, social and cultural rights. The Office of the Ombudsman, which replaced the institution known as *Diwan Al Madhalim* in 2011, was created to promote the effective delivery of justice and the rule of law, to reduce the number of cases of injustice due to wrongful application of the law and to provide redress, in accordance with the country's international obligations and the treaties ratified by Morocco.

⁷ **Activities of the administrative courts: number of cases in 2010**

	<i>Abuse of authority</i>	<i>Taxation</i>	<i>Elections</i>	<i>Expropriation</i>	<i>Cases referred</i>	<i>Total</i>
Administrative courts						
Registered cases	1 708	1 973	103	2 782	4 879	18 081
Decided cases	1 576	1 804	92	2 143	5 009	17 138
Pending cases	1 365	2 202	18	3 852	411	12 169
Administrative appeal courts						
Registered cases	1 037	959	172	1 105	545	4 880
Decided cases	658	682	219	295	671	3 521
Pending cases	1 947	1 792	60	2 007	138	7 283

Source: Ministry of Justice.

The judgements handed down by the courts usually provide redress for violations of citizens' economic and social rights. The most significant case is a judgement concerning the right to health (judgement 148/2007, administrative file No. 465/2005 ch), in which the administrative court of Agadir ruled that the Moroccan State, represented by the Head of Government, should arrange for the hospitalization and treatment free of charge of the person concerned at the expense of the Moroccan State. With regard to the right to education and the accessibility of higher education, mention may be made of another significant judgement by the administrative court of Agadir.

⁸ The Office of the Ombudsman maintains regular contact with citizens who seek its assistance and studies ways and means of resolving, in a fair and equitable manner, issues relating to economic, social and cultural rights that are brought to its attention, in accordance with the recommendations of the International Covenant on Economic, Social and Cultural Rights. When issues concerning citizens' relations with the administration arise, they can opt to file complaints directly with the courts, notwithstanding the complex procedures that this involves, and/or to take their case to the Office of the Ombudsman. The latter accepts complaints on the basis of a simplified procedure that is entirely free of charge, with the specific aim of assisting low-income social groups, and takes steps to provide them with legal assistance. Petitions may be submitted by all persons, irrespective of their nationality or sex. Complaints concerning legal or regulatory provisions relating to public service responsibilities are also admissible and can be filed directly with the Head of Government. In 2012, for example, the Office of the Ombudsman took up issues relating to the organization of the social security system. The Office accepts complaints from rights holders relating to the Committee's recommendations 51 and 53 concerning the right to decent housing once they have exhausted all available procedures. During the first quarter of 2011, the Ombudsman received 8,664 complaints, 6,934 of which fell outside his sphere of competence. In the case of the remaining 1,730 complaints (21 per cent), the Ombudsman exchanged correspondence with other branches of the administration in 1,214 cases (i.e. 70 per cent), contacted complainants in 385 cases with requests for completion of their files and referred 69 cases to the CNDH.

Recommendation 56: Take into account, in negotiations and bilateral agreements, all the obligations incumbent upon it under the Covenant, so as not to impinge upon economic, social and cultural rights. Evaluate the impact of the free-trade agreements that entered into force in 2006 on the economic, social and cultural rights of the population, especially the most vulnerable sectors

19. Morocco pursues an economic strategy based on open markets. It has stepped up the strategy of open markets and trade liberalization during the past decade through the establishment of a network composed of free-trade agreements at the regional or bilateral level.⁹

⁹ The aim was to open up markets for exporters from Morocco by promoting the country's integration into global markets and its regional Arab and Euro-Mediterranean economic environment. A further objective of this policy was to increase the exposure of national producers to foreign competition, to improve the business climate and to reduce the cost of transactions in order to stimulate the competitiveness of national industry. The action taken to speed up liberalization by concluding and implementing a series of free trade agreements served as a catalyst for reform and the launching of sectoral strategies designed to endow Morocco, in the medium term, with a competitive productive supply capacity. The expected social impact of the strategy was the creation and development of new economic activities that would generate more productive employment for an economically active population whose educational profile is continuously improving. The creation of new employment opportunities should enable individuals, households and the national community to enjoy the benefits of their investment in education and training, and to ensure a better distribution of the fruits of growth by reducing the number of young people and women who are excluded from the labour market. However, data for the past six years show that there has been no great change in exports in terms of diversification of products and markets and the quality of the exportable supply of goods. On the other hand, a major increase has been recorded in imports owing to the increase in costs (energy, raw materials, agricultural produce, etc.) and the relatively inflexible nature of imports into Morocco. The improvement in purchasing power on the national market benefited foreign manufacturers supplying the national market more than domestic manufacturers. However, growth was generated primarily by the internal supply of non-tradable goods. In the short term, such investment leads to an improvement in the population's living conditions, and in the medium and long term it enhances the attractiveness of the national territory and creates competitive advantages that generate employment and income. The figures for Moroccan foreign trade transactions during the period 2006–2012 show a faster rate of growth in imports than in exports. It should be noted, however, that the growth in imports is basically due to the purchase of equipment and semi-finished products acquired with a view to modernizing the national productive fabric. The trends in foreign trade recorded since 2006 indicate the existence of considerable structural frailties. The trade deficit that began to be recorded prior to the implementation of the free trade agreements has increased in the meantime due to the shocks inflicted on the economy by the rising cost of oil and foodstuffs and the impact of the 2008 financial crisis.

The impact of the trade deficit on employment has been offset by foreign exchange earnings from tourism, emigrants' financial transfers and direct foreign investment, which have led to an improvement in national savings and investment rates. The rate of investment stood at 35.1 per cent in 2010 as a result of the slow upward trend recorded since 1988 (21.23 per cent). While some activities declined, others emerged, for instance in new competitive niche markets requiring an increase in skilled labour: the horticulture export industry, telecommuting, automotive subcontracting, aeronautics, software development, telecommunications, logistics and transport, large-scale retail marketing, and activities in the health-care and education sectors. This thrust towards modernization is supported by increased investment in network infrastructure and amenities for urban and rural areas. The enhanced attractiveness of different areas and the development of tourism have served as a driving force in several parts of the country. The increase in economic activities and the expansion of urban and rural planning have not succeeded in absorbing the rapid growth in the labour supply. It should be noted, however, that a major effort is being invested in improving the skills of the existing workforce and in generating investment and employment opportunities.

20. The negotiations concerning cooperative action to address the economic and social impact of the free trade agreements took the social impact of such agreements into account on a systematic basis.¹⁰ A core objective of the INDH, which was launched by His Majesty King Mohamed VI on 18 May 2005, consists in taking long-term action to address the risks involved in opening up the country's economy.¹¹ The Government has launched a number

¹⁰ They were combined with trade negotiations in the case of the free trade agreement with the European Union and detached from them in the case of the free trade agreement with the United States of America. While the common goal of such free trade agreements consists in promoting diversification of trading partners, developing exports and attracting investment, the agreements with the European Union and the United States differ in terms of their scope, their impact on the process of internal economic reform and action aimed at combating poverty and promoting good governance. The Association Agreement between Morocco and the European Union is a cooperation agreement based on a long-term vision and on financial assistance aimed at supporting Morocco in its endeavours to bring about political, economic and social reform in order to facilitate its economic transition towards more effective integration into the European and Euro-Mediterranean economic area. In the case of the United States of America, Morocco negotiated financial assistance through the Millennium Challenge Account (US\$ 697.5 million). This assistance was allocated to programmes in support of disadvantaged rural areas and low-income groups of artisans and fishers; funds were provided, for instance, for the development of tree cultivation in remote rural areas and for literacy education and vocational training programmes.

¹¹ The INDH was launched on 18 May 2005 by His Majesty King Mohamed VI to address the risks involved in opening up the country's economy. Its operational objectives consist in stimulating initiatives and actions on the part of the public authorities and civil society aimed at reducing poverty, insecurity and social exclusion by means of support for income-generating activities, action to build local capacities and to facilitate access to basic services and facilities (education, health, worship, roads, water and sanitary facilities, protection of the environment, etc.), and aid for highly vulnerable members of the population. The aim of this initiative is to promote a consistent approach in all public policies aimed at achieving these objectives. The INDH was designed to bolster action by the State and local authorities by supplementing existing social welfare policies pursued by the Government and local authorities. It targets the most vulnerable areas and groups, supports community involvement in project selection, and favours a contractual approach and partnership with community-based associations and actors involved in local and neighbourhood development. During its first phase, covering the period 2005–2010, the INDH was implemented by means of four programmes: (i) the fight against poverty in rural areas; (ii) the fight against social exclusion in urban areas; (iii) the fight against insecurity; and (iv) the cross-cutting programme. The first two programmes are geographically targeted (403 of the neediest rural communes in 44 provinces), while the other two cover all the Kingdom's provinces and prefectures. The rural programme seeks to reduce poverty rates in rural areas and to ensure the consistency of sectoral programmes and integrated rural development programmes. A fifth programme was added for the second phase of the INDH, covering the period 2011–2015. It focuses on the "Territorial Upgrading" of new remote rural communes in 22 provinces through the provision of support involving rural electrification, drinking-water supply projects, building of rural roads and tracks, creation of health-care centres, and support for education through the building of classrooms and housing for teachers.

Overview of INDH contributions

Five-year period 2005–2010:

- Mobilization for this phase of a budget of 14.1 billion Moroccan dirhams (DH), including DH 8.4 billion as an INDH contribution;
- Implementation of more than 22,000 projects and other activities on behalf of more than 5.2 million beneficiaries, including 3,700 income-generating activities creating almost 40,000 jobs (DH 1.2 billion, including DH 775.1 million as an INDH contribution), 1,635 projects and other activities in the health-care sector on behalf of 413,760 beneficiaries (DH 1.1 billion, including DH 609.4 million as the INDH share) and 4,131 projects and other activities in the education sector on behalf of 1,028,360 beneficiaries (DH 2 billion, to which the INDH contributed DH 1.41 billion).

of programmes to address these risks. The programmes are implemented by the Ministry of Social Development and its agencies (the Social Development Agency and Entraide Nationale), the technical departments and the Ministry of the Interior in the context of the INDH and of international cooperation.¹²

Recommendation 60: Dissemination of the concluding observations (E/C.12/MAR/CO/3) widely among all levels of society and, in particular, among State officials and the judiciary; provision of information in the fourth periodic report about all steps taken to implement them, and involvement of non-governmental organizations in the formulation of the report

21. The DIDH has introduced and developed a participatory approach based on consultations and coordination with all stakeholders in the area of economic, social and cultural rights. In accordance with this approach, the DIDH endeavoured to involve all relevant actors, including the media and civil society, in the preparation of the fourth national report on the implementation of the International Covenant on Economic, Social and Cultural Rights.

Recommendation 61: Submission of the fourth periodic report by 2009

22. As Morocco opted for the establishment of an interministerial structure, the DIDH, as the coordinating and monitoring body responsible for formulating and supervising the

Five-year period 2011–2015:

- Mobilization of budget resources totalling DH 17 billion for the implementation of five programmes.
- Differentiated budgetary support granted to entities targeted during the 2006–2010 phase.
- Expansion of the scope of the Initiative to cover 702 rural communes compared with 403 communes targeted in 2005–2010 (a poverty threshold of 14 per cent as the targeting rate). Budgetary resources totalling DH 3.1 billion have been allocated to the programme to combat poverty in rural areas for the period 2011–2015. A budget of DH 6 million will be allocated to each newly targeted rural commune. In addition, subsidies and differentiated financial support will be granted to the 403 previously targeted rural communes.
- Expansion of the targeting process to cover 532 disadvantaged urban districts located in towns and urban centres, compared with 264 districts targeted during the first phase. Budgetary resources totalling DH 3.4 billion have been allocated to the programme to combat exclusion in urban areas for the period 2011–2015. The targeting process involves an extension of the programme to cover emerging urban areas, based on a threshold of 20,000 inhabitants per urban commune, an increase in support for major urban centres with more than 100,000 inhabitants, and ongoing support for the urban districts targeted during the first phase.
- Broadening of the scope of the Programme to Combat Insecurity in order to target a wider range of socially disadvantaged groups living in insecure circumstances. Budgetary resources totalling DH 1.4 billion have been earmarked for the implementation of this Programme. The Programme will now benefit ten categories of marginalized and extremely vulnerable individuals, compared with eight during the first phase. The ten categories are: women in highly insecure circumstances; homeless young people and children living in the streets; former prisoners without means; abandoned children; destitute older persons; homeless persons with mental disabilities; beggars and vagabonds; persons with HIV; drug addicts; and destitute persons with disabilities.
- The Cross-cutting Programme covers all the Kingdom's provinces and prefectures and provides funds for high-impact activities. It has been boosted by a total budgetary allocation of DH 2.8 billion, 40 per cent of which is basically reserved for the promotion of income-generating activities.
- The Territorial Upgrading Programme targets 1 million beneficiaries living in 3,300 *douars* located in 503 rural communes of 22 provinces in which the countryside is mountainous and landlocked; it has been allocated a budget of DH 5 billion.

¹² Mention should be made in this connection of the Agency of Partnership for Progress, which was created in the context of the Millennium Challenge Account.

implementation of the Government's policy concerning the defence, protection and promotion of human rights, has taken steps to intensify interaction with the United Nations human rights system. Since its establishment in March 2011, the DIDH has developed an approach based on coordination, a strategic plan for the period 2012–2016 and an emergency plan aimed at ensuring compliance with the country's international obligations under human rights treaties, including submission of all overdue periodic reports. Adopting a similar coordination-based approach, the DIDH monitors implementation of the recommendations issued by the various treaty bodies, including the Committee on Economic, Social and Cultural Rights.¹³

Article 1

Exercise of the right to self-determination

23. Following the departure of the Spanish colonial administration, Morocco took steps to upgrade the political, social, economic and cultural living conditions of the inhabitants of the provinces of Oued Eddahab and Saqiat El Hamra, providing for their security and making investments to fill the institutional vacuum and remedy the delay in equipping the territory and its population with basic facilities.

24. Since 1976, Morocco has done its utmost to restore the political, social, economic and cultural rights that were flouted by the former colonial power.¹⁴

Recommendation 35: The State party should make every effort to find a clear and definitive solution to the issue of self-determination for the people of Western Sahara and take steps to protect the rights of persons displaced by the conflict in Western Sahara

25. The Moroccan Extended Autonomy Initiative (IMAE) is an integral part of the action taken by the Kingdom of Morocco to build a modern democratic State for which respect for human rights is both a *raison d'être* and a means of consummating its territorial integrity. The Kingdom plans, by means of IMAE, to guarantee that the population of the

¹³ The DIDH ensures coordination with national institutions and civil society in the promotion and protection of human rights. It is mandated to assist in formulating and implementing the Government's policy in the areas of human rights and international humanitarian law, in coordination with relevant ministerial departments and other bodies, to propose measures in support of the implementation of international human rights and humanitarian law treaties, and to initiate actions designed to promote respect for human rights in the implementation of public policies. At the international level, the DIDH takes steps to develop interaction with specialized human rights bodies in international, regional and European organizations. It plays a key role in providing the expertise required by Moroccan diplomacy in fulfilling its mission of enhancing the country's image in international organizations and ensuring that national achievements in promoting democracy and human rights are acknowledged. The DIDH has undertaken a series of actions since its establishment to reduce the delay in submitting periodic reports and has adopted a plan to ensure that the deadlines for submission are respected in the future.

¹⁴ It has invested in projects aimed at restoring water extraction points and creating basic facilities for the drinking-water and electric power supply and for telecommunications, as well as health-care, educational, religious worship and recreational facilities. It has launched ambitious programmes designed to enhance the provinces' productive capabilities and develop their economic potential in order to meet the population's needs and expectations. The Saharan communities have participated in all elections and referendums since 1977. They are represented in the Kingdom's elected institutions at the national, local and regional levels. They have access to public service employment and enjoy all the advantages conferred by law in respect of private-sector investment, on terms of full equality with their fellow citizens.

region are accorded their appropriate place and role in its organs and institutions without discrimination or exclusion. The people of the Sahara will be able to administer their affairs democratically, exercising exclusive legislative, executive and judicial powers. They will have the financial resources required to promote regional development in all areas. The new Constitution recognizes the specific components of the Moroccan nation, including the Saharan component; the Constitution also recognizes the Hassani language as a constituent element of the unified Moroccan cultural entity. It assigns responsibility to the State, as in the case of the Amazigh component, for their protection and development. With a view to ensuring that the regional components can fully express their political, economic, social and cultural interests, the Constitution enshrines the principle of advanced regionalization. This confers wide-ranging powers on the regional councils, which will be elected, according to the draft proposed by the advisory commission on regionalization, by direct universal suffrage.

26. In response to the international demand for a political, negotiated and final settlement to the Saharan conflict, since all other solutions have failed, His Majesty the King created a special 141-member body for the Saharans, the Royal Advisory Council on Saharan Affairs. The Council's terms of reference include the development of an autonomy plan based on reconciliation, an initiative that broadly complies with the principle of self-determination. The plan was adopted by all national bodies and gave rise to the Moroccan initiative aimed at resolving the conflict. This initiative has been deemed credible and serious by international bodies. It was submitted to the United Nations on 11 April 2007 and gave rise to Security Council resolutions 1754 (2007), 1813 (2008), 1871 (2009), 1920 (2010) and 1979 (2011), all of which described it as "serious and credible". These resolutions served as the basis for the negotiations that are currently under way. Morocco has proposed that a referendum on the autonomy statute produced as a result of the negotiations should be held among the population concerned, in accordance with the principle of self-determination and the Charter of the United Nations. It has undertaken to ensure that the population has access to the financial resources required for regional development in all areas and that it plays an active part in the Kingdom's economic, social and cultural life.

27. Motivated by a spirit of reconciliation and recognition of the rights of Saharan communities in their Moroccan homeland, it has supported all initiatives aimed at facilitating the return and integration into the country of all displaced citizens in the Tindouf camps.

Article 2

Economic, social and cultural rights

International cooperation

28. The close alignment of action by funding agencies with the country's policies concerning economic, social and cultural rights and the increased integration of aid into the country's budgetary system make it difficult to ascertain the specific impact of international cooperation. However, the Government's policy consists in ensuring that official development assistance is channelled to an increasing extent into programmes aimed at promoting human rights, building democracy, consolidating institutions and improving governance. They include, for example, programmes to promote equality between men and women, the community reparations programme and the programme for the promotion of citizenship.

29. Morocco has fully endorsed the principles set forth in the Paris Declaration on Aid Effectiveness.¹⁵ The Budget Directorate of the Moroccan Ministry of Economy and Finance has developed a geographical information system with the assistance of the United Nations Development Programme and with Spanish and French support. The system provides cartographic data on all development projects in Morocco.¹⁶

30. Morocco took steps to align its national development goals with the development objectives to be achieved in collaboration with the United Nations and its international partners during the period 2007–2011.¹⁷ The strategic partnership framework with the World Bank for the period 2010–2013 identifies three core partnership goals in line with the country's development priorities, namely: promotion of growth, competitiveness and employment; improvement of access to basic services; and ensuring sustainable development in a context of climate change.

31. Governance and territoriality constitute the two priority cross-cutting themes of the partnership.

Equality in the exercise of rights

32. Morocco has been ranked in the lower section of the category of middle-income countries receiving official development assistance. Inequality in terms of household consumption, which serves as the basis for calculating monetary poverty, reflects major disparities between the wealthiest and poorest members of society. In 2007, for example, average annual expenditure by the wealthiest 10 per cent of residents in urban areas was 18.6 times that of the poorest 10 per cent of residents in rural areas. However, the Gini index, which measures the scale of inequality, shows that inequality in Morocco is on a far lower scale than in China, Brazil and South Africa, three major emerging countries in which high economic growth is accompanied by a marked decline in poverty.

33. The country is making progress towards achieving the Millennium Development Goals (MDGs) fixed by the United Nations for 2015. All social categories have benefited

¹⁵ An action plan has been drawn up and shared with the various funding agencies with a view to enhancing the effectiveness of international aid by means of multisectoral integration and promotion of the transparency and consistency of aid-related activities. When seeking and mobilizing the foreign aid required for the implementation of projects or programmes provided for in State and local authority budgets, Morocco encourages funding agencies to incorporate their activities in the budgetary process, in accordance with its guidelines aimed at enhancing transparency, results-based management and evaluation.

¹⁶ The different funding agency projects may be viewed on the map of Morocco to be found on the following website: <http://sig-cdm.finances.gov.ma>. The site also provides detailed information on the projects (thematic, location, financial data, progress towards implementation). It enhances the visibility of funding agency activities. By facilitating communication and coordination among development actors in Morocco, it serves as a tool for decision-making and oversight and helps to prevent duplication and inadequacies in development aid.

¹⁷ The common country assessment established by the United Nations Development Assistance Framework identified the following major challenges for Morocco:

- Improvement of health care, including mother and child health care, for the population;
- Improvement of the quality of education and training, research/action and management of knowledge and skills;
- Reduction of vulnerability and inequality;
- Consolidation of governance, including coordination between sectoral policies and programmes, reform of the justice system, the democratization and modernization process, the decentralization and devolution project, and strategic local planning;
- Protection of the environment, disaster prevention, natural risk management and climate change management.

from economic growth,¹⁸ but the lower-income and wealthy classes have benefited more than the middle class. As a result, social inequality, which had become more pronounced during the years prior to 2000, has now stabilized. Thanks to the establishment of the INDH and its participatory identification, implementation and participatory monitoring of development projects, the poverty rate has declined and recorded a significant drop of some 41 per cent in the rural communes targeted by the INDH, according to the HCP poverty map for 2007.¹⁹

Non-nationals

34. Asylum-seekers who have been duly issued with receipts by the Office of the United Nations High Commissioner for Refugees (UNHCR) at its office in Rabat are protected against any measure aimed at returning them to the frontier, in accordance with the obligations assumed by Morocco under the 1951 Geneva Convention. It should be noted that the partnership with the Rabat office was greatly invigorated by the cooperation agreement concluded by Morocco with UNHCR on 20 July 2007 in Geneva, particularly by the signing of the headquarters agreement. The International Organization for Migration has also been conducting activities in Morocco since 2001, and the signing of a headquarters agreement with the Moroccan Government in July 2006 led to the opening of a Mission in Rabat in January 2007.

35. The Moroccan authorities declared in 2007 that they had intercepted 14,449 persons who were seeking to emigrate, including 7,830 foreigners. While a significant decline has been recorded (12,929 migrants were stopped and questioned in 2011), this type of migration persists on a large scale. Migrants from sub-Saharan countries, who are unable to cross the borders, tend to settle in Morocco. In 2011 the staff of the Department of Employment issued more than 10,000 work permits to foreign migrants.²⁰ Notwithstanding this attitude on the part of the authorities, Morocco must exercise greater vigilance, given the scale of international migration, especially irregular immigration. The most pressing challenge consists in protecting migrants against the various forms of exploitation to which they are exposed owing to their vulnerable circumstances.

Article 3

Equal rights of men and women

The fight against discrimination

36. The Constitution adopted in 2011 attaches great importance to the fight against discrimination and action to promote equality between men and women. The progress

¹⁸ Morocco has continued during the last decade to implement the macroeconomic and structural reform projects which were launched in the early 1980s and which have had a positive impact on its economic performance. Per capita gross domestic product (GDP) increased from around US\$ 1,033 in 1990 to US\$ 2,795 in 2010. The annual average rate of growth in per capita GDP increased from about 0.9 per cent to 3.8 per cent between the decades 1990–1999 and 2000–2010. During these two periods, the gross fixed capital formation rate as a percentage of GDP increased from an average of 22.7 per cent to 30.3 per cent. Public expenditure on education and health, which stood at 5.3 per cent and 0.9 per cent of GDP respectively in 1990, had risen to 6.4 per cent and 4 per cent respectively by 2010.

¹⁹ In addition, a marked decline has been recorded in vulnerability, *inter alia* thanks to income-generating activities which generated 40,000 jobs.

²⁰ A recent survey conducted by the Moroccan Association for Studies and Research on Migration (2007) estimated the total number of irregular migrants on Moroccan territory at between 10,000 and 15,000 persons, including a large number of women.

achieved in this regard is the culmination of a drive for change involving consolidation of the democratic process and respect for human rights that was launched in the 1990s. The movement to promote gender equality and the rights of women, which was initially championed by civil society organizations, constitutes the driving force behind this process. It is a key component of the State's modernization drive and reflects the country's political will to fight against gender-based discrimination.

37. In 2006 Morocco adopted a national strategy for gender equity and equality by integrating a gender-based approach into development policies and programmes. The strategy was developed by means of a partnership between the Government, civil society, political organizations and trade unions and with international cooperation. In addition, a circular issued by the Head of Government on 8 March 2007 called for the integration of a gender-based approach into all development policies and programmes. With the same end in view, guidance letters from the Head of Government attached to the draft 2007 and 2008 Finance Acts recommended that the gender dimension should be taken into consideration in public-sector programmes. One of the main recommendations issued following the first participatory assessment (2008) of the national strategy for gender equity and equality by integrating a gender-based approach into development policies and programmes concerned the elaboration of a government plan for equality and eventual parity for the period 2011–2015. The Plan was drawn up in 2010 and adopted by the Government Council in March 2011. It comprises 9 fields of action, 30 objectives and 100 measures in support of human development for gender equality.

38. With regard to public administration, particularly in the area of modernization of budget planning, the Ministry of Economy and Finance coordinates a pilot project for gender-responsive budgeting at the national level, which was launched concurrently with the results-based budget reform process in 2002. A gender auditing process has also been initiated in a number of ministerial departments. A "Gender Report" has accompanied the Finance Act since 2005 and has been supported since 2007 by a "Guidance letter from the Head of Government" concerning the implementation of the draft Finance Act by means of results-based management utilizing gender-sensitive indicators.²¹

39. The INDH helps to promote the representation of women in Government agencies and decision-making bodies at the local level, focusing on bodies engaged in development projects.²² In the area of basic facilities, for example, 1.87 million women have benefited from development projects consisting of counselling centres, women's refuge facilities and other social centres, as well as support for school enrolment, health care and vocational training. In the area of economic integration, 2,096 projects involving income-generating activities (IGAs) and accounting for 67 per cent of the total number of IGA projects between 2006 and 2010 were run by women. Other bodies, such as the Social Development Agency (ADS), contribute through their activities to the achievement of equality between men and women.²³ In addition, the Government's decision to promote a solidarity-based economy has encouraged the creation of women's cooperatives. Almost 15,000 women's cooperatives, bringing together 30,000 women, have been created in recent years, two thirds of them in rural areas. In 2006 the Development Agency for East Morocco launched an IGA support programme in partnership with 150 associations, which constitute a virtual

²¹ See the note at the end of document No. 2.

²² It supports associations offering social services, particularly for families, women, children and people with disabilities. It promotes the school enrolment of girls in urban and rural areas. It supports social projects on behalf of women and the family.

²³ For example, the Social Development Agency adopts an integrated gender equality approach and a targeted approach based on corrective measures that enable women in situations of poverty and vulnerability to exercise their economic, social and political rights.

territorial extension of the Agency's scope at the regional level.²⁴ The associations arrange for the training of project managers and for the supervision and management of the 3,600 activities that were implemented in late 2011 and led to the creation of more than 11,000 jobs. Women, who account for 43 per cent of the beneficiaries, constitute the social group whose projects have proved most successful and have helped to increase households' financial resources. The overall cost of the programme is 45 million dirhams (DH), of which DH 15.5 million comes from the Agency's budget.

Legislation and its impact

40. The principles of gender equality were institutionalized through the creation in 1998 of the ministerial department responsible for the status of women and the designation of "gender focal points" in various ministerial departments. A large number of legislative reforms were also adopted, for instance revisions of the "Labour Code" in 2003, the "Family Code" (*Moudawana*) in 2004 and the "Nationality Code" in 2007, the amendment of the Criminal Code (from 2003 to 2007) to include provisions concerning the fight against sexual harassment, domestic violence, trafficking, child pornography and prostitution, the amendment of the "Electoral Code" in 2009, and the adoption in December 2010 of Act No. 41-10 concerning the conditions and procedures for benefiting from the Family Solidarity Fund; a draft law regulating domestic work and prohibiting the employment of children under the minimum legal age, which is set at 15 years by the Labour Code, is currently being adopted.

41. Article 6 of the Constitution enshrines gender equality, adopting an approach which, in addition to recognizing the formal principle, guarantees the exercise of rights in practice. "The public authorities shall take the necessary steps to create conditions conducive to the general and effective enjoyment of liberty and equality by citizens and their participation in political, economic, cultural and social life." Article 19 specifies the norms underlying the principle according to which "men and women shall enjoy, on a basis of equality, the civil, political, economic, social, cultural and environmental liberties" set forth in the Constitution, particularly in the section concerning fundamental freedoms and rights, and in the international conventions and treaties duly ratified by Morocco. It directs the State to take the necessary steps "to establish parity between men and women", requiring it to create, "to that effect, an Authority responsible for parity and the fight against all forms of discrimination".

42. In the area of health, Framework Law No. 34-09 concerning the health system and health-care services was adopted in 2011. The Law establishes the basic principles underlying the health-care system, including guaranteed equal access for all persons and the State's responsibility in respect of preventive health-care measures and the rights of users of health-care services.²⁵

²⁴ The aim is to contribute to poverty reduction and to an improvement in the living conditions of the most vulnerable population groups.

²⁵ Article 2 refers to the solidarity and responsibility of the population with respect to preventive measures and the preservation and restoration of health; equal access to health-care services; the spatially equitable distribution of health-care facilities; and the adoption of a gender-based approach to health-care services. According to article 7, the State shall take the necessary measures to comply with its international obligations, including the development of strategies designed to inform the population about health risks and the action they should take to prevent them; to provide for health protection and to ensure access to appropriate available health care; to ensure respect for the person and his or her physical integrity, dignity and intimacy; to ensure respect for a patient's right to information concerning his or her illness; and to take action, with the assistance of professional

Recommendation 39: Alignment of national legislation with the Covenant by abolishing any discriminatory provisions and guaranteeing equal treatment for men and women in the effective enjoyment of their economic, social and cultural rights

43. A number of reforms aimed at eliminating direct and indirect gender-based discrimination have been adopted since 2005. They include, in particular: action by Morocco to achieve the MDGs; revision of the Family Code, the Nationality Code²⁶ and the law on political parties;²⁷ adoption by Parliament of the proportional representation list system and the national list; adoption of the national strategy and the plan of action for gender equity and equality by integrating a gender-based approach into development policies and programmes; revision of the Communal Charter in 2002 and again in 2008 with a view to promoting participatory and local management of development projects so that the needs and concerns of men, women, girls and boys are taken into account; adoption by the Government Council in March 2011 of the Agenda for Equality 2011–2015; and adoption by referendum, on 1 July 2011, of the new Constitution which enshrines the principle of equal enjoyment of rights by men and women (civil, political, economic, cultural and environmental rights).

44. The amendment of the Communal Charter (Act No. 17.08) led to the establishment of an advisory committee on parity and equality of opportunity composed of local associations and civil society stakeholders proposed by the chairperson of the communal council (art. 14). It also introduced a gender-based approach to the communal development plan, which specifies the activities to be undertaken within communes over a period of six years (art. 36) with a view to preventing all forms of discrimination. Other draft laws are currently under discussion in Parliament.²⁸

45. The Habous Code (concerning land property) prohibits religious foundations from excluding women in favour of men; it prohibits the assignment of *habous/wakf* status to

organizations and associations working in the area of health care, against all forms of discrimination or stigmatization of a person on the ground of his or her illness, disability or genetic characteristics.

²⁶ The Nationality Code, which was revised in 2007, recognizes the right of a Moroccan woman to transmit her nationality of origin, on the same basis as a Moroccan man, to children born of a foreign father, regardless of the place of birth and with retroactive effect. By the end of March 2009, a total of 1,252 Moroccans living in Morocco and 205 Moroccans living abroad had taken advantage of this new legislation.

²⁷ The new organic law on political parties of 24 October 2011, article 26 of which stipulates that all political parties shall strive to expand and universalize the participation of women and young people in the political development of the country. To that end, each political party must seek to attain a one-third participation rate for women in its executive bodies at the national and regional level with a view to gradually ensuring compliance in the long run with the principle of parity between men and women. The statutes of political parties must also fix a ratio for the participation of young people in their executive bodies. Since 2008 the Electoral Code has contained new provisions designed to promote women's participation in politics through the establishment of additional electoral constituencies in urban or rural communes and districts which are reserved for women in accordance with a moral policy consensus (art. 2) and which ensure that 12 per cent of all elected councillors are women. In addition, a Support Fund has been created to promote the representation of women with a view to enhancing their capacity to compete in the general communal and parliamentary elections (art. 288). A budgetary allocation of DH 10 million has been reserved for the Fund.

²⁸ The drafts concern working and employment conditions of domestic staff in traditional sectors (art. 4) (currently being adopted), labour relations in craft and small enterprise sectors that employ a large number of women, the fight against child domestic work, domestic violence, and alignment of internal legislation with the international instruments ratified by Morocco (revision of the Criminal Code).

property in favour of boys and the exclusion of girls. This measure is of major symbolic importance.

46. The Office of the Ombudsman receives complaints from all persons, regardless of whether they are of national or foreign origin and irrespective of their sex and age.

47. Other actions that have helped to institutionalize the principle of gender equality include the adoption of the “National Strategy to Eliminate Violence against Women”, the adoption of the “National Charter for Enhancement of the Image of Women in the Media” in 2005, and the implementation by the Ministry of Solidarity, Women the Family and Social Development (MSFFDS) in 2008 of a national awareness-raising and mobilization programme on the participation of women in politics.

48. The legal and political reforms implemented by the country in recent years clearly demonstrate this resolve to ensure respect for fundamental human rights and to consolidate the country’s international commitment to take action against violence, particularly gender-based violence. In line with the changes introduced by the Constitution of July 2011, Morocco has taken the gender dimension into account in all the reforms currently being conducted, such as the “advanced regionalization” project, the amendment to the Communal Charter, and the establishment of a gender-sensitive Communal Information System. With regard to the promotion of gender equality, it should be noted that further action needs to be taken to complete the legislative reform process by abolishing all discriminatory provisions, to narrow the gap between equality under the law and equality in practice, and to promote coordination among different departments as well as oversight and evaluation.

49. Gender-sensitive budgeting constitutes an operational tool that can be used to develop assessments of public policies from a gender perspective.²⁹

Gender-based violence

50. Action to combat violence against women and girls and the empowerment of women constituent two major issues. Morocco withdrew its reservations to the Convention on the Elimination of All Forms of Discrimination against Women and announced its ratification of the Optional Protocol to the Convention on 12 November 2012; these two issues are also addressed in the 2005 National Report on the MDGs, which focuses on the mainstreaming of the gender dimension in action to achieve the MDGs and adds a specific target to MDG 3, namely “to reduce violence against women by half”.

51. The objectives of the strategy to combat violence against women and children include: provision of support for women and child victims of violence and ill-treatment in the counselling and guidance units created for the purpose in public-sector hospital emergency facilities; development of coordination with other institutional stakeholders; and provision of follow-up medical care for victims.³⁰

²⁹ This tool is to be strengthened through the adoption of the new organic law on financial legislation, which gives priority to the promotion of democratic budgeting by taking into account the new role of Parliament enshrined in the Constitution, enhancing the effectiveness and efficiency of public expenditure, ensuring the financial transparency of the State, increasing the accountability of managers of public funds and guaranteeing citizens’ right to information and participation.

³⁰ The strategy was developed through a partnership involving the Ministry of Health, the Ministry of Solidarity, Women, the Family and Social Development, the Ministry of Justice and Freedoms, the Directorate-General of National Security, the Royal Gendarmerie, the National Observatory on the Rights of the Child and the ANARUZ network of civil society organizations that run counselling centres for women victims of violence.

52. The strategy has resulted, on the one hand, in the preparation and dissemination of Circular No. 1040 of 17 June 2008 concerning the establishment in all provinces of integrated support units for women and child victims of violence and Circular No. 162 of 17 December 2010 concerning the issuing of medico-legal certificates free of charge, and, on the other hand, the elaboration in 2009 of a medium-term policy and action plan.

53. The strategy has been implemented at the operational level since 2008 by means of action to raise awareness of the human rights of women and children among health-care personnel at the regional level, including emergency physicians, psychologists, social workers and other specialist physicians. Coordination and information facilities have been established, where necessary, at the central and regional levels. A monitoring system tracks the number of women and child victims of violence who are provided with support and the number of cases in which optimum medico-legal and psychosocial follow-up is ensured.

54. Training activities concerning action against gender-based violence, its impact on reproductive health and HIV/AIDS infection risks have been organized. Teacher educator training has been provided in the norms and standards applicable to the provision of care for women and child victims of violence, including in cases of sexually transmitted infections and AIDS; a reference guide on the norms and standards applicable to the provision of care for women and child victims of violence has been produced and disseminated.

55. In 2011, a total of 76 support units were operating in the country, including six in university hospital facilities. In 2010 and 2011, the units provided support for 1,300 and 2,300 women victims of violence respectively.

56. A national survey of the prevalence of violence against women was conducted by the HCP and the findings were widely disseminated.³¹

³¹ The study reviews the prevalence of different categories of violence (psychological, physical, sexual, economic, infringements of individual liberties) and of violence in different types of environment (marital, extramarital, public places, occupational environment, educational establishment). The study found that the overall prevalence of violence in the marital context was 55 per cent and concerned 3.7 million women. The results were as follows:

- Psychological violence is the most widespread category, with a prevalence of 38.8 per cent (i.e. 2.6 million women), and is particularly prevalent among women living in rudimentary housing or shantytowns (50 per cent), women living in overcrowded conditions (50.6 per cent in the case of households with five or more people per room), and unemployed women (54 per cent).
- The prevalence of physical violence in a marital context is 6.4 per cent at the national level (i.e. 0.43 million women) and the figures are almost identical for urban and rural areas. Unsurprisingly, women married without their consent were the worst affected (15.2 per cent, compared with 5.8 per cent for women married with their consent).
- Sexual violence in a marital context consists primarily of sexual practices that are unwanted by the woman concerned, with a prevalence of 6.6 per cent at the national level (i.e. 0.44 million women), and the figures are almost identical for urban and rural areas.
- The prevalence of infringements of individual liberties (control of women's movements outside the home, choice of female or male friends, clothing, freedom to study or work, to use contraceptive methods, etc.) is 30.3 per cent at the national level and the figures are almost identical for urban and rural areas. Young women in the 18 to 24 age group and unemployed women are the worst affected by this type of violence (37.8 per cent and 39.4 per cent respectively).
- Economic violence consists in denying women access to, and the free use of, resources. Its prevalence at the national level is 8.2 per cent (i.e. 0.18 million women) and it is twice as high in rural areas. Women with no educational qualifications are the worst affected.
- Law-enforcement-related violence affects 17 per cent of married women (1.1 million women) and 25 per cent of divorced or remarried women (70,000); fairly similar figures are recorded for urban and rural areas. In the case of married women, it is related primarily to non-performance of

Article 4 Employment

Unemployment

57. The employment rate declined from 26.3 per cent in 2005 to 23.5 per cent in 2011. The rate of employment of children under 15 years of age declined sharply, falling from 3.6 per cent to 1.3 per cent. Concurrently with a marked decline in the rate of employment of young people in the 15 to 24 age group (28.4 per cent in 2011, compared with 35.9 per cent in 2005), the unemployment rate in the 15 to 24 age group recorded a pronounced increase from 15.7 per cent in 2005 to 18.2 per cent in 2011. The ratio of long-term unemployed persons remains high, despite a slight decline between 2005 and 2011. The unemployment rate among graduates under the age of 35 remains of great concern, despite a significant improvement between 2005 and 2011. Unemployment continues to be highest in urban areas. The ratio of unemployed persons who have never worked increased among job-seekers holding intermediate or higher-level diplomas. In other words, it is more difficult for the labour market to absorb job-seekers with an intermediate or higher-level qualification. There has been a slow improvement in the absorption of holders of higher-level qualifications and a worsening in that of holders of intermediate-level qualifications.³²

Recommendation 41: Implementation of a plan of action specifically to combat youth unemployment, based on vocational training, apprenticeships and any other measure that could facilitate young people's access to employment

58. With a view to promoting employment, the Government has undertaken, in coordination with the socioeconomic partners, to reduce the unemployment rate by supporting economic growth and investment, developing vocational training and skills, and implementing a proactive employment promotion policy.³³ Action in support of young

housekeeping duties and failure to fulfil marital duties; in the case of divorced or remarried women, it usually involves conduct that makes it difficult or impossible for women to see their children, and non-payment of alimony.

- Marital violence is reported to a competent authority in only 3 per cent of cases and usually concerns acts such as an attack using a blunt or dangerous instrument (41.7 per cent), removal of or separation from children (21.2 per cent) and expulsion from the marital home (7 per cent).

³² “Between the first quarter of 2011 and the same period of 2012, 96,000 paid jobs were created (creation of 122,000 jobs in rural areas and loss of 26,000 jobs in urban areas), while 205,000 unpaid jobs were lost (149,000 in rural areas and 56,000 in urban areas); hence there was an overall loss of 109,000 jobs. The number of unemployed persons thus increased by 93,000 and the unemployment rate increased by 0.8 points (+1.1 points in urban areas and +0.5 points in rural areas), primarily among young people (+1.8 points for the 15 to 24 age group and +1.4 points for the 25 to 34 age groups); this trend was accompanied by a decline of 2.7 points in the rate of underemployment. Unemployment in the economically active population increased by 9 per cent at the national level, rising from 1,037,000 in the first quarter of 2011 to 1,130,000 in the first quarter of 2012; the number of unemployed persons thus increased by 93,000 (64,000 in urban areas and 29,000 in rural areas). As a result, the unemployment rate rose from 9.1 per cent to 9.9 per cent between the two periods.” Excerpt from the HCP survey entitled “Activity, Employment and Unemployment”, first quarter of 2012, Statistics Directorate.

³³ The Government gives high priority to employment and measures to reduce unemployment. Decent work is the third key component of the Government’s programme. “Continued action to build a national economy that is strong and diversified in terms of its sectoral and regional foundations, that is competitive and that generates wealth and decent work, and to implement an economic policy that guarantees the equitable distribution of the fruits of growth.” The following measures are planned for the period 2012–2016:

graduates is taken under the Idmaje, Taehil and Moukawalati employment support programmes.³⁴ Supplementary measures to improve the targeting of these programmes are

- Reduction of the unemployment rate from 8.9 per cent in 2011 to 8 per cent in 2016, *inter alia* by taking steps to consolidate the institutional framework of the employment policy and by developing proactive measures and labour-market analytical capacities;
- Expansion of active employment programme targets, for instance by implementing the Mobadara programme designed to encourage employment in associations, community work and social and educational activities, and the Taätir (training) programme in support of long-term unemployed graduates, which provides for traineeships funded by grants issued for a maximum period of one year;
- Implementation of the Istiâab (awareness-raising) programme, which is designed to promote the integration of the informal economy and the stabilization and improvement of employment conditions;
- Creation of an employment observatory and establishment of a labour-market information system;
- Enhancement of public and private labour-market intermediation services, particularly by forging stronger links between services engaged in matching the supply of and demand for skills and those involved in adaptation training, and by increasing the representation of labour-market actors in the Board of Directors of the National Agency for the Promotion of Employment and Skills (ANAPEC);
- Establishment of a job loss regime and compensation fund;
- Enhanced protection for wage-earners and their health and safety, as well as enhanced protection against discrimination, and increased respect for employment legislation;
- Development of a culture of dialogue in enterprises, in accordance with “decent work” criteria;
- Reform of the social security system and of risk coverage for vulnerable social groups, including universalization of compulsory health insurance by extending it to cover the liberal professions, craftworkers, students and self-employed workers;
- Development of a culture of social dialogue that respects the interests of employees and employers, and updating of labour legislation, for instance by amending certain provisions concerning trade union rights, collective bargaining and the right to strike;
- Reform of the pension system, for instance by adopting parametric measures to ensure balance and by expanding it to cover the liberal professions, the small trades and crafts industry, agriculture, traditional coastal fishing, cooperatives and the informal sector, and by adopting an approach based on partnership and good governance.

All these measures are supplemented in the Government’s declaration by policy actions in other areas designed to improve workers’ real income, for instance measures to reform subsidized pricing and various public services and relaunching of the INDH.

³⁴ Results of the youth employment support programmes:

- The Idmaj (Insertion) programme to promote paid employment for young graduates and access to a first job. The programme led to the integration of 286,948 job seekers between 2006 and 2011, 47 per cent of whom were women.
- The “Taehil” programme to increase the responsiveness of training to labour market needs by means of three types of training: targeted contractual training by companies; future-oriented skills training to enhance the employability of job seekers; and training in skills required for offshoring occupations. A total of 68,471 job seekers, 54 per cent of whom were women, benefited from the programme between 2007 and 2011.
- The “Moukawalati” programme to support the setting-up of businesses by young entrepreneurs and to encourage self-employment by facilitating access to bank loans on preferential terms, establishing support and oversight mechanisms, and offering a free advance of up to 10 per cent of the total amount of the investment to be repaid within six years, with a three-year deferral of repayment. Data for the period ending in December 2011 show that the 4,300 companies established created more than 11,500 new jobs and that 30 per cent of the approved projects were submitted by women. This proportion demonstrates the development of entrepreneurship among women.

planned on behalf of the long-term unemployed (Taahir), to promote the integration of the informal economy (Istiaabe), and to support social economy sectors³⁵ and income-generating activities.³⁶

59. With regard to the employment of persons with special needs, the Government's action has evolved from an approach based on solidarity to one based on firm support for the rights and socioeconomic independence of people with disabilities as fully fledged

On 24 May 2011 a partnership agreement was signed by the Government and the General Confederation of Moroccan Enterprises (CGEM) with a view to implementing two new measures:

- Measure No. 1: State coverage of social security (PCS), the training levy and income tax during a twelve-month internship in cases in which a permanent contract is concluded with graduates who have been seeking jobs for more than six months;
- Measure No. 2: The professional integration contract (CIP): vocational adjustment training is provided for a period of six to nine months and a monthly grant is issued by the enterprise with effect from the first month to first-time job seekers who are finding it difficult to integrate into working life.

Results of the evaluations:

An evaluation of the employment promotion measures indicated the extent to which the two programmes (Idmaj and Taahil) had contributed to the permanent integration of beneficiaries. The key findings of the impact evaluation study of the integration programme (during the period from 2003 to 2006) may be summarized as follows:

- Permanent integration of 40 per cent of beneficiaries following an internship contract and of 74.8 per cent within 12 months of the end of the contract (40 per cent in the host enterprise and 35 per cent in other enterprises);
- Registration with the National Social Security Fund (CNSS) of more than 80 per cent of persons hired during or after the internship;
- Recruitment on the basis of a common-law contract after 3.7 months in the case of beneficiaries, compared with 12.8 months in the case of non-beneficiaries;
- Higher integration rates recorded for higher education graduates (65 per cent) and vocational education graduates (64 per cent) than for holders of a baccalaureate diploma (59 per cent);
- 45 per cent of permanently integrated candidates are female, compared with 55 per cent who are male.

The results of the survey conducted on the training programme to enhance employability, which covered the period from 2003 to 2008, are as follows:

- An integration rate of 100 per cent for the emerging sector support project, of about 80 per cent for tailor-made training designed to adjust the profiles of persons to be hired for vacant posts in a specific enterprise, and of between 40 and 45 per cent for skills training.
- 72 per cent of those integrated at the end of the internship contract stated that they received salaries ranging between DH 2,000 and DH 6,000.
- 64 per cent of beneficiaries, i.e. almost two thirds, stated that they had completed their internship by the end of the contract, compared with 36 per cent who had not. Contracts were terminated by the employer in 25 per cent of cases, by the intern in 74 per cent of cases and by others in 1 per cent of cases.
- 66 per cent of those integrated at the end of the internship contract stated that they had signed permanent contracts, while 25 per cent had signed fixed-term contracts.

An impact evaluation of the "Moukawalati" programme is currently being conducted.

³⁵ The MOURAFKA programme, which supports new cooperatives in the context of social economy development projects has been allocated a five-year budget of DH 85 million. It will eventually benefit 2,000 cooperatives and will promote the creation of 40,000 jobs for the self-employed. Regional social economy development plans based on contracts concluded with the regions are currently being implemented in all regions with a view to encouraging the creation of income-generating activities in the context of the social economy.

³⁶ The ADS has been supporting small-scale producers for a decade, helping them to form groups and building their capacity by providing them with funds and by including their development among the objectives of communal development plans.

citizens and as targets and actors for development. High priority has been given in this context to legislation, in particular:

- Drafting of a bill concerning the rights of persons with disabilities (currently being adopted);
- Assessment of the implementation of the decree concerning the employment of persons with disabilities (7 per cent of public-sector jobs are reserved for persons with disabilities);
- Drafting of a Head of Government order creating lists of private-sector jobs for which priority can be given to persons with disabilities and fixing a quota of 5 per cent, and drafting of a joint circular and an introductory note on the draft order;
- Guidance and information for persons with disabilities seeking employment so that they can take advantage of the 7 per cent quota.

60. A total of 594 persons with disabilities have been employed in the public service as a result of direct and solidarity-based recruitment since 2008, including 381 recruited in 2011.

61. There are currently no studies on the impact of measures adopted to facilitate the redeployment of workers, particularly women and the long-term unemployed, who were made redundant as a result of privatization,³⁷ staff cuts and economic restructuring of public or private enterprises. However, the policy adopted by the public authorities ensures respect for the rights of employees of privatized public companies.

The informal sector

62. The informal economy in Morocco accounted for 2,216 million jobs in 2007, and a net total of 314,169 jobs were created between 1999 and 2007. More than half of all jobs, i.e. 53.2 per cent, were in the trade sector. Between 1999 and 2007 the share of the informal sector in overall non-agricultural employment declined by 1.7 per cent, dropping from 39 per cent to 37.3 per cent. Eight out of every ten jobs in the trade sector are informal. Women account for one job in 10 in the informal sector, compared with 18.6 per cent in overall non-agricultural employment. Women head 3.5 per cent of informal microenterprises with a staff of between two and five persons in the industrial sector and 3 per cent of such enterprises in the services sector.³⁸ Lastly, the turnover of the informal sector has reached almost DH 280 billion, with the trade sector accounting for 77.3 per cent.

63. The Government is convinced that any attempt to upgrade the national production system that fails to take into account the important role played by the informal sector in employment and wealth creation will have a limited impact or will be doomed to failure. Hence the strategy adopted by the Government is based on encouraging very small enterprises (VSEs) to evolve as an alternative to informal businesses, for instance by providing assistance to informal units and direct support for informal activities so as to

³⁷ Privatizations and transfers of public-sector enterprises were conducted in Morocco on the basis of contracts under which decent alternative opportunities were offered to employees of the privatized public-sector establishments. In most sectors, workers' groups could opt either for integration into the private enterprise or for a change of status and compensation. In the case of activities run by local authorities, workers are either integrated into the enterprise to which business is transferred, with the option of returning and recovering their status as a municipal employee within three years, or of remaining within the local authority employment system.

³⁸ Survey of the informal sector in urban areas, Employment Directorate, 1999.

enable them to realize their productive potential, to gradually eliminate obstacles and to become involved in a process of formalization.

64. The main lines of the national strategy to promote VSEs as an alternative to informal activities include: granting of fiscal benefits to VSEs;³⁹ ensuring easy access to funding (retail banks, subsidized bank loans at preferential rates, microloans, guarantee products reserved for VSEs, investment funds, etc.); social security for VSEs (simplification of registration procedures, temporary public support for the payment of contributions, protection against financial risks); and support for VSEs (training, coaching, advice, expertise, access to premises and markets, etc.).

Dismissal

Recommendation 42: Establishment of effective remedies for workers who have been unfairly dismissed and launching of publicity campaigns

65. In response to recommendation 42, the Labour Code that entered into force in June 2004 incorporated a number of legal guarantees aimed at protecting workers against unfair dismissal:

- Prohibition of dismissal without reasonable grounds unless the dismissal is related to competence or to structural, economic or technological motives;
- An increase in periods of notice in the event of termination of an employment contract;
- Compliance with the principle of graduated sanctions;
- Listing of serious offences committed by the employer and consideration of the employee's departure as a result of such offences as unfair dismissal entailing damages;
- Fixing of a ceiling for damages in cases of unfair dismissal;
- Authorization of supervision by the competent court of the exercise of the employer's disciplinary authority;
- Provision for a hearing as a prior procedure in cases involving certain disciplinary sanctions.

66. Thanks to the intervention of the Labour Inspectorate in conciliation proceedings, a total of 32,900 employer/employee disputes were settled in 2011, permitting the reinstatement of 3,670 employees in their jobs.

Training

67. With regard to action to combat unemployment based on vocational training and apprenticeships, it should be noted that a number of major reforms were introduced, including, in particular, a reform of the education and training system with a view to facilitating a major increase in its absorptive capacity⁴⁰ and enhancing the responsiveness of

³⁹ Lighter taxation through the introduction of a lower tax rate of 15 per cent applicable to VSEs that are subject to corporate taxation and whose turnover is less than DH 2 million, in return for the creation of at least one job each year over a period of three years with effect from the year in which the VSE came under the taxation regime, simplification of procedures and provision of local services.

⁴⁰ In 2009/10 the vocational training system comprised almost 2,068 establishments, of which 1,578 were run by the private sector and 490 by the public sector. In addition, the programme to expand the absorptive capacity of the vocational training system during the period 2009/12 was launched. The

training to labour-market needs by developing professional degree courses and creating a partnership with professionals in the area of training management and implementation, while ensuring consistency with sectoral strategies.⁴¹

68. Access to different levels of vocational training (specialization, qualification, courses for technicians and specialized technicians) is open, under the same conditions, to candidates of both sexes who are at least 15 years of age. Non-discrimination in access to vocational training is legally guaranteed. At the practical level, it should be noted that 42 per cent of trainees were female in 2010/11. The Ministry of Employment and Vocational Training nonetheless elaborated a medium-term strategic programme, in partnership with the Canadian International Development Agency, aimed at institutionalizing gender equality and equity.⁴²

69. In 2009/10 the number of female trainees participating in the residential and alternating training schemes was 110,205, or 42 per cent of the total number of trainees in the public and private sectors. A survey of the distribution of trainees by gender and level indicates that the number of female and male trainees is balanced in the case of specialized technicians. The situation at the levels of technician and specialization is moving towards parity, with the proportion of girls standing at 45 per cent and 39 per cent respectively. Parity is far from being achieved, however, at the qualification level, which fails to attract sufficient female trainees.

70. The distribution of staff by sector shows that certain branches, such as administration, management, small trades and crafts, textiles and clothing, attract a large number of female trainees — about 81 per cent. It may further be noted that 50 per cent of the total number of sectors are mixed due to the access of girls to so-called “male” sectors, such as the metal, metallurgical, electric and electronic industries, the building industry and public works, despite cultural and social resistance.

71. The residential and alternating vocational training system, which has developed at a remarkable pace in urban areas, remains very limited in rural areas because of the specific socioeconomic conditions in those areas. Trainees in rural areas account for only 2 per cent of the total. In 2010, girls accounted for 22 per cent of trainees in rural areas and rural

programme led to the creation of 81 establishments and the expansion of 22 others. Between 2003 and 2007 the vocational training system trained, on average, about 118,000 graduates each year. Between 2008 and 2012, it trained, on average, 187,000 graduates per year. In 2010/11 a total of 306,000 students were enrolled in the vocational training establishments, compared with 223,000 students in 2006/07, which represents an increase of 37 per cent. Students enrolled in residential initial training courses account for 75 per cent of the total, while students enrolled in alternating and apprenticeship training schemes account for 14 per cent and 11 per cent respectively.

In 2009/10, 17 new establishments were created and five were expanded. The private sector, which plays an important role in vocational training, was issued with licences for the opening of 128 new establishments in 2009/10. In 2010/11, 74 per cent of students were enrolled in public establishments, compared with 26 per cent in private establishments.

⁴¹ The main sectoral strategies are the National Pact for Industrial Emergence, Maroc Numérique (Digital Morocco), Vision 2020 for Tourism in Morocco, the Green Morocco Plan, etc. They have produced a new generation of training establishments in which the management of training is delegated to professionals in the “automobile sectors, aircraft parts industries, and the inventions and scale modelling sectors”.

⁴² The programme, which will run for five years (2011–2015), is designed to mainstream the gender-based approach at the different stages involved in planning the Ministry’s policies, programmes and projects with a view to reducing inequality and guaranteeing equal and equitable access for women and men to employment, vocational training and social security services.

female trainees accounted for 1 per cent of the national total. Efforts are being made to improve the supply of vocational training facilities in rural areas.⁴³

72. Other departments also support vocational training, for instance the Ministry of Youth and Sport through its network of 115 women's vocational training centres, eight of which are in rural areas, and Entraide Nationale through its education and training centres.

Article 7

Working conditions

Minimum wage

73. In addition to the abundant information provided in the third periodic report (E/1994/104/Add.29), it is important to highlight the significant progress achieved in promoting the right to decent and favourable working conditions.

74. The minimum wage legislation still makes a distinction between the minimum agricultural wage and that applicable to other occupations. The legal basis for the minimum wage is contained in articles 356 to 361 of the Labour Code. The minimum wage⁴⁴ is fixed separately for workers in the industrial and service sectors and for agricultural workers.

75. The guaranteed minimum agricultural wage (SMAG) has been fixed at 65 per cent of the guaranteed minimum inter-occupational wage (SMIG). The minimum wage is calculated for the trade, industry and services sectors on the basis of normal working time of eight hours per day, 208 hours per 26-day month and 2,288 hours per year. The maximum number of working hours per year for agricultural employees is 2,496 hours.

76. Enterprises that fail to pay the legal minimum wage are subject to fines of between DH 300 and DH 500 for each employee (about a quarter of the minimum wage). The fine may not exceed DH 20,000. Article 358 of the Labour Code stipulates that the minimum wage shall be revised to take account of price changes and to ensure a decent standard of living for workers. Revisions of the minimum wage are prepared for the Government by the

⁴³ The following measures are being taken:

- Development of apprenticeship training: this type of training is highly flexible in terms of the conditions of access, so that it can be adapted to specific circumstances and different categories of young people. In addition, the involvement of professional associations and organizations and businesses in the organization of general and technological training makes it possible to adapt the training schemes to meet the needs of communities and districts that are not covered by residential vocational training.
- Training by mobile units: there are currently 20 mobile training units run by the Office for Vocational Training and Promotion of Employment; they offer services in various specialized fields with a view to responding speedily to temporary, specific or impromptu needs for vocational training or further training.

⁴⁴ Prior to the adoption of the new Labour Code in 2004, the minimum wage for young workers depended on their age. In trade and industry it was fixed, in relation to the minimum wage applicable to adults (workers aged 18 years or over), at 50 per cent for workers under 15 years of age, 60 per cent for workers aged between 15 and 16, 70 per cent for workers aged between 16 and 17, and 80 per cent for workers aged between 17 and 18. In the agricultural sector, the legal minimum wage for young people under 15 years of age was 50 per cent of that for adults and for those in the 15 to 18 age group 70 per cent of the minimum wage for adults. This discrimination was abolished in the recently revised labour legislation.

Committee on Wages and Profits. Decisions to increase the minimum wage are taken during social dialogue sessions.⁴⁵

77. The Government has increased the minimum agricultural wage by 15 per cent as follows: 10 per cent with effect from July 2011 and 5 per cent with effect from July 2012. This will enhance the purchasing power of rural communities and enable them to increase their consumption. With a view to aligning the salary scale in the public sector with the upward trend in minimum wages, steps 1 to 5 of the scale were abolished, leading to an increase in low public-service wages.

Working conditions

78. It should be noted, in addition to the information provided in the third periodic report concerning overtime and annual leave, that overtime pay is increased by 25 per cent if the work is performed between 9 p.m. and 6 a.m. In the case of non-agricultural activities, the increase in pay is 50 per cent if the work is performed between 9 p.m. and 6 a.m. If the overtime work is performed during the wage earner's weekly rest day, the 25 per cent increase is raised to 50 per cent and the 50 per cent increase to 100 per cent. A weekly rest day of 24 hours is granted to all employees of the same establishment on Friday, Saturday or Sunday, or on the weekly market day. Employees are entitled to (paid) annual leave of 18 days, to which one and a half days are added for every five years of service until the annual leave ceiling of 30 days has been attained. Every employee who has reached the age of 60 must be permitted to retire.

Gender and employment

79. The Labour Code, which strongly reflects international labour standards, advocates equality, non-discrimination and measures to address the specific needs of working women. It contains a number of provisions that prohibit discrimination and provide for the protection of working women.⁴⁶

80. Special measures are also envisaged in the Labour Code.⁴⁷ They take into consideration women's specific needs and their reproductive role, which is now recognized as a social function which should not restrict women's career prospects.⁴⁸

⁴⁵ Adjustments to the national minimum wage are adopted periodically, following consultations with professional associations, employers and the most representative trade union organizations. The most recent increase in the minimum wage was adopted pursuant to Decree No. 2-11-247 of 1 July 2011 concerning the updating of the minimum wage applicable to industry, trade, the liberal professions and agriculture.

⁴⁶ The provisions are:

- Prohibition of all forms of discrimination, including that based on gender, which violate or undermine the principle of equality of opportunity or equal treatment in the area of employment or the exercise of a profession, particularly in respect of recruitment, the performance and distribution of work, occupational training, pay, promotion, social benefits, disciplinary measures and dismissal (art. 9). Any infringement of this article is subject to a fine ranging from DH 15,000 to DH 30,000; in the event of recidivism, the aforementioned fine is doubled (art. 12).
- The right of women, whether married or single, to join a trade union and to participate in its administration and management (art. 9 of the Labour Code).
- Prohibition of any gender discrimination with respect to pay for work of equal value (art. 346).
- Prohibition of sexual harassment, which is deemed to be a serious offence on the part of an employer (art. 40).

⁴⁷ The measures are:

- Prohibition of the employment of women in hazardous work (art. 181);
- Introduction of specific conditions governing night work by women (art. 172);

81. A programme-based analysis of the investment budget allocated in 2011 to the Ministry of Solidarity, Women, the Family and Social Development revealed that the support programme for the establishment and strengthening of mechanisms and structures on behalf of women, which was allocated DH 4,063 million, accounts for 11.42 per cent of the budget of the Directorate of Women's, Family and Children's Affairs, followed by the programme to combat violence against women (10.82 per cent). The programme for the coordination of public policies relating to gender equality accounts for 4.95 per cent of the investment budget; the programme to promote women's access to positions of responsibility and decision-making positions accounts for 3.09 per cent; and the programme to combat stereotypes and disseminate a culture of equality accounts for 0.3 per cent. A study of the situation of women officials occupying positions of responsibility in public administration has been launched. Other projects currently being implemented include the creation of an observatory on the gender-based approach in the public service in the Directorate for Modernization of the Administration, and enhancement of women's representation in positions of responsibility (22 per cent of positions of responsibility are to be reserved for women by 2014).

Sexual harassment

Recommendation 52: Make sexual harassment in the workplace an offence under the Criminal Code

82. With regard to the Committee's recommendation 52 concerning the inclusion of sexual harassment as an offence under the Criminal Code, the Moroccan Criminal Code, as amended by Act No. 24.03 of 11 November 2003,⁴⁹ explicitly creates the offence of sexual harassment in article 503-1: "Any person who abuses the authority conferred upon him by his position to harass another person, using orders, threats, coercion or any other means to

- An increase in maternity leave from 12 to 14 weeks (art. 152);
- Prohibition of the employment of pregnant women during the seven weeks prior to delivery (art. 153);
- The right of a pregnant woman to suspend her employment contract and extend her maternity leave to 22 weeks in the event of an illness due to pregnancy or delivery (art. 154);
- Entitlement of a pregnant woman to leave her employment without giving notice (art. 158);
- The right of a working mother to be granted a half-hour morning break and a half-hour afternoon break, paid as normal working hours, for breastfeeding (art. 161).

⁴⁸ The Ministry of Employment and Vocational Training has embarked on a process of institutionalization of gender equality in the employment, vocational training and social security sectors.

- In 2007 the Ministry of Employment and Vocational Training launched, in consultation with trade union and employer organizations, the National Action Plan for Social Compliance (PAN), which supports enterprises in implementing the provisions of the Labour Code, including those concerning protection of the rights of women workers, with a view to guaranteeing social protection for workers in general and women workers in particular, developing the role and functions of labour inspectors, and enhancing the capacities of bodies representing wage-earners of both sexes. The integration of 2,000 enterprises into the social compliance programme was set as a strategic objective for 2012.
- In the context of the partnership between the Ministry of Employment and the German Agency for International Cooperation (GIZ), a guide on occupational and wage equality and parity for labour inspectors was produced and presented in November 2011. It is designed to promote the systematic integration of a gender-based approach and equality into inspection procedures, and to assist in monitoring the effective practical implementation of occupational and wage equality provisions, and in identifying obstacles to equality and to the application of the Labour Code.

⁴⁹ *Dahir* No. 1-03-207 amending and supplementing the Criminal Code, Official Gazette No. 5178 of 15 January 2004.

obtain sexual favours, is guilty of sexual harassment and shall be punishable with imprisonment for between one and two years and a fine of between DH 5,000 and DH 50,000.”

Hygiene and safety

83. An occupational health culture is currently being developed in Morocco and there are now 1,200 occupational medical officers at the national level, i.e. about one medical officer for every 10,000 employees. Coverage thus remains limited. Only 320,000 of the 10 million workers in Morocco have access to occupational medical care, so that coverage currently stands at about 3 per cent. This is due to the fact that the existing legislation is applicable only to large enterprises (with more than 50 employees), whereas the Moroccan economy is composed to a very large extent (95 per cent) of small and medium-sized enterprises, most of which have no occupational medical coverage.

84. A preventive approach was adopted through the establishment in May 2010 of the National Institute on Living Conditions at Work (INCVT), which is tasked with developing a national strategy for the limitation of industrial risks, taking measures to upgrade enterprises in collaboration with the civil defence authorities, industrial zones and employers' associations, building intervention capacities, and training occupational health-care and safety professionals.⁵⁰

Recommendation 43: Take steps to ensure that private companies have occupational medical officers available

85. In response to recommendation 43, the Ministry of Employment and Vocational Training adopted a multipronged approach aimed at providing support for private companies. It implemented the National Action Plan for Social Compliance and the National Action Plan for the Improvement of Working Conditions.⁵¹

⁵⁰ The following is an overview of the action taken in the area of health and safety at work:

- Upgrading of the team of officials responsible for labour oversight and inspection by recruiting 11 doctors;
- 449 visits to inspect health and safety conditions in the workplace undertaken by a multidisciplinary team composed of labour inspectors, occupational medical officers and occupational safety engineers;
- 2,919 comments were issued to offenders by the occupational medical officers and engineers;
- Upgrading of the legal and institutional framework for health and safety in enterprises through the drafting of implementing regulations for the draft framework law concerning health and safety in the workplace and other Labour Code implementing regulations;
- Promulgation in Official Gazette No. 5902 (23 December 2010) of Orders Nos. 3124.10, 3125.10 and 3126.10 issued by the Minister of Employment and Vocational Training which establish, respectively: (i) the conditions applicable to the creation of independent or joint occupational medical care services and to the equipment of such services; (ii) a model annual report on the organization, functioning and financial management of such services; and (iii) the minimum amount of time that occupational medical officers must devote to employees;
- Production of guides dealing with occupational risks, methods and techniques for ensuring hygiene and safety in the workplace, the organization and functioning of committees on hygiene and safety in the workplace, and assessment of occupational risks in the workplace;
- Production of a compendium of legal texts dealing with health and safety in the workplace.

⁵¹ The National Action Plan for Social Compliance implemented from 2007 to 2009 sought to raise awareness in enterprises employing 50 or more workers of the importance of promoting the social dimension as a vehicle for development and of the need to reconcile their economic performance with sustainable development conditions conducive to social justice. The aim of the Plan was to facilitate the implementation of the Labour Code and to support Moroccan enterprises in addressing the

Article 8 Trade unions

Procedures and independence

86. Morocco is determined, in the context of action to apply the provisions of the new Constitution, to introduce greater transparency into the management of trade union issues and to consolidate good governance in the internal functioning of its authorities. To that end, a draft law on the organization of trade union activities in Morocco was submitted to the General Secretariat of the Government in early 2011. Details are provided below in the reply to recommendation 45(a).

87. In addition to the information provided in the third periodic report of Morocco, it is important to note that the Labour Code enshrines the right to form trade union organizations without prior authorization and the freedom to join trade unions. The Code also prohibits direct or indirect interference by such organizations in the affairs of other organizations. As legal entities, trade unions are not subject to conditions that might restrict their liberty.

Recommendation 45(a): Removal of the administrative obstacles to the exercise of the right to organize, including through the prompt issuance of an acknowledgement of receipt for an application to form a trade union

88. Trade union bodies have no difficulty in securing recognition as legal organizations, either as company trade unions or as sectoral and/or provincial federations. Acceptance of trade unions by employers as partners in collective bargaining constitutes the main problem. Many employers are uneasy when they see trade unions being established in their enterprises and becoming their employees' representatives and their official interlocutors. A large number of employers would be willing to apply labour legislation and grant rights and benefits to their employees without having to negotiate with trade union representatives.

89. With a view to enhancing the status of trade unions, the Ministry of Employment and Vocational Training drafted a law on trade unions that is based to a large extent on international labour standards and comparative law. The draft law is still being discussed by all stakeholders owing to the failure to reach a consensus. It deals with consolidation of trade union freedoms, creation of a common framework of reference for their exercise, establishment of legal protection, promotion of the involvement of trade unions in advisory

challenges they might face as a result of free trade. Enterprises employing 50 or more workers that had received support by the end of 2009 recorded relatively high rates of compliance. Nevertheless, considerable efforts are still required to enhance the promotion of social compliance in the business sector, particularly in small and medium-sized enterprises. The National Action Plan for the Improvement of Working Conditions, which targets enterprises employing ten or more workers, was launched with that end in view. The strategy for the improvement of health and safety in the workplace adopted by the Government is based on the following basic strategic components:

- Development of the legal basis: a framework law concerning health and safety in the workplace has been drafted with a view to specifying the responsibility of each stakeholder in an enterprise for health and safety in the workplace and producing and developing a set of regulations and standards applicable to health and safety in the workplace.
- Creation of oversight bodies: the Ministry of Employment and Vocational Training has created six new occupational medical inspectorates. With regard to the implementation of Labour Code provisions concerning hygiene and safety, the Ministry of Employment intends to impose harsher sanctions on enterprises that fail to comply with the law; two thirds of enterprises were estimated to fall into this category in 2007 (ministerial survey). The existing fine ranges between DH 2,000 and DH 5,000.

institutions and institutionalization of trade union representation in different sectors and activities.⁵²

Recommendation 45(b): Action to expedite ratification of the International Labour Organization (ILO) Convention concerning Freedom of Association and Protection of the Right to Organize, 1948 (No. 87)

90. With regard to recommendation 45(b), Morocco has not yet ratified the Convention concerned. Ratification of the Convention is currently being considered in consultation with the social partners in order to shed light on the legal obstacles impeding alignment of the provisions of the statutory provisions applicable to these categories of staff with the Convention. However, Morocco wishes to point out that the Labour Code incorporates the provisions of the Convention.

Recommendation 44: Alignment of national labour legislation with article 8 of the Covenant by amending article 288 of the Criminal Code

91. Article 288 of the Criminal Code stipulates: “Anyone who, resorting to violence, assaults, threats or deception, brings about or maintains, or attempts to bring about or maintain, a concerted work stoppage with a view to forcing an increase or reduction in wages or undermining freedom of industry or labour shall be punishable with imprisonment for a term of between one month and two years and with a fine of between DH 120 and DH 5,000 or with one of these two penalties. Where the violence, assaults, threats or deception are committed in pursuance of a common plan, the offenders may be liable to an exclusion order of between two and five years.”⁵³

92. In the event of unwillingness on the part of employers to listen to their employees’ claims and/or to recognize their legitimately appointed representatives, recourse by trade unions to a show of force in the form of a sit-in, a joint march or a strike may prove necessary. The prime reference source in Moroccan legislation, i.e. the successive Constitutions of the Kingdom of Morocco, have all guaranteed the right to strike: those of 1962, 1970, 1972, that of 1992 and, lastly, the Constitution of 2011.

93. However, the application of this guarantee in practice depends on the enactment of an organic law. Where there is a legal vacuum, assessment of the conditions governing the

⁵² The law was drafted in response to the need expressed by certain trade union organizations. The proposed provisions are designed to clarify the conditions governing the formation and management of trade unions, their status as legal entities, applicable criteria and levels of representation, trade union funding arrangements, sound management of their resources, protection of the right to organize, support for social action by trade unions, and the conditions governing the imposition of sanctions on trade unions and their dissolution. The draft law reflects the concern to align national trade union legislation with the provisions of international labour conventions, “in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Workers’ Representatives Convention, 1971 (No. 135). The content of the draft law is also consistent with the jurisprudence of the Committee on Freedom of Association and the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization”.

⁵³ In 1946 the colonial lawmakers regulated “any lock-out or any strike”, rendering it subject to prior exhaustion of all conciliation and arbitration procedures. A lock-out is a decision taken by an employer to close an establishment, usually in response to a strike by the staff (*Dahir* of 19 January 1946 (15 Safar 1365) concerning conciliation and arbitration in respect of collective labour disputes; Official Gazette No. 1746 of 12 April 1946). This *dahir* was repealed by article 587 of the Labour Code currently in force.

exercise of this right is left to the discretion of the courts, which can only express their views on a post hoc basis.

94. In circumstances in which the legislation is incomplete, jurisprudence serves as the frame of reference for interpretation of the law and recognition of the lawfulness of strikes. Experience has shown that interpretations of the lawfulness of the exercise of the right to strike vary according to the context.⁵⁴

95. In a context in which there are no regulations applicable to the right to strike, employers who refuse to recognize trade union representatives during labour disputes leading to strikes take legal action by filing a complaint under article 288 of the Criminal Code, which punishes acts that impair freedom of employment with evil intent.

96. The Government undertook in its governmental statement of January 2012 to complete the enactment of legal instruments supplementing the Labour Code by promulgating certain general legal texts, particularly that concerning the exercise of the right to strike and the trade union law.

Collective bargaining

97. The existing arrangements for collective bargaining in Morocco are described in article 92 of the Moroccan Labour Code. The objectives of collective bargaining are as follows: to determine and improve working and employment conditions; to regulate relations between employers and employees; and to regulate relations between, on the one hand, employers or their associations and, on the other, one or more of the most representative trade union organizations of employees.

98. Article 96 of the Labour Code prescribes annual periodicity for collective bargaining sessions. Collective bargaining is conducted at the enterprise and sectoral levels once a year or in accordance with the periodicity prescribed by the collective labour agreement. Negotiations at the national level between the Government, employers' associations and trade unions are held once a year and as frequently as necessary. However, the periodicity of collective bargaining depends on the provisions contained in the collective labour agreements and memorandums of understanding adopted by the social partners at the sectoral and enterprise level.

99. Collective labour agreements play an important role in complementing the Labour Code; they help to prevent social disputes and to maintain a steady rhythm of dialogue between employers and trade unions.⁵⁵ Article 8, paragraph 3, of the new Constitution enshrines this principle by requiring the public authorities to promote collective bargaining and to encourage the conclusion of collective labour agreements in accordance with the terms laid down by law.

⁵⁴ Judgement No. 1197 handed down by the Casablanca court of first instance on 10 October 1983 declared a strike to be illegal by reference to the theory of abusive exercise of a right. Another judgement by the Casablanca court of first instance, handed down on 6 January 1984, held that a solidarity strike was illegal. The same court handed down a judgement on 11 June 1984 in which it ruled that a strike was legal despite the failure of the party who triggered the strike to comply with the provisions of the *dahir* of 19 January 1946.

⁵⁵ There are currently 17 collective labour agreements in force. The key aim of such agreements is to offset the lack of regulations under the Labour Code, which provides the general framework for social legislation. The collective agreement system helps to guarantee social peace in society in general and in enterprises in particular.

100. It should nevertheless be borne in mind that the success of collective labour agreements depends on a revision of the Labour Code and on elaboration of the draft organic law on the right to strike, which is currently being discussed.

101. With regard to the exercise of the right to strike, the Ministry of Employment and Vocational Training has prepared a draft law designed to regulate the exercise of the right to strike and to guarantee the rights of the parties, while preventing any abusive exercise of the right; it also provides a regulatory framework for labour relations and for the preservation of vital social services.⁵⁶

Article 9

Social security

Universal coverage

102. The Moroccan Government provided information in its second and third periodic reports on the existing social security system in Morocco.

103. Act No. 65-00, which contains the Code pertaining to basic medical coverage, reflects the State's commitment to guarantee the right to health care, in accordance with international treaties. It consolidates the acquired rights of Moroccan citizens who are covered by health insurance and introduces two systems of medical coverage, basic compulsory health insurance (AMO) based on social insurance principles and techniques (contributions and risk-sharing) and a Medical Assistance Scheme for the Economically Underprivileged (RAMED).⁵⁷ A scheme for self-employed workers, the liberal professions

⁵⁶ This draft organic law was lodged with the Office of the General Secretariat of the Government on 31 March 2011 in accordance with the procedure leading to enactment. The general principles contained in the draft also include, on the one hand, a prohibition on any obstacles to the exercise of the right to strike and, on the other, a guarantee of freedom to work during a strike. In addition, it seeks to reconcile the exercise of the right to strike with freedom to work and prohibits all discriminatory measures pertaining to the exercise of that right. In line with practice in other countries, the draft includes provisions concerning the requirement to fix a notice period, determination of strike levels, and specification of the parties who are authorized to take the decision to launch a strike. It stipulates that the right to strike stems solely from the failure of collective bargaining. A strike should not undermine vital social interests or endanger the life, security and health of the population. The draft prohibits the exercise of the right to strike in certain vital sectors: the military, officers of the police and auxiliary forces, public authority officials and staff of the Ministry of the Interior, prison administration staff, judges, and staff of the civil protection, water and forestry services. A lightning strike, i.e. a strike launched without notice, is deemed to be unlawful under article 44.

⁵⁷ AMO, which is funded by wage and salary contributions, comprises the scheme for private-sector workers and pensioners run by the CNSS, the scheme for public-sector workers and pensioners run by the National Fund for Social Welfare Organizations (CNOPS), and internal schemes or schemes run by private insurance companies on behalf of employees prior to 2005 which have been maintained in existence for a transitional period. The schemes on behalf of public-sector and private-sector employees should eventually cover about 11 million persons. RAMED was created to cover poor and vulnerable households, i.e. 8.5 million persons. RAMED is based on the principles of social welfare and national solidarity and is targeted exclusively at economically disadvantaged persons. It reflects the State's commitment to ensuring that high-quality health care is available and equitably distributed throughout the national territory. Its aim is to base access to health care on the principles of equality, equity and solidarity. The benefits offered by RAMED include coverage of adrenoleukodystrophy (ALD) treatment and of all services available in health-care centres, in local, provincial, prefectural, regional and university hospitals and in specialized hospitals, depending on the types of services offered by such establishments. Access to benefits under the scheme is authorized for persons possessing the RAMED card, which is issued to destitute or poor people without any discrimination.

and other unpaid activities (called *Inaya*) was launched in 2008. Additional health insurance schemes for students and former combatants are currently being considered.⁵⁸

104. Medical coverage has been gradually expanded since the launching of AMO. More than 34 per cent of the population now have health insurance, compared with 16.3 per cent before the introduction of AMO. The National Social Security Fund (CNSS) and the National Fund for Social Welfare Organizations (CNOPS) each provides coverage for almost 3 million persons. However, the extension of basic medical coverage has been hampered by the difficulties encountered by the CNSS and the Ministry of Employment in securing membership compliance by private enterprises, especially in rural areas (since there are only 400 labour inspectors in the entire country). It is also hampered by difficulties in speeding up the implementation of RAMED. The difficulty in the case of the scheme for self-employed workers consists in promoting wide membership among the persons concerned, who number between 10 and 12 million, so that the scheme has the base it requires to ensure its stability.

Recommendation 46: Equal distribution of coverage under the social security system between urban and rural areas and among the regions

105. The Moroccan social security system is applicable on a general and homogeneous basis to all employees and trainees in all branches of activity; the system does not take into consideration the circumstances or geographical location of social security beneficiaries, be it rural, urban or regional.⁵⁹

106. Social security coverage for agricultural employees remains well below that provided to employees in other economic sectors. However, the extension of family allowances to agricultural employees with effect from July 2008 constituted a major step forward which generated a strong demand to join the social security system among rural workers.⁶⁰

⁵⁸ Mention should be made, for instance, of individual reparations under the Fairness and Reconciliation Commission (IER), pursuant to which CNOPS medical coverage has been granted free of charge to those concerned.

⁵⁹ The RAMED scheme is specifically designed to cover members of the population employed in hazardous economic activities, in small urban businesses and in small farms generating a low and irregular income. It constitutes an appropriate means of ensuring equal coverage of urban and rural areas under the social security system. The rate of social security coverage of the agricultural sector remains very low. In 2007, agricultural enterprises accounted for 9 per cent of the total number of enterprises registered with the National Social Security Fund. Workers registered with the CNSS agricultural scheme accounted for 4 per cent of all workers and 2 per cent of the total payroll declared to the CNSS. It has been estimated that less than 10 per cent of the potential number of declared employees are actually covered. While the ratio of declared employees to the total number of permanent employees increased during the period from 1996 to 2008, insecure and short-term employment has persisted. However, in view of the specific nature of paid employment in rural areas, the Government is aware of the need to generate awareness among farm businesses employing workers of the need to register with the National Social Security Fund).

⁶⁰ It was only in 1981 that the social security system was extended to cover employers and workers in agricultural and forestry enterprises and their dependants (*Dahir* No. 1-81-178 of 3 Jumada II 1401 (8 April 1981) promulgating Act No. 26-79 concerning the extension of the social security system to employers and workers in agricultural and forestry enterprises and their dependants). The extension was applicable to certain short-term benefits, such as per diem sickness benefits, income coverage in the event of an accident, maternity allowances and death benefits, and to long-term benefits, such as invalidity, old-age and survivors' pensions. Family allowances were extended to agricultural workers with effect from July 2008. The benefit is DH 150 per child for the first three children and DH 36 per child for any additional children. Agricultural workers registered with the CNSS benefited, on the

Benefits

Recommendation 49: Provide for an increase in the minimum retirement pension to enable retirees and their families to enjoy an adequate standard of living

107. With regard to the increase in the minimum retirement pension to enable retirees and their families to enjoy an adequate standard of living, it should be noted that, as part of the efforts undertaken by Morocco to improve the social and economic circumstances of beneficiaries of minimum retirement pensions, the Government has taken all necessary steps to raise the minimum pension. Thus, all CNSS pensions were increased by 4 per cent with effect from 1 January 2006. The monthly minimum pension, which had stood at DH 500 from 1996, was increased to DH 600 with effect from 1 July 2008 and then to DH 1,000 with effect from 1 July 2011. The most recent increase in the monthly minimum CNSS pension has improved the social situation of more than 111,000 beneficiaries.

Free of charge for disadvantaged persons

108. Social security benefits are not granted under Moroccan social security legislation without payment of contributions except in the case of RAMED, under which a particular category of persons has access to health care free of charge.

109. As the price support policy had a retrograde impact at the distributional level, the Government launched a policy aimed at reducing price subsidies and offsetting the impact of price increases through direct or indirect cash transfers in the form of funding for health care. The "Tayssir" programme helps families to enrol their children in school. There has been a sharp increase in the number of beneficiaries since the programme was launched in 2008–2009: 47,000 families and 88,000 children in 2008–2009; 363,000 families and 609,000 pupils in 2010–2011. In 2011 RAMED provided health insurance for the most disadvantaged persons. Almost 30,000 cards were distributed in the pilot region of Tadla-Azilal to some 150,000 persons, who now enjoy free access to basic health care under the programme. The process of extension of the coverage of RAMED to the entire population launched in early 2012 is under way. As of 22 June 2012 a total of 1.2 million

same basis as workers in other sectors, from the compulsory health insurance scheme introduced in March 2006. To benefit from AMO, workers must prove that they have contributed for 54 days during the six months preceding an illness, that the contributions have actually been paid by the employer, and that the family members of the insured person or retiree have been identified with the CNSS. No distinctions have been made since August 2009 between the agricultural scheme and the general scheme. Persons insured under the two schemes enjoy the same benefits, and the same rates and contribution base are applicable to them.

In the case of the CNSS, economic conditions in rural areas make it difficult to introduce general coverage under the agricultural social security regime. Alignment of the agricultural social security scheme with the general scheme entails an increase of about 26 per cent in payroll costs. Total contributions due to the CNSS (24.39 per cent) plus the vocational training tax rate (1.6 per cent) are based on the gross payroll without any applicable ceiling. The basis for calculating contributions to the CNSS comprises all types of remuneration received by insured persons, including allowances, bonuses, gratuities and all other benefits in cash or in kind. For workers in the agricultural sector, the contributions entail a levy of 6.9 per cent on their gross salary. In the case of a guaranteed minimum monthly agricultural wage of DH 1,399, the contribution in absolute terms has been DH 88 since 1 July 2009. As of August 2009, only 27.52 per cent of registered agricultural workers had provided the CNSS with data concerning their families. Of the 39,464 insured persons who had acquired rights, only 10,560 had lodged an AMO file. As of that date, the CNSS had closed 5,592 files. Family allowances had been paid by August 2008 to 18,852 insured persons; such allowances amounted, on average, to DH 2,253 per insured person with effect from July 2008. The family allowances paid represent a significant benefit, given the level of the wages paid to agricultural workers.

applications had been submitted by persons wishing to benefit from RAMED and 159,974 applications had been approved, enabling 462,634 persons to benefit from access to health care. Moreover, a total of 58,989 persons have obtained access to hospitals by means of their RAMED card. The rate of registration of eligible persons with the National Health Insurance Agency (ANAM) was estimated at 9 per cent on 26 June 2012; 59 per cent of the persons concerned were from rural areas. According to the ANAM forecast for 2012, about 1,590,975 persons will be registered with RAMED, enabling 5,409,292 persons to have access to health care under this scheme. Seventy-seven per cent of beneficiaries belong to poor families and 23 per cent to families in vulnerable circumstances. Steps have been taken to improve the quality of services, for instance by identifying health-care facilities that need to be rehabilitated as a matter of priority, and by creating a medical assistance facility and a social support and assistance unit. Costly surgical procedures, which disadvantaged social groups were previously unable to afford, have been conducted under the RAMED scheme.

Private/informal schemes

110. Workers in the private and semi-public sectors who are registered with the CNSS and are thus entitled to retirement pensions under the basic pension scheme managed by the Fund can supplement their pensions by joining the Moroccan Inter-occupational Pension Fund (CIMR) supplementary scheme and the private schemes run by insurance companies and banks. They can also subscribe, jointly or individually, to insurance policies offered by insurance companies and banks in order to supplement AMO health-care coverage. Supplementary coverage by mutual benefit and private insurance companies is governed by the 1963 Mutual Benefit Insurance Act and the 2002 Insurance Code respectively.

Recommendation 40: Adoption of legislative and other measures to regulate the working and employment conditions of domestic workers

111. As the Government is aware of the importance of the social and economic situation of domestic workers and of the need for improvements, it has taken all necessary steps to organize the working and employment conditions of this category of workers. Pursuant to the provisions of article 4 of the Labour Code and with a view to guaranteeing the right of domestic workers to social security, the draft law establishing working and employment conditions for domestic workers was adopted on 12 October 2011 by the Government Council and submitted to Parliament on 27 October 2011. The present Government withdrew the draft law from Parliament and decided, at the Government Council meeting on 12 March 2012, to subject it to an in-depth examination. A decree establishing the conditions governing the extension of the social security system to domestic workers, pursuant to the provisions of article 2 of the 1972 Act concerning the social security system, as amended and supplemented, is currently being drafted. The final version of the draft decree will take into account the findings of the impact study currently being conducted by the CNSS and will specify the types of social benefits to be provided, their funding modalities, and the conditions governing the granting and organization of social security coverage for this category of workers.

Gender

Indicate whether there is equal enjoyment by men and women of pension rights as regards the age of access, qualifying periods and amounts

112. The social security legislation guarantees equal access for men and women to all benefits without discrimination (in respect of age, insurance periods and amounts).

- **Medical coverage:** Article 6 of Act No. 65.00 stipulates that, where the two spouses have separate coverage, the children are registered with the agency providing coverage for the father. Article 36 of the same Act permits a divorced woman to continue enjoying basic health insurance benefits for one year. An uninsured spouse is not entitled to such coverage.
- **Social security:** The legislation in force guarantees equal access for men and women to old-age and survivors' pensions.

Non-nationals

113. Pursuant to article 31 of the Constitution,⁶¹ non-nationals working in Morocco are subject to the same social security system as workers with Moroccan nationality, and the same conditions are applicable to them, in accordance with the provisions of the *Dahir* of 27 July 1972 concerning the social security system and the provisions of bilateral agreements signed between Morocco and certain countries. As the Moroccan social security system is contributory, they are entitled, if they contribute, to health care, family allowances and other benefits. With regard to non-contributory benefits, there is no provision for aid and assistance under the Moroccan system.⁶²

Article 10 Family-marriage

Right of men and women to enter into marriage freely and to establish a family

114. The Moroccan Government provided information in its third periodic report on the right of men and women to enter into marriage freely and to establish a family.

Recommendation 38: Intensification of efforts to respect and protect the rights of women and, in particular, to abolish polygamy once and for all

115. While polygamy is not completely prohibited by the Family Code, it occurs only in exceptional cases. It must be based on objective grounds and prior judicial authorization is required. In all cases where an application is submitted for a second marriage, the first wife can automatically obtain a divorce if she opposes her husband's decision. A second marriage is impossible if the husband undertook, at the time of his first marriage, not to take such a step. Statistical data indicate that the practice of polygamy is in decline. According to the Ministry of Justice, polygamous marriages accounted for only 0.3 per cent

⁶¹ Article 31 of the Constitution stipulates that "The State, public institutions and the local authorities shall take steps to mobilize all available means to facilitate equal access by citizens to conditions enabling them to enjoy the right ... to social security, medical coverage and support under mutual benefit schemes or schemes organized by the State".

⁶² The Moroccan social security system covers public-sector and private-sector employees. It provides protection for beneficiaries against illness and invalidity risks, old-age, survival and death benefits, and family and maternity allowances. Insurance against work-related accidents and occupational diseases is compulsory for all. Enterprises are required to subscribe to an insurance policy with an insurance company on behalf of their employees. Morocco has engaged in cooperative action with foreign countries in support of social security with a view to guaranteeing social protection for their nationals in the territory of the host country and the country of origin. These efforts have led to the signing of a number of multilateral and bilateral agreements.

of all marriages (811 out of 273,000) in 2006 and for 0.27 per cent and 0.31 per cent in 2007 and 2009 respectively.

Social services

Availability, coverage and funding of social services to support families; legal provisions in place to ensure equal opportunities for all families, in particular poor families, families from ethnic minorities, and single parent families, in relation to: child care services; social services that enable older persons and persons with disabilities to remain in their normal living environment for as long as possible and to receive health care

116. The Ministry of Solidarity, Women, the Family and Social Development (MSFFDS) is primarily responsible for the different aspects of current policy concerning social services to support families and vulnerable persons. A number of ministerial bodies engage in direct action to address risks and indirect action to prevent them or to alleviate their impact.

117. Entraide nationale, a public institution under the Ministry's supervision, undertakes activities designed to ensure protection for groups outside the mainstream, for instance by managing orphanages and care centres for older people and/or monitoring and providing staff for similar establishments run by associations. Entraide nationale provides special support for vulnerable groups, such as nurseries and day-care centres for children and vocational training facilities. The Social Development Agency, which reports to the same Ministry, provides financial and technical support for civil society organizations and local authorities, primarily to assist them in addressing the problems of vulnerable groups more effectively.

118. With regard to child care programmes, the programme to support the establishment of local child protection structures and the mobilization of local authorities accounts for 17.85 per cent of the investment budget of the Directorate of Women's, Family and Children's Affairs; the programme to promote the rights of the child and intersectoral coordination at the national level accounts for 7.03 per cent. This demonstrates the importance attached by the MSFFDS to integrated preventive action and action to protect children against abuse and violence.

Shelter for vulnerable persons

119. The legal framework applicable to social protection establishments, which provide shelter for vulnerable persons, was created by the 2006 Act concerning social protection establishments (SPEs). Its provisions are applicable to social protection establishments that provide care for all persons of both sexes who are in difficult circumstances of insecurity or poverty, in particular abandoned children, women who have been abandoned by or excluded from their families, older persons without support and persons with disabilities.⁶³

⁶³ Act No. 14.05 (promulgated by *dahir* No. 1-06-154 of 30 Shawwal 427/22 November 2006) specifies the conditions governing the opening and management of SPEs, in particular:

- Requirement of authorization for the opening of an SPE;
- Conclusion of contracts with the founders of SPEs and the public authorities;
- Introduction of a system of standards governing the opening and running of SPEs;
- Establishment of a "management committee";
- Increased monitoring and supervision of SPE activities;
- Adoption of coercive measures applicable to offenders.

SPEs play an important role in addressing situations of insecurity by providing care for needy children and vulnerable and destitute adults. Entraide nationale is the main partner of the associations

Maternity protection

120. The Moroccan Government provides information in its third periodic report on the duration of paid maternity leave before and after childbirth (14 weeks) and on the cash benefits, medical care and other support measures proposed before, during and after childbirth.

121. It should be noted that the Labour Code guarantees paternity leave for men. All male employees are entitled to three days' leave in respect of each birth. This provision is applicable where the employee acknowledges his paternity of a child. There is no parental leave for men.

Protection of children and young people

122. The Moroccan Government provides information in its third periodic report on protection and assistance measures on behalf of children and young people.

123. The draft law prohibiting domestic work by children under 15 years of age was submitted to the Government Council in October 2011.⁶⁴ It supplements the Labour Code provisions prohibiting child labour by making the domestic employment of young people in the 15 to 18 age group subject to strict criteria.⁶⁵ In addition, a draft decree concerning the creation of child protection units has been forwarded to the General Secretariat of the Government.

124. With regard to the promotion of children's rights, the Government has launched a very important harmonization initiative called the National Action Plan for Children (PANE) "A Morocco fit for its children", which is backed up by monitoring and implementation mechanisms. PANE 2006–2015 provides a solid platform for action to develop an intersectoral approach and results-based management in support of children's rights.⁶⁶

that run SPEs. It grants them annual operating subsidies, provides them with staff and arranges for training in areas of relevance to the establishments' work. For example, financial support for the 2009 fiscal year was estimated at DH 116,270,600. The number of SPEs subsidized by Entraide nationale has increased over the past ten years from fewer than 300 units to more than 1,031, 70 per cent of which are in rural areas. The total number of beneficiaries is currently 75,600.

⁶⁴ A draft law was prepared with a view to regulating employment relations between householders and domestic workers, in accordance with the provisions of article 4 of the Labour Code. The draft was submitted to governmental departments, social partners and NGOs to obtain their opinions and comments. In light of these comments, amendments were made to the draft. Furthermore, in light of observations made by the ILO Committee of Experts on the Application of Conventions and Recommendations, criticism by certain NGOs and comments by certain ministerial departments, the draft law was again revised and submitted to the Secretariat General of the Government on 28 June 2012 with a view to initiating the adoption procedure.

⁶⁵ Young people in the 15 to 18 age group can be employed only with the consent of their legal representative. Anyone who breaches this rule is liable to a fine of between DH 2,000 and DH 5,000 and, in the event of recidivism, to a three-month term of imprisonment.

⁶⁶ The principal measures taken to prevent the employment of children under 15 years of age are listed below:

- Organization of the second national awareness-raising campaign to prevent the domestic employment of young girls in June 2010.
- Conduct of a survey of the domestic employment of young girls in Casablanca with a view to producing reliable data in terms of quality and quantity that can be used by local agencies to devise effective means of action to combat this phenomenon. A meeting of the monitoring committee was held in May 2011 to discuss the final report on Phase I.

125. Further action aimed at rationalization was undertaken at the regional level with the launching on an experimental basis in Casablanca, Marrakesh and Agadir of the pilot project known as the Territorial Convergence Action Plan for the Protection of Children (PACTE). The Plan is designed to promote the harmonization of local action on behalf of children.

126. Periodic progress reports on PANE during the period 2006–2010 were submitted to the special Ministerial Commission on Children, chaired by the Head of Government, and to the National Congress on the Rights of the Child. The Moroccan Government provided information in its second and third periodic reports on the existing social security system in Morocco.

127. Considerable progress has been made in the fight against child labour.⁶⁷

Recommendation 47: Integration of children living in the street into the National Action Plan for Children (PANE); tougher action against child abandonment; and care for neglected and abandoned children

128. A survey of children living in the street in Casablanca was completed in November 2011. Two specialized services were created by the Emergency Medical Assistance Service (SAMU) in Casablanca (2007) and in Meknes (2010). The services provide health care, rapid rehabilitation, medical, paramedical and psychosocial assistance, temporary post-emergency accommodation, support for rehabilitation and referral to competent services. The MSFFDS has also provided capacity-building facilities for more than 800 local actors involved in protecting children against violence and reintegrating children living in the street.

Protection of older persons

129. In 2009 the Government adopted the National Strategy for Older Persons. Based on a participatory approach, the Strategy established policy guidelines and specified measures to be taken with respect to income and pensions, health care, housing, and the living conditions, role and place of older persons in society.

130. In line with the community-based approach adopted in improving the services offered to older persons, the INDH has taken vigorous action in the following areas to protect older persons:

- Support for the activities of associations of older persons (capacity-building and awareness-raising);
- Establishment of hostels for older persons: 89 hostels were created between 2005 and 2011 on behalf of 9,377 direct beneficiaries;
- Improvement of the care provided by hostels, shelters and other accommodation facilities for older persons.

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- Signing of three partnership agreements in June 2011 on the launching of a pilot project aimed at combating the domestic employment of young girls in Chichaoua as a supply area.
 - Training in children's rights for 200 local actors in supply areas.
 - Designation of 43 focal points responsible for action against child labour in delegations of the Ministry of Employment and Vocational Training.

⁶⁷ According to the HCP, the number of child workers dropped from 600,000 in 2000 to 170,000 in 2009. A total of 16,407 children under 15 years of age were removed from employment between 2006 and 2009. The number of children over 15 years of age who were removed from employment and enrolled in vocational training totalled 1,482 in 2009, compared with 1,334 in 2007.

131. In 2011, 3,224 older persons (1,627 women and 1,597 men) benefited from the services and care provided by Entraide nationale under the social welfare programme in 45 hostels and other accommodation facilities for older persons.

Protection of asylum seekers

132. With regard to the protection of asylum seekers, it should be noted that Morocco has been a party to the Geneva Convention since 1957. It should further be noted that it enacted a law in 2003 concerning the entry and residence of foreign nationals. United Nations agencies in Morocco have created an inter-agency group on migration issues, which has developed a comprehensive approach to the matter. Efforts have begun to raise awareness, identify problems and offer support with a view to ensuring respect for the fundamental rights of migrants and refugees and improving their living conditions.

133. The current refugee population in Morocco was estimated by UNHCR at 829 in May 2008 and 754 in September 2011, including 278 children under 17 years of age and 109 women. Of that total, 66.57 per cent came from five countries in sub-Saharan Africa and 24.53 per cent from two countries in the Middle East.

134. In 2006, a funding agreement worth €67 million was signed with the European Union as part of a support programme for the Moroccan migration strategy. This sum is well below the costs incurred by Morocco in managing migration issues. A number of difficulties persist in the area of refugee protection, particularly in connection with the integration of refugees and asylum seekers into national programmes and ensuring access to the same services (health care, education, employment, housing, etc.) as Moroccan citizens.

135. A legal framework for the protection of refugees and asylum seekers, which will provide for additional measures to enforce the provisions of the existing legislation, is currently being elaborated.

Recommendation 48: Adequate assistance, rehabilitation and protection for unaccompanied migrant children who are repatriated

136. The three-year “Tamkine-Migrants” project,⁶⁸ which was launched in May 2011, is the product of coordination among several ministerial departments, United Nations agencies and NGOs involved in the fight against violence. It is co-funded by the European Union under the Asylum and Migration Programme and aims to reduce the vulnerability of migrant women and children in Morocco by means of direct action on behalf of such groups and advocacy with the authorities concerned. The project will be implemented in the cities of Rabat, Tangiers and Oujda, and will focus on five themes: health (access to health care, counselling services, etc.); justice (legal and administrative support); education (access to schooling and vocational training); civil society (awareness-raising and alertness); and advocacy (power of persuasion).

⁶⁸ The Tamkine programme supports the universalization of the gender-based approach in institutions and contributes to the achievement of MDG 3. It is a tripartite partnership involving national and international agencies and civil society. It covers six areas in which women are most vulnerable and promotes alignment with national circumstances by means of pilot initiatives and diverse activities. Women migrants and refugees are among the beneficiaries of the nine products of the programme: (1) the legal framework; (2) the generation and use of knowledge and data; (3) a data collection and analysis system; (4) gender-sensitive planning, programming and budgeting; (5) building of the capacities of local actors at the institutional level; (6) regional coordination with local actors; (7) access to counselling centres for women and girls; (8) better access to economic, social and political empowerment services (creation of multifunctional centres that offer integrated services); (9) awareness-raising, education and training in women’s rights.

Violence

Recommendation 50: Intensification of efforts to combat domestic violence by making such violence an offence under the Criminal Code and by providing law enforcement personnel and judges with training on the criminal nature of domestic violence

137. The adoption of the Family Code in February 2004 led to the insertion in the Criminal Code of a new article 406, which stipulates that the penalty imposed on a husband who deliberately assaults or inflicts injuries on his wife shall be double that prescribed under articles 400 and 401; it prescribes prison terms of at least one year, regardless of the duration of the incapacity attested by a medical certificate. It should nevertheless be stressed that there is a marked difference between the existing legal provisions and the judgements handed down on a daily basis by the courts. The penalties imposed are often less than the minimum one-year penalty. The MSFFDS has been working since 2010 on a draft law that will define all forms of domestic violence in far greater detail with a view to protecting women and prosecuting acts of violence against them.

138. A survey of the prevalence of violence against women was conducted in 2010. It found that the overall prevalence rate was 55 per cent and that 3.7 million women were affected.⁶⁹

139. The Operational Plan in support of the National Strategy to Eliminate Violence against Women was launched in September 2004. It was elaborated on the basis of a participatory approach and consultations with the social partners and civil society. The ultimate long-term goal of the Strategy is to eradicate violence against women and to contribute to the promotion and protection of women's rights.⁷⁰

140. In addition, the institutional framework for the elimination of gender-based violence was established in late 2007. Its aim is to standardize tools for data collection and analysis and to launch a system of annual institutional reporting on the phenomenon of violence against women. Measures to that end have been taken by different departments.⁷¹

⁶⁹ The survey covered 9,000 households (including 3,600 in rural areas) representing all Moroccan regions and social strata. In addition to measuring the prevalence of violence against women in Moroccan society, the survey was used to identify the characteristics of women victims of violence and of the perpetrators of such violence, to study the socioeconomic environment of households with at least one abused woman, and to produce a series of indicators (rate of prevalence, etc.) that could be used to produce a detailed study of the phenomenon surveyed. The study classifies the prevalence of violence in terms of the type of violence used (psychological, physical, sexual, economic, infringements of individual liberties) and in terms of the living environment (marital, extramarital, public places, occupational environment and educational establishments).

⁷⁰ The specific objectives of the Plan are:

- To ensure the systematic supply of services by means of interlinked arrangements that are carefully coordinated among the different partners involved at the various stages of support and follow-up care for women victims of violence;
- To build up knowledge of the phenomenon by means of research and data-gathering;
- To develop well-defined responses to the needs of direct operators in terms of service norms and quality standards;
- To promote training and capacity-building with a view to ensuring the quality and sustainability of the action taken;
- To provide legal support and to generate awareness with a view to influencing sociocultural behaviour.

⁷¹ The Ministry of Justice sent a circular to the prosecuting authorities in which he urged them to take the necessary steps to intensify action against gender-based violence and to improve reception and care facilities for women victims. There are 21 reception and counselling units in the appeal courts

141. The establishment of support facilities for women victims of violence has been accompanied by human resource capacity-building through training and the development of guides and tools. Many awareness-raising and advocacy initiatives have been implemented by different departments.⁷²

Trafficking

142. Human trafficking is defined as an offence under article 2-274 of the Criminal Code. Sexual exploitation and forced labour are also recognized as offences under the same Code.

143. Morocco is exposed, owing to its geographical situation as a transit and destination country, to trafficking risks involving migrant women, men and children from sub-Saharan Africa, North Africa and Asia who wish to emigrate to Europe.⁷³

144. The strategy that Morocco pursues in this regard is designed to harmonize its legal framework to ensure greater effectiveness and consistency by activating the process of ratification, particularly of the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and by expanding the scope of its legislative and regulatory instruments.

145. Morocco has signed a number of core conventions in this area⁷⁴ and will amend its anti-trafficking legislation by prescribing harsher penalties for forced labour, taking more

and 65 units in the courts of first instance. The Ministry of Health has 11 units. A register has also been created to keep records of patients who are victims of domestic violence. The Judicial Police Directorate has established a focal point and created a special new body headed by a police commissioner which is tasked with taking action against domestic violence. In 2008 the police force had 145 reception and counselling units and the Royal Gendarmerie had about 21 mobile units. In 2005 a green number was set up for women and girl victims of violence and a facility to provide them with support and to defend their rights was established. Counselling and guidance are provided in the Arabic, Amazigh and French languages. In 2009 Morocco had 350 reception, counselling and assistance units for women victims of violence in the courts, police stations and hospitals, 67 of which are counselling centres run by associations. The counselling centres run by associations created the ANARUZ counselling centre network.

⁷² Mention should be made of the Ministry of Habous and Islamic Affairs, which devotes Friday sermons to the issue during awareness-raising campaigns. The Ministry of National Education, Higher Education, Scientific Research and Vocational Training organizes awareness-raising days and other activities aimed at promoting education for equality, equity, action to eliminate all forms of discrimination against women, and the incorporation of human rights and citizenship principles in school and university curricula. The Ministry of Solidarity, Women, the Family and Social Development has trained about 132 gendarmes and 60 National Security officers. The Tamkine project, "a multisectoral programme of action against gender-based violence through the empowerment of women and girls in Morocco", seeks to prevent all forms of violence against women and girls (physical, verbal, psychological, sexual, economic, trafficking) and to protect them, linking such action with their circumstances of poverty and vulnerability. It prioritizes support for gender mainstreaming and women's rights in national policies and development programmes. This large-scale initiative has mobilized 13 ministerial departments, 8 United Nations agencies in Morocco and many civil society NGOs.

⁷³ In 2008, 200 persons were convicted of inciting child prostitution or of sexually abusing children; 42 persons were convicted of exploiting victims of child trafficking for the purpose of domestic servitude under the legislation concerning trafficking. Morocco dismantled 130 human trafficking networks in the first eight months of 2009, 96 in 2010 and 108 in 2011. The Moroccan authorities instructed international organizations to conduct an initial assessment of human trafficking in Morocco, which was completed in 2009.

⁷⁴ For instance, the United Nations Convention against Transnational Organized Crime, the International Convention on the Protection of the Rights of All Migrant Workers and Members of

vigorous steps to prosecute human traffickers and ensuring that victims are not punished for acts committed on account of their circumstances. The National Plan of Action for Children 2006–2015, which includes the protection of children against abuse, violence and exploitation among its objectives, is the cornerstone of the fight against human trafficking in Morocco.⁷⁵

146. At the practical level, there are plans to develop a victim identification tool and a procedure for transferring victims to reception and support centres run by civil society stakeholders, and to launch public awareness campaigns concerning, *inter alia*, the fight against child sex tourism. Training courses on the issue will be organized for judges, prosecutors and the police and border security authorities. An effort will be made to collect and organize data on the impact of human trafficking.

Article 11 Poverty

The right to improved living conditions

147. In 2009 the HCP measured the poverty threshold in terms of the minimum amount required to purchase food, applying the standards set by the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO), plus an additional amount required for expenditure on non-food items calculated in accordance with the World Bank approach. The annual per capita poverty threshold is currently DH 4,037 per annum in urban areas and DH 3,758 in rural areas. The number of poor persons in Morocco dropped from 4 to 2.8 million between 2001 and 2007. During the same period, the poverty rate declined from 15.3 per cent to 8.9 per cent at the national level.

Recommendation 55: Disaggregated comparative data on the number of people living in poverty and on the progress made in combating poverty

148. Two main approaches⁷⁶ are used in measuring poverty: an absolute approach, according to which anyone who lives below the poverty line in the society in which he or she resides may be defined, in objective terms, as poor; and a relative approach,⁷⁷ which classifies the population in terms of percentiles, usually along the following lines:

Their Families, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the Convention on the Rights of the Child. Morocco intends to ratify the two protocols supplementing the United Nations Convention against Transnational Organized Crime: the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

⁷⁵ *Dahir* No. 1-09-112 of 1 Ramadan 1432 (2 August 2011) promulgating the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime, done at New York on 15 November 2000.

⁷⁶ There is a marked difference between these two approaches, especially when they are used to analyse poverty trends. According to the absolute approach, when the living standard of all households increases, the poverty rate falls. According to the relative approach, on the other hand, the living standard of poor households must increase more rapidly than that of the population as a whole for the poverty rate to fall.

⁷⁷ This approach is usually based on the poverty threshold. However, it is defined in relation to a social average. Thus, any household or individual that is unable to enjoy a standard of living equivalent to this social average is considered to be poor.

extremely poor (first quintile), moderately poor (second quintile), average living standard (third quintile) and not poor (fourth and fifth quintiles).

149. According to these approaches,⁷⁸ the poverty rate may be defined as the proportion of poor persons in the population whose per capita expenditure is lower than the relative poverty threshold. In 2007 this threshold was DH 3,834 per person per annum in urban areas and DH 3,569 per person per annum in rural areas. The vulnerability rate is defined as the proportion of individuals who are not poor but who live under threat of poverty, that is to say those members of a household whose annual expenditure per person in 2007 was between DH 3,834 and DH 5,751 in urban areas and between DH 3,569 and DH 5,353 in rural areas. These poverty rates were used to identify the members of the population who are entitled to benefit from RAMED.

150. It is therefore necessary to consider, alongside poverty, the extent of quasi-poverty (or vulnerability). While absolute poverty has declined, the number of poor and quasi-poor persons remains high, totalling about 8.5 million. According to HCP data for the period from 2001 to 2007, the relative poverty rate dropped from 15.3 per cent to 8.9 per cent at the national level, a rate corresponding to 2.8 million people. However, the consumption level of 17.5 per cent of the population remains just above the poverty line. Thus, a quarter of the population, i.e. 8.5 million people, live in circumstances of absolute poverty or risk falling into such circumstances. Mention should also be made of the major geographical disparities that exist in respect of poverty. Thus, the poverty rate in rural areas (14.5 per cent) remains more than three times greater than the poverty rate in urban areas (4.8 per cent).

151. Income distribution in Morocco remains unequal. The most well-to-do 20 per cent of households possess more than 53 per cent of the country's global income, compared with 5.4 per cent in the case of the poorest 20 per cent. According to the HCP, 17 per cent of the population live on an income of less than DH 2,000 and 64 per cent on an income of less than DH 5,000, while 8 per cent have an income of more than DH 12,000. Monthly incomes per household are 1.6 times greater in urban areas (DH 6,124) than in rural areas (DH 3,954). The ratio of average per capita consumption in urban areas to that in rural areas dropped from 2 in 2001 to 1.8 in 2007.⁷⁹

152. The progress that is currently discernible stems from a number of different factors. Infrastructural programmes have improved the access of communities living in remote areas and outlying urban districts to essential services and have enhanced the productivity

⁷⁸ The Office of the High Commissioner for Planning (HCP) bases the measurement and cartography of poverty on the concept of relative poverty as defined by international standards. According to these standards, the relative poverty threshold should be calculated on the basis of the food poverty threshold as follows:

- The food poverty threshold is the cost of a basket containing the food required for a minimum calorie diet (1,984 calories per person per day); this standard is recommended by FAO and WHO;
- The relative poverty threshold is the food poverty threshold plus an allocation for non-food items equivalent to the cost of non-food purchases made by households that have effectively attained the minimum nutritional requirement (World Bank method);
- The vulnerability threshold, according to the World Bank approach, stands between the relative poverty threshold and 1.5 times that threshold.

⁷⁹ This trend reflects a major improvement in the situation in both urban and rural areas. However, poverty in Morocco remains heavily concentrated in rural areas. Household income in rural areas remains extremely vulnerable to climatic conditions. It is severely affected by periods of drought, which reduce agricultural yields and livestock breeding outputs and result in increased energy expenditure.

of economic activities.⁸⁰ Investment in equipment and increased investment in the building sector and in infrastructure⁸¹ have helped to generate income and to bring about a multiplier impact conducive to growth. Income from emigration and tourism, which increased sharply during the past decade, benefited low and middle-income households. Moreover, the participatory approach adopted by INDH and ADS, particularly the Oriental Agency,⁸² facilitated the targeting of rural areas and urban districts with the highest poverty rates.

Recommendation 53: Ensure that families living in poverty in shantytowns have access to public services and take due account of general comments No. 3 (1990) on the nature of States parties' obligations, No. 7 (1997) on the right to adequate housing and forced evictions, and No. 15 (2002) on the right to water

153. Morocco ensures access to public services for people living in shantytowns in rural or urban areas. The housing strategy adopted on behalf of these communities provides for either renovation or rehousing, depending on the town-planning and land-property constraints involved. The implementation of new programmes, whether they involve the renovation of unsanitary housing areas or rehousing in new property, is based on the legislation in force and ensures that the housing has access to basic network facilities: drinking water, sewage facilities, electricity, telephone and the Internet. Provision is made for educational establishments (day nurseries, schools, lower-level and higher-level secondary schools), health-care centres, and shopping, recreational and green areas. Roads are planned and built, as far as possible, to ensure easy access to housing and reliable sanitation services.⁸³

⁸⁰ These programmes have been implemented under, for example, the INDH, Promotion Nationale, ADS programmes, activities undertaken as part of the "Agricultural Solidarity" Pillar of the Green Morocco Plan, and programmes to support forestry and small trades and crafts under the Millennium Challenge Account in support of income-generating activities. Since its creation ADS has subsidized or funded more than 2,357 projects and programmes from a budget totalling roughly DH 1,018,270,317. Between 2006 and 2011, the Oriental Agency implemented an AGR revolving fund programme in partnership with 150 associations in the Oriental Region, which led to the creation of more than 3,600 income-generating activities and about 11,000 jobs, of which 43 per cent are occupied by women. The total cost of the programme is DH 45 million, of which DH 15.5 million comes from the Agency's budget.

⁸¹ The results of the socioeconomic impact assessment of phase II of the National Rural Roads Programme (2005–2012) conducted by the Ministry of Public Works and Transport showed, for the regions studied, that there had been a reduction in transport costs (17 per cent for passengers and 52 per cent for merchandise), an increase in school enrolment rates, particularly for girls (the enrolment rate for girls reached 55 per cent where there was a project, compared with 33 per cent where there was no project), and an increase in the rate of attendance at health-care centres (an increase of 74 per cent in consultations compared with situations in which there was no project). The programme also contributed to increases in household income and expenditure of 9 per cent and 15 per cent respectively where a project was implemented.

⁸² A tripartite agreement between the Oriental Agency, the Directorate-General of Local Communities (DGCL) and the United Nations Children's Fund (UNICEF) was signed in 2010 with a view to consolidating and combining measures to assist rural and urban communities with fewer than 35,000 residents in the Oriental Region in elaborating their communal development plans, and with a view to providing them with the technical assistance they require to implement the plans, for instance by raising funds and creating partnerships. The total cost of the agreement is DH 68 million, of which DH 38 million is financed by the DGCL, DH 20 million by UNICEF and DH 10 million by the Oriental Agency.

⁸³ To provide some perspective on the housing policy and the policy to improve access to public services for disadvantaged groups, it is important to refer to the INDH. During its initial phase from 2005 to 2010, the Initiative targeted, at the local level, rural communes and urban districts with

The right to adequate food

154. Basing itself on the Regional Strategy on Nutrition 2010–2019 and the WHO Plan of Action for the Eastern Mediterranean Region, Morocco was the first country in the region to develop a national nutrition strategy for the period 2011–2019. Following its adoption, measures were taken to speed up its implementation, including the establishment of coordinating and monitoring bodies. Speedy action was deemed to be necessary in response to the indicators published by the Ministry of Health, which demonstrated the urgency of the nutritional situation.⁸⁴

155. Children in rural areas and poor families are worst hit by the lack of adequate food. According to a family health survey of the population conducted in 2003/04, 18 per cent of children under 5 years of age suffer from retarded growth, which is generally due to chronic malnutrition during pregnancy and infancy. Retarded growth affects 24 per cent of children in rural areas and 29 per cent of children in the poorest quintile (Ministry of Health, 2004). The fact that the retarded growth rate is higher than the poverty rate for the same period (14 per cent) indicates that lack of nutritional information at the household level is a source of serious problems.⁸⁵

156. In this context, the strategies and programmes implemented by the Ministry of Health and its partners to promote a healthy diet and to address the problem of insufficient micronutrients have led to an improvement in the population's nutritional status.⁸⁶

Indicate the measures taken to disseminate knowledge of the principles of nutrition, including of healthy diets

157. The following measures have been taken to disseminate knowledge of the principles of nutrition, including of healthy diets: organization of campaigns to promote fortified foods; promotion of the consumption of foods that are rich in micronutrients; organization of campaigns to promote breastfeeding; production and dissemination of infant and young child feeding modules; and production of a lifecycle food and nutrition guide to promote

poverty rates higher than 30 per cent. The identified projects helped to enhance the relevance of public service facilities and to speed up the implementation of projects.

⁸⁴ About one third of children under 5 years of age and of women of childbearing age suffer from a lack of folic acid; 72 per cent of 12-year-old children suffer from tooth decay; 9 per cent of children under 5 years of age suffer from acute malnutrition; 18 per cent of children under 5 years of age suffer from chronic malnutrition and 8 per cent are underweight; 22 per cent of women and 8 per cent of men are obese; 6.6 per cent of Moroccans are diabetic; 4 per cent of the population suffer from hypertension; 29 per cent have a high rate of cholesterol (more than 2 g/L); 30,000 Moroccans, including more than 1,000 children, are diagnosed with cancer each year.

⁸⁵ In addition, 9 per cent of children under 5 years of age suffer from severe malnutrition (emaciation); this category includes 11 per cent of children living in rural areas and 13 per cent of those living in households belonging to the poorest quintile. There are four times as many underweight children in the poorest quintile than in the richest quintile. Fourteen per cent of children under 5 years of age are overweight.

⁸⁶ Mention may be made in this connection of the following programmes:

- The national programme to fight micronutrient deficiencies;
- Integrated health care for children;
- The national programme to prevent and combat diabetes;
- The programme to prevent and combat cardiovascular diseases;
- The national school and university health-care programme;
- The programme to combat disorders due to lack of iodine;
- The programme to combat epidemic and zoonotic diseases;
- The nutritional hygiene programme;
- The national cancer prevention and control plan.

information, education and communication at the level of health-care facilities. Lastly, the Ministry of Health and its partners are currently developing a national integrated global communication strategy in support of lifecycle nutrition.

Indicate the measures taken to promote equality of access by disadvantaged and marginalized individuals and groups, including landless peasants and persons belonging to minorities, to food, land, credit, natural resources and technology for food production

158. Morocco provides the entire national territory, particularly remote areas and/or areas with a high concentration of needy households, with basic food supplies (soft wheat flour, sugar, food oils) and a reliable energy supply (butane gas) at prices that low-income households can afford. When the market prices of these products can no longer be maintained, the State pays subsidies to keep them stable.

159. The subsidy system that the public authorities have been implementing since the 1940s has played a crucial role in maintaining stable prices for basic products and in preserving consumers' purchasing power. It has also supported and promoted the economic development of a number of sectors.

160. The subsidy system in Morocco is run by the following bodies:

- The Compensation Fund, which reports to the Head of Government and by delegation to the Ministry of General Affairs and Governance. The Fund was established in the early 1940s and reorganized in 1977. It supports the prices of sugar, butane gas and petroleum products.
- The National Inter-occupational Office for Cereals and Pulses (ONICL), which was established in 1939 and restructured in 1994. ONICL subsidizes national soft wheat flour and has also been supporting the price of deluxe flour derived from soft wheat since September 2007.

161. Developments in the national and international economic environment in recent years, such as the scarcity of raw materials on the international market, rising world prices and the huge increase in consumption, have undermined the subsidy system and exposed certain malfunctions.

162. The cost of the subsidy system, which stood at around DH 6 billion in the early years of the century, had reached almost DH 20 billion by 2007 and DH 36 billion by 2008. It stood at DH 48.8 billion in 2011 (including the price support fund), compared with DH 27.1 billion in 2010. These costs, which were equivalent to about 1.2 per cent of gross domestic product (GDP), rose to almost 3.4 per cent of GDP in 2010. During the past four years (2008–2011), they have totalled DH 120.75 billion, including the price support fund, or roughly US\$ 12 billion.

163. The inaccurate targeting of beneficiaries remains the principal weakness of the subsidy system: the universal nature of the price support system means that all consumers, regardless of their standard of living, benefit from the subsidies. Consumers who enjoy the highest living standards arrogate a disproportionate share of the subsidies; their share is estimated at 80 per cent of the cost of the system, excluding administrative costs.

164. Action to reform the subsidy system is currently being studied and constitutes a priority of the new Government that came into power in 2012. It intends to replace the system with better targeted programmes. Measures to overhaul the existing procedures will focus on the establishment of a new subsidy system by the following means:

- Introduction of more effective arrangements for supporting needy households;
- Confinement of subsidies to the neediest social strata;

- Reduction and stabilization of subsidy costs.

Indicate whether the State party has adopted or envisages the adoption, within a specified time frame, of the “Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security”.

If not, explain the reasons why

165. A number of Government departments, including the Ministry of Health and the HCP, undertake regular surveys of the food situation in the country. The indicators mentioned above reflect their vigilance in this regard. It extends beyond mere supervision of market supplies. In addition, the deficiencies and needs of specific categories, such as children and women, are identified. The food programmes presented above reflect the authorities' concern to meet all the conditions required to guarantee adequate food. However, the Government is aware of shortcomings in the social welfare policy and of their possible impact on food security, for instance the poor quality of the targeting of social welfare measures. A process of reflection is under way and pilot projects have been launched to investigate the possibility of creating a mechanism for targeted monetary transfers. The main difficulty consists in designing and setting up local administrative machinery and ensuring control of the budgetary costs that the machinery would entail.

The right to water

166. In 2011, 92 per cent of the rural population had access to drinking water, i.e. 12.5 million inhabitants, compared with 70 per cent in 2005 and 14 per cent in 1994. Morocco plans to achieve a rate of access of 95 per cent by 2015.

Ensuring the sustainability of drinking water supply systems by controlling water flows through damming

167. The 92 per cent rate of access to drinking water remains a national average and some provinces have not yet attained that level. It is therefore necessary to guarantee minimum coverage of 90 per cent for these provinces, which often lack easily mobilizable resources, have a widely dispersed population and are located in remote areas. Most of them are located in mountainous regions that require surface water processing and pumping, which engender higher costs per inhabitant than existing projects. Top priority is being given to action in this regard.

168. The Government has been taking measures since the 1990s to improve the situation:

- Guidelines were issued by the Higher Council for Water and Climate at its 1994 session, which referred to the alarming situation in respect of access to drinking water in rural areas of Morocco. The Council recommended the launching of a wide-ranging programme to supply the rural population with drinking water.
- In 1995 the rural drinking-water supply programme, commonly known as PAGER, was launched.
- The guidelines of the Higher Council for Water and Climate issued at its 2001 session recommended stepping up the pace of the rural drinking-water supply programme. The National Office for Drinking Water (ONEP) is currently organizing the drinking-water supply for rural centres and *douars*. The resulting services usually require welding with regional pipelines.
- 2009: The new national water strategy gives priority to ensuring universal access to drinking water in Morocco, protecting the quality and quantity of groundwater, and developing water resources in general.

169. The public authorities involved in these programmes are the Directorate-General of Hydraulics of the Ministry of Energy, Mines, Water and the Environment, and the ONEP Directorate for General Access to Drinking Water. The total amount allocated to the rural drinking-water supply programme for the period 2005–2011 was DH 8.85 billion.

170. The rural drinking-water supply programme has had a positive impact. Water-fetching chores have been significantly reduced or abolished in the *douars* covered by the programme. There has been a marked reduction in the incidence of waterborne diseases, which have affected households hit by cholera. The programme has had a very positive impact on the school enrolment of children, especially girls, who have traditionally been tasked with water-fetching chores. Moreover, thanks to the thousands of projects launched each year, dozens of small enterprises have been created in various sectors (well-digging, civil engineering, installation of pumping equipment, maintenance), and the national engineering service has been involved in all general studies and planning of rural drinking-water supply projects. More than 500,000 working days are created each year.

171. With a view to guaranteeing sustainability and consolidating advances made in the establishment of drinking-water supply facilities under optimal operating conditions, ONEP, which has been the main actor in this area since 2004, has pursued an innovative policy involving the introduction of appropriate management techniques that take each region's context into account.⁸⁷

Provide information on education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage

172. Large-scale information campaigns have been conducted for decades in all the audiovisual media to alert the population to the risks involved in using untreated water and to encourage households to fight against the risk of waterborne diseases by using appropriate treatment methods.

173. In 2006 an important national sewage and wastewater treatment programme was launched alongside the national sewage programme for rural areas.⁸⁸ The objectives of the programme are to achieve an overall rate of connection to the network of 80 per cent by 2020 and 90 per cent by 2030, to reduce domestic pollution by 80 per cent by 2020 and 90 per cent by 2030; and to treat and reuse or exploit 100 per cent of collected wastewater by 2030.

174. Major progress had been achieved by the end of 2010 in reducing liquid waste (700 million m³ per year, compared with 600 million m³ per year in 2005), in the sewage network connection rate (estimated at 72 per cent, compared with 70 per cent in 2005), in the wastewater treatment rate (an increase to about 20 per cent, compared with 7 per cent in

⁸⁷ In addition to supporting oversight staff, associations for the *douars* and micro-enterprises for subcontracting at the local level, the Office has now begun a phase of extensive subcontracting. Provision has been made for systematic control of groundwater samples taken from boreholes and wells before services are launched in order to detect any biological or chemical contamination. The water source is then listed and subjected to regular monitoring by the Ministry of Health.

⁸⁸ The Government launched a sewage programme in the mid-1990s. It was motivated by a concern to influence the distribution of drinking water by establishing sewage facilities for which the distributor would assume responsibility. Operators are required to impose a levy to meet the cost of installing and maintaining these facilities in conjunction with the invoicing of drinking-water consumption. The tariff scale applicable to drinking water is progressive. It penalizes high consumption rates in order to discourage wastage.

2005), and in the construction of water treatment plants (42 operational plants, compared with 21 in 2005).⁸⁹

The right to adequate housing

175. A distinction is made in Morocco between homeless people and people living in unhygienic housing. According to the 2004 general census of population and housing, 9,181 people were homeless at that time, including 6,174 in urban areas and 1,905 females. This population group can apply for assistance to the social welfare establishments, which are governed by Act No. 14.00 and run by *Entraide nationale*. People living in unhygienic housing are classified in accordance with the three components of such housing (shantytowns, substandard housing and dangerously run-down housing). Shantytowns: the action plan under the *Towns without Shantytowns* programme launched in 2004 was based on updated figures for the number of households living in shantytowns (270,000 households).

176. The number of households living in districts with substandard housing was 354,000, according to the 1993 census. According to the updated data for 2002, the number at that time was almost 540,000 households. According to the housing survey conducted in 2000, almost 90,000 buildings fell into the category of dangerously run-down housing. The updated figure for 2011 was 144,000 buildings.

177. Vigorous action has been taken against unhygienic housing, especially during the past ten years. Steps have been taken to tackle the existing phenomenon and to prevent it from spreading. According to the most recent assessments, the number of beneficiaries under the programmes launched by the Ministry may be estimated as follows:

- With regard to the 1,750,000 residents covered by the *Towns without Shantytowns* programme (figures updated in September 2011), 1.2 million stand to benefit from housing units that have been completed or are currently being constructed, i.e. an implementation rate of 70 per cent. If the scale of the programme had not increased (by 400,000 residents) after its launching date, the rate of implementation would be 83 per cent rather than 70 per cent.
- With regard to the second component of unhygienic housing, the Ministry's list of services rendered for the period 2002–2011 included 414 agreements on rebuilding

⁸⁹ The professional sewage management service covered 177 communes, compared with 101 in 2005. The improvement in the sewage services sector between 2006 and 2010 was due to the launching in 2006 of the national sewage programme, which led to the implementation of a number of projects in cooperation with the communes, the National Office for Drinking Water, the independent water and electricity distribution authorities and private subcontractors. A National Sewage and Wastewater Treatment Fund (FALEEU) was created in 2007 to facilitate the funding of sewage and wastewater treatment operations. The Fund is financed by contributions from the regular budget and by other resources. The use of water by the agricultural sector for irrigation purposes accounts for almost 84 per cent of water resources. The Ministry of Agriculture and Marine Fisheries has formulated a policy aimed at promoting the optimum use of water resources. Its objective is to mobilize additional resources; however, emphasis is placed on demand management in the interests of enhanced water efficiency in high-value-added agriculture by means of an incentive-based pricing policy, widespread use of modern irrigation techniques, better coordination among stakeholders and delegated irrigation water management. With a view to ensuring more effective adjustment to water stress and the impact of climate change, it is planned to increase local irrigation to 692,000 ha, compared with 154,000 ha at present, and to convert just under a million hectares of cereals into forestry plantations, while at the same time developing semi-direct rain-fed agricultural techniques and promoting renewable energy (solar, wind and biogas energy) in agricultural areas.

and upgrading services for underequipped districts on behalf of 4 million residents, requiring a total subsidy of DH 7.73 billion.

- With regard to dangerously run-down housing, 86 projects were launched between 2003 and 2011 on behalf of 440,000 residents for a total subsidy of DH 1.35 billion.

Recommendation 51: Improvement of housing conditions in shantytowns and elsewhere; provision of assistance to earthquake victims, particularly women and children, and adoption of preventive measures (ensuring that housing is built in accordance with the rules applicable to earthquake-prone areas and rehousing the disaster-struck population of Al-Hoceima)

178. In light of the new political and social context in Morocco and the provisions of the new Constitution, which enshrines access to decent housing as a constitutional right, the plan is to step up Government action and to focus on priority projects such as the promotion of social housing,⁹⁰ social renting as an alternative residential option for citizens, self-build schemes and housing cooperatives.

⁹⁰ The following two social housing initiatives have been launched by the department of the Ministry of Housing, Town Planning and Urban Policy:

- Social housing priced at DH 140,000.00 and reserved for poor and very low-income households; work was to begin on 130,000 units during the period 2008–2012. As at 30 October 2011, work had begun on 45,000 units. Households whose income was less than or equal to 2 SMIG (guaranteed minimum inter-occupational wage) or 2 SMAG (guaranteed minimum agricultural wage) were targeted. This project is backed up by an encouragement and incentive scheme: total exemption of the product from taxation, allocation of public land and granting of tax benefits to real estate developers who undertake to implement, over a period not exceeding five years, a building programme involving at least 200 units in urban areas and/or at least 100 units in rural areas.
- Social housing priced at DH 250,000.00; this is an important project that meets specific social needs and that will help to reduce the housing shortage. On 1 November 2011, 392 agreements (between the Ministry of Housing, the Ministry of the Interior and the local authorities) for a total of 775,788 social housing units were approved.

In rural areas, 667 rural planning and development plans have been approved and 330 more are being considered. A total of 240 rural planning projects have been completed at a cost of DH 2 billion as well as 43 projects involving dwellings, rehousing lots and restored units. In the area of house building, 3,506 households benefited from technical and architectural assistance, and eight architectural plans were developed for rural centres.

During the period 2003–2011, a number of legal reforms were adopted with a view to aligning the former texts with developments in the sector or bridging gaps that seriously impeded clear-cut and effective action in the areas of housing, town planning and land-use planning. Draft texts have been prepared and are currently at various stages of approval: the draft law on the Town Planning Code, the draft law on control of town planning offences, the draft law concerning off-plan property sales (VEFA), the draft law on the Building Code, the draft law on dangerously run-down buildings, the draft decree regulating earthquake-resistant construction (RPS 2000), the draft law on the leasing of property, draft Act No. 27.10 concerning new towns, etc.

Projects which reflect to some extent the content of the Government's housing programme and which include the following targets:

- Creation of new housing options for the middle classes consisting of property whose value does not exceed DH 800,000.00;
- Housing options for young people and young households;
- Expansion of guarantee funds so that they cover a large number of low-income citizens;
- Encouraging the banking sector to play a more active role in ensuring access to housing;
- Pursuit of a new "urban policy" with a proactive, participatory, cross-cutting and inclusive political dimension.

179. With regard to the Committee's recommendation on the improvement of housing conditions, the broad lines of the Government's strategies and policies aimed at ensuring access to adequate housing are based on the following objectives for the period 2012–2014:

- The eradication of shantytowns by speeding up the production of units (rehousing lots, dwellings) for people living in shantytowns (the Towns without Shantytowns programme). During the period 2004–2012, the Towns without Shantytowns programme, which covers almost 300,000 households living in about 1,000 shantytowns, made it possible, thanks to a total investment of DH 17.1 billion, including a State subsidy of DH 5.4 billion, to declare 45 of the 85 towns involved to be without shantytowns; 200,666 of the 362,327 households covered by the programme benefited from clearance projects (an implementation rate of 83 per cent was recorded in 2012 for the shantytown eradication programme notwithstanding numerous operational problems⁹¹).
- Speeding up action to complete 150,000 social housing units per year.
- Implementation of the programme for 50,000 low-cost villas.
- Implementation of the new 70,000-unit programme in the southern regions.

180. With regard to preventive measures (rules applicable to earthquake-prone areas) and rehousing of the disaster-struck population of the province of Al Hoceima, the department responsible for housing participated, following the earthquake that struck the province in 2004, in the large-scale provincial development programme and implemented a series of projects at a cost of roughly DH 1.1 billion.⁹²

181. Moroccan town planning legislation takes environmental aspects of residential construction into account. The Town Planning Master Plan specifies the main wastewater and household waste disposal sites. The areas reserved for such sites must be far removed from residential areas so that they do not constitute a risk for residents.

⁹¹ It should be noted, for example, that an increase in the number of households falling into the unhygienic housing categories has been recorded for various reasons. For example, the number of households covered by the Towns without Shantytowns programme has been updated on several occasions for many different reasons, including the following:

- Incorporation into the programme of certain rural communes adjacent to urban areas (rural shantytowns);
- The incorporation of new shantytowns due to changes in the division into administrative units and/or the extension of designated urban areas;
- The incorporation of shantytowns that were not initially covered by the programme in response to requests from local authorities;
- The uncontrolled increase in households.

⁹² Mention may be made, in particular, of the rehousing of members of 308 disaster-struck households in the urban districts of Imzouren and Béni Bouayyach at a total cost of DH 42 million and the preparation of a study aimed at producing a map of areas suitable for urbanization in the province of Al Hoceima at an estimated total cost of DH 13 million. The map, which is to serve the province as a decision-making and multi-risk management tool (risks of earthquakes, landslides and floods), has been completed and will be included among existing town planning documents. The following two draft decrees have reached an advanced stage in the approval process:

- A draft decree on the regulations governing earthquake-resistant construction (RPS 2000); the text updates RPS 2000, which has been in force since 2002. The new version, entitled "RPS 2000, 2011 version", takes into consideration the findings of public surveys conducted among users of the regulations.
- A draft decree on the regulations governing earthquake-resistant clay construction (2011).

182. The town planning documents that lay down the rules governing land use prohibit construction in sites that may adversely affect the health of the population, including sites deemed to be sources of pollution (arts. 4 and 19 of the 1992 Town Planning Act).

Indicate whether there are any disadvantaged and marginalized individuals and groups, such as ethnic minorities, who are particularly affected by forced evictions and the measures taken to ensure that no form of discrimination is involved whenever evictions take place

183. There are no “minorities” in Morocco in the constitutional sense of the term. All cultural groups that have been involved in forging the history of Morocco (the Arab-Islamic, Amazigh, Hassani Saharan, African and Western cultures) form a single unifying national identity.

184. With regard to expulsions, the Office of the Ombudsman is authorized to address any housing problems raised by occupants of *guich* land.⁹³ The Ministry of the Interior has hitherto addressed occupant expulsion issues on a case-by-case basis, since the State decides on whether *guich* land should be used for the implementation of development projects.

185. The national strategy in support of older persons adopted in 2009 includes “housing and living conditions” among its four priority lines of action. Entraide nationale provides assistance, under MSFFDS supervision, for older people living in poverty and without family support by running 44 social protection centres for older persons in the different towns and cities of the Kingdom. The centres provide accommodation for about 3,200 beneficiaries (figure recorded in late 2011).

Indicate the number of persons and families evicted within the last five years and the legal provisions defining the circumstances in which evictions may take place and the rights of tenants to security of tenure and protection from eviction

186. Evictions as a result of disputes are relatively rare in Morocco. In the absence of a social support system that can be used to distinguish persons who persistently fail to pay their bills from households in difficult circumstances and deserving of assistance, the courts hesitate to grant rights to property owners faced with cases of non-payment of rent. This has led to a rental housing supply crisis and has resulted in a large number of empty housing units. Rents for occupied housing units are increasing at a rate that is not index-linked to inflation. As a result, there is now a widening gap between rents for occupied housing units and those for new units. A locally based social support system for tenants will need to be established in order to resolve the housing problem. The objective of draft Act No. 67-12, which is currently being discussed, is to organize contractual relations between tenants and owners of funds to be used for commercial or housing purposes.

⁹³ *Guich* land is collectively held land with a special status. The monarchy originally granted the land to tribes as a reward for military services rendered. The *guich* regime is based on the splitting up of ownership rights. The land is registered as being within the private domain of the State. The *guich* communities collectively own the usufruct (“*menfaa*”) of land granted by the monarch; and the registered members of the *guich* community are simply holders of a right to use and enjoy the property (“*intifaa*”). The insecure nature of this form of ownership creates a sense of instability among the users. A special characteristic of *guich* land is that it is not governed by any specific legal text, a fact that generates even greater uncertainty. In the early days of the Protectorate, this land encompassed a large area (about 768,000 ha), but a large portion was taken over by the State and the expelled communities were offered in return full ownership of the remaining land, which was thus converted into collectively owned land (known as “conceded *guich* land”). Only about 210,000 ha, primarily in the Marrakesh region, retain *guich* land status in the strict sense of the term.

Article 12

Physical and mental health

Accessibility

Provide information on the measures taken to ensure:

(a) That preventive, curative, and rehabilitative health facilities, goods and services are within safe reach and physically accessible for everyone, including older persons and persons with disabilities;

(b) That the costs of health-care services and health insurance, whether privately or publicly provided, are affordable for everyone, including for socially disadvantaged groups.

187. The coverage provided by basic health-care facilities has greatly improved. The number of such facilities increased from 394 in 1960 to 2,689 in 2011, and the number of people served by each facility declined from 29,500 in 1960 to 12,000 in 2011. Health care is thus universally accessible, in particular to people living in rural areas, where the number of facilities per resident dropped from 27,300 in 1960 to 6,949 in 2011. In urban areas the ratio per facility declined from 37,000 residents in 1960 to 11,851 in 2011, i.e. 72 per cent of all such facilities (24,927 residents). The number of hospitals increased from 52 in 1960 to 141 in 2011 (35 specialized hospitals and 95 general hospitals), i.e. an increase of 89 hospitals in the past four decades. Hospital bed capacity increased from 15,500 to more than 27,326 during the same period.⁹⁴

188. The hospital network is currently being expanded through the construction of three new university hospital facilities and of centres of excellence (for paediatric ophthalmology, burn treatment and oncology). In addition, the technical expertise of a large number of hospitals and the equipment of health-care centres have been upgraded.

189. With a view to further building existing capacity to meet demand by means of an approach based on solidarity and risk-sharing, and with a view to increasing the overall funding of the health-care system, which currently accounts, on average, for only 1.4 per cent of GDP and less than 5 per cent of the State budget, a new basic health-care coverage system has been established. It is composed of compulsory basic health insurance (AMO),⁹⁵ based on the principles of insurance for members of the working population, and public and private-sector retirees, and a Medical Assistance Scheme for the Economically Underprivileged (RAMED) based on the principle of social welfare for persons who are not eligible for compulsory basic health insurance. RAMED has replaced the system based on indigency certificates since 1 January 2012⁹⁶ (see the section of the report on article 9 of the Covenant).

⁹⁴ With a view to reducing the maternal and neonatal mortality rate in rural areas of the Oriental Region and implementing its programme to promote community-based approaches to development, the Oriental Agency, in partnership with UNICEF and the local authorities, initiated procedures for the establishment of Dar Al Oumouma. These facilities, which provide a safe prenatal environment, offer guidance and accommodation for pregnant rural women during the final days of pregnancy and after childbirth.

⁹⁵ AMO, which entered into force on 18 August 2005, extended health-care coverage to more than 34 per cent of the population, i.e. to 7.6 million beneficiaries (economically active population and public and private-sector retirees). It covers all major health risks, including organ transplants.

⁹⁶ The RAMED card is not required in emergency cases or for access to the basic services provided by Moroccan health-care centres. Moreover, citizens are not required to produce the card for access to the national vaccination programme, which covered 94 per cent of children in 2007 at a cost of more

Approval of drugs and medical equipment

Measures taken to ensure that drugs and medical equipment are scientifically approved and have not expired or become ineffective

190. Morocco has a body of scientific experts (the commission of the World Medical Association) which is responsible for assessing the therapeutic effect of drugs.

- National legislation: Act No. 17-04 containing the Drugs and Pharmaceuticals Code prohibits the sale of expired drugs. The pharmaceuticals inspectorate is responsible for oversight and control of the drugs market and the pharmaceutical sector.
- The national drug control laboratory is responsible for supervising the quality of drugs that are approved and sold in the Moroccan market.

191. With regard to medical equipment, the Ministry of Health has a registration procedure and an advisory committee that assesses the effectiveness of such products. Work is almost completed on a draft law that will consolidate the equipment approval system.

Training

Measures taken to ensure adequate training of health personnel, including on the right to health and human rights

192. When the RAMED scheme was implemented throughout the country, the Ministry of Health organized training courses on the right to health and human rights for health-care personnel. It also developed a training plan for all health-care professionals and for graduates of health-care and social welfare training institutes.

193. In addition, the Ministry is prepared to support the strategy of the Interministerial Delegation for Human Rights and the National Council for Human Rights with a view to contributing to the joint development of modules concerning human rights, including economic and social rights, to be included in basic training courses for nurses and in-service training courses for all professionals.

194. A training plan for health-care personnel has been implemented (6,561 beneficiaries).

Improvement of health-care services and programmes

Recommendation 54: More vigorous efforts to combat maternal mortality and to improve the effectiveness of programmes addressing this problem

195. Morocco has made enormous progress in reducing maternal mortality, which has declined in three years from 227 to 112 deaths per 100,000 live births. This mortality ratio, which represents a reduction of 50.7 per cent compared with 2003–2004, is the crowning achievement of a number of flagship initiatives,⁹⁷ particularly in rural areas.

than DH 80 million, for admission to hospitals that specialize in tuberculosis treatment and in psychiatry, or for access to local health-care centres.

⁹⁷ The following is a list of the initiatives:

- Introduction of free-of-charge deliveries, caesarean sections and transport;
- Introduction of a certification audit for delivery facilities;
- Measures to increase the availability of human resources;
- Measures to improve the availability of drugs;

196. Free-of-charge deliveries and caesarean sections has certainly had an impact on mother and child health and has begun to bear fruit. Preliminary estimates indicate that there has been an increase in the rate of delivery with skilled birth attendance, which stood at 74 per cent in 2009, and in the performance of caesarean sections in public-sector hospitals, which stood at almost 12.7 per cent in 2010. Moreover, the number of hospital deliveries in 2010 exceeded 300,000 and the number of caesarean sections performed in hospitals exceeded 40,000, totalling 380,947 and 48,280 respectively. Further action will be taken with a view to achieving more than 400,000 hospital deliveries by 2012.

Waterborne diseases

Provide information on measures taken to prevent, treat and control diseases linked to water and ensure access to adequate sanitation

197. Food and waterborne diseases (FWBDs) used to be a major public-health problem in Morocco and some of them even reached epidemic proportions, for instance cholera and typhoid prior to the 1990s. The national programme to combat these diseases includes measures to prevent and control all FWBDs, particularly cholera, typhoid and paratyphoid fever, viral hepatitis A and E, diarrhoeal diseases and foodborne illness outbreaks. As notification of these diseases is mandatory under the regulations currently in force, they are subject to continuous epidemiological surveillance and to preventive action and countermeasures.

198. The various activities provided for under the national programme to combat FWBDs (prevention, diagnosis and treatment) are performed free of charge in all outpatient and hospital facilities run by the Ministry of Health.

199. Thanks to joint action by a number of different sectors, the epidemiological situation with respect to these diseases is now under control. With regard to action to reduce the morbidity rate, one of the main achievements of the programme to combat FWBDs has been the elimination of cholera transmission and the marked reduction in the incidence of typhoid and epidemic viral hepatitis (A and E), which no longer constitute a disturbing public-health problem.

200. As these diseases are closely linked to hygienic conditions and sanitation, the country's socioeconomic development and the improvement in sanitary conditions have played a major role in their prevention and control. The drinking-water supply programme for rural communities, which is a national programme designed to guarantee universal access to drinking water in rural areas, has greatly assisted in reducing the incidence of FWBDs.

201. In addition, FWBDs are detected by means of case definitions. Persons showing signs of these diseases undergo detection and diagnosis tests which are available in all public-sector and private-sector facilities. Morocco has access to all forms of treatment currently existing at the international level, and various drugs are available throughout the country.

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- Establishment of a maternal mortality monitoring system;
 - Creation of the SAMU rural obstetrics service;
 - Creation of a cheap contact number;
 - Communities living in remote areas derived special benefit from actions undertaken in partnership with the National Initiative for Human Development (INDH), which allocated DH 1 billion to health-care projects.

Vaccination

202. Vaccination is a basic children's right. Following the restructuring of the National Immunization Programme in 1987, national coverage rose to 90 per cent in the 1990s and has exceeded 95 per cent during the past five years.⁹⁸ Vaccinations against 11 antigens are provided free of charge for all children under 5 years of age. The Ministry of Health hopes to reduce the mortality rate of infants under 1 year of age to 15 per cent of live births by 2015 (MDG). It has been implementing a National Immunization Programme for the past 30 years.⁹⁹

Drug addiction

203. Morocco has undertaken a series of epidemiological studies and a study of the prevalence of mental disorders and drug abuse (2006), which have enabled it to achieve more effective control over the problem and to develop strategic plans that take into account drug consumption statistics and trends in the country. About 4.2 per cent of the Moroccan population over six/seven years of age suffer from drug dependence or drug abuse and are potentially in need of treatment.

204. Two university degrees in addictology have been introduced in the Casablanca and Rabat faculties of medicine and pharmacy and more than 50 qualified specialists have been trained every 18 months. A programme to reduce the risks associated with drug use, based *inter alia* on psychosocial support, has been launched and has led to the introduction of three methadone maintenance programmes in Salé, Tangiers and Casablanca. A drugs and drug addiction observatory will shortly be established in Morocco with its headquarters at the Ministry of Health in Rabat. Morocco is the first Mediterranean country to adopt this approach. Lastly, the programme of action against social insecurity, which forms part of the second stage of the INDH initiative, specifically targets drug addicts.

205. With regard to health care, the strategy aimed at reducing harmful alcohol consumption now constitutes an integral part of the strategy to combat drug addiction. In

⁹⁸ The National Immunization Programme has been evolving at a rapid pace and new vaccines have been introduced during the years since its establishment: vaccination against type B viral hepatitis (HB) in 1999; combined vaccination against measles (second dose) and rubella, and introduction of the first booster vaccine against tetanus, diphtheria, pertussis and poliomyelitis in 2003. In addition, the vaccine against haemophilus meningitis was introduced in 2007 and the second booster vaccine against tetanus, diphtheria, pertussis and poliomyelitis was introduced in 2008. The following is a list of achievements of the National Immunization Programme by 2011: vaccination rate by type of disease targeted by the Programme in 2011: BCG (98.5 per cent), DTP 1 (97.6 per cent), DTP 2 (96.6 per cent), DTP 3 (95.2 per cent), Pol 1 (97.3 per cent), Pol 2 (96.2 per cent), Pol 3 (94.6 per cent) and measles (89.3 per cent). In 2011, 87.7 per cent of infants between the ages of 12 and 23 months had been fully vaccinated (93.5 per cent in urban areas and 82.6 per cent in rural areas). In November 2010 the Ministry of Health introduced vaccines against rotavirus and pneumococcus. The Ministry took this decision inasmuch as acute respiratory infections are the most common cause of death from infectious diseases among children under the age of five (36 per cent), followed by diarrhoeal diseases (33 per cent). Before their incorporation in the National Immunization Programme (see table), these two vaccines were administered in the private sector at a cost of DH 700 for rotavirus and DH 900 for pneumococcus.

⁹⁹ This Programme currently targets 11 diseases: tuberculosis, viral hepatitis B, poliomyelitis, tetanus, diphtheria, pertussis, haemophilus influenzae type B, rotavirus diarrhoea, pneumococcal infections, measles and rubella. It should also be noted that Morocco was one of the first countries to authorize the marketing of the "13-valent" anti-pneumococcal vaccine and the first country in the Middle East and North Africa region to incorporate this vaccine in its National Immunization Programme.

this context, Morocco is developing primary and second preventive activities and measures to support drug users in every way possible.¹⁰⁰

206. The national cancer prevention and control plan (2010–2019) includes alcohol as an environmental risk factor. The plan provides for practical measures to be taken in the “Fight against alcohol consumption”.¹⁰¹

HIV

207. It is estimated that 28,000 people in Morocco are living with AIDS (estimate produced by the Joint United Nations Programme on HIV/AIDS). During the first ten months of 2011, 235 cases of AIDS and 259 cases of HIV were detected. Four thousand persons are currently receiving treatment in 12 facilities.

208. Morocco has introduced innovative approaches in the region involving preventive measures on behalf of population groups who are most at risk, promotion of voluntary testing, psychosocial support, and mobilization of civil society and persons living with HIV. Morocco thus plays a leadership role in the region in terms of its response to HIV.

209. The objectives of the fight against AIDS in Morocco have recently been revised upwards with a view to reducing the HIV transmission rate by 50 per cent. In addition to improving the high-quality care provided for all patients with HIV or AIDS, which comprises medical care, antiretroviral therapy, and psychological and social support, the anti-AIDS strategy also aims to reduce to zero the risk of transmission of the virus by pregnant women infected with HIV to their children and the number of HIV-related maternal deaths. Measures to prevent stigmatization and discriminatory practices against people living with HIV or AIDS and to ensure respect for their rights and improved social integration are core components of the new strategy. In addition, the INDH has identified persons living with HIV as a category entitled to benefit from the programme of action against social insecurity.

210. The integrated and multisectoral strategy is implemented by means of an annual Ministry of Health budget of DH 19.5 million. This budget is to be increased over the next five years to meet the needs of the 2012–2016 strategy and to ensure that Morocco remains a low-prevalence country in which the epidemic has been stable since 2000. The Global Fund has also provided support for action against the disease in the form of a US\$ 43.5 million grant for a five-year period.

Essential drugs

Provide information on measures taken to ensure affordable access to essential drugs, as defined by WHO, including anti-retroviral medicines and medicines for chronic diseases

211. A number of measures have been taken to guarantee the right to health and to consolidate the constitutional right of access to health care by promoting the availability of

¹⁰⁰ Public and private components of the health-care sector, socio-medical sectors that provide support for children, adolescents, young adults and other vulnerable population groups, and NGOs are directly involved in these activities.

¹⁰¹ The measures include: imposition of higher taxes on alcoholic drinks; prohibition of direct and indirect publicity for alcohol; education and awareness-raising campaigns on the ill-effects of alcohol, and development of support programmes for alcohol withdrawal services and associations. The national road safety strategy combats alcohol consumption, including in its communication campaigns targeting the general public (a television advertisement specifically addresses the problem of alcohol).

affordable treatment. The Government's key projects include universalization of the RAMED card, full coverage and high-quality care for chronic illnesses, availability of essential drugs in all health-care facilities, reductions in the cost of about 320 drugs¹⁰² with effect from 1 January 2013, according to the Ministry of Health, and development of a new strategy for coverage of mental illness.

212. The budget for medicines and medical devices increased by 106 per cent between 2007 and 2010.

Mental disorders

213. Free medical care for persons suffering from mental illness in public-sector facilities is guaranteed by the 1959 *Dahir* which established the goal of preserving mental health and protecting mentally ill persons.

214. A national survey was conducted by the Ministry of Health in partnership with WHO. The CNDH also published a report in 2012 on the mental health situation in Morocco.¹⁰³ Morocco has only 1,900 psychiatric beds for a population of 32 million. There

¹⁰² The decision to reduce the cost of drugs concerns, first and foremost, drugs used to treat certain serious and chronic illnesses which cost more than DH 500; the turnover from sales of such drugs exceeds DH 800 million.

The drugs, which are prescribed for the treatment of cancer, cardiovascular diseases and infections, illnesses affecting the digestive tract, glands and the nervous system, or which are used for anaesthetics and intensive care, are not generic medications. Some of the greatest price reductions affected the following drugs: Arimidex (anti-cancer), for which the public price in Morocco (PPM) dropped from DH 2,037.80 to DH 1,058; Femara (2.5 mg/box of 30 tablets), for which the PPM declined from DH 2,233 to DH 1,284.30; Granocyte (box of 5 bottles + 5 vials), for which the PPM declined from DH 6,614 to DH 4,661; the Gardasil vaccine (from DH 15,240 to DH 7,999); Inegy (10 mg/10 mg), for which the PPM dropped from DH 650 to DH 271.60.

A large number of citizens will benefit from these price reductions. With a view to ensuring the success of this people's initiative, the occupational bodies representing the branch, in particular the National Federation of Trade Unions of Moroccan Pharmacists, the National Council of the Order of Physicians, the Moroccan Pharmaceutical Industry Association and the Moroccan Association of Pharmaceutical Distributors, plan to reduce their profit margin on sales of these drugs so as to address the problem of the high cost of treatment in Morocco by means of a consensual agreement that guarantees a balanced profit margin for pharmacies while taking into account citizens' purchasing power.

The announced reduction in drug prices is to be implemented in two stages. The first concerns the aforementioned 320 drugs. The second will be implemented through the promulgation of an order providing for an adjustment in the prices of a large number of drugs with a view to facilitating citizens' access to treatment. The Ministry of Health has promised that the prices of a further 1,000 drugs will be adjusted in 2013 without impairing the interests of the profession.

It should be noted that in 2011 the Ministry of Health reduced the prices of certain specialized pharmaceutical products. The price reductions were applied to about 400 drugs. They were mainly anti-cancer and anti-infection drugs, antibiotics, anti-ulcer medications, contrast medications and drugs used to treat osteoporosis, hepatitis, and cardiovascular and insulin diseases. A second list included vaccines and antiviral drugs, with price reductions of up to 87 per cent.

¹⁰³ The report deals in turn with hospital facilities, equipment, personnel, service delivery, treatment of vulnerable groups, the relationship between justice and mental health, the private sector and the involvement of civil society. According to the report, Morocco currently has 27 public-sector facilities that specialize in providing treatment for mental illness. The facilities comprise 16 general hospitals with a psychiatric unit; six specialized psychiatric hospitals; three psychiatric hospitals run by the University Hospital Centres (CHU); an adult psychiatric unit; and a child psychiatry unit run by the Ibn Rochd CHU in Casablanca. According to Ministry of Health data, the total capacity of these facilities is 1,725 beds. There is a continuous downward trend in capacity.

are only 300 practising psychiatrists in Morocco, i.e. one psychiatrist for every 100,000 inhabitants. As the World Health Organization has set the necessary minimum at 2.5 psychiatrists for every 100,000 inhabitants, Morocco is aware of the urgency of the situation.

215. The shortage is due to the relatively recent introduction into Morocco of the discipline of psychiatry. Moreover, psychiatry has not always been included in the Government's agenda and has not therefore benefited from the public-sector funding that this would entail. However, the authorities are now aware of the importance of providing small towns and the most remote regions of Morocco with facilities for mental health patients and of providing specialized training in psychiatry for doctors and nurses.

216. Mental health is one of the top priorities of the Ministry of Health and has been included in the Action Plan for Health 2008–2012.¹⁰⁴

Article 14 Education

Free primary education¹⁰⁵

217. In 1999 Morocco adopted the National Charter for Education and Training (CNEF) and designated 2000–2010 as the decade of education and training. The main goal of the Charter is to achieve universal primary and lower-level secondary education for children in the 6 to 15 age group, paying special attention to the school enrolment of girls in rural areas. The enrolment rate increased from 79.1 per cent in 1999/2000 to 97.9 per cent in 2011/12 for children in the 6 to 11 age group, and a rate of 90 per cent was recorded for children in the 12 to 14 age group (lower-level secondary education).

218. The State guarantees education free of charge throughout the primary to secondary school cycle, with average annual registration rates of 2 euros. Schooling is compulsory for girls and boys under 15 years of age throughout the national territory of Morocco.

219. More than 4 million pupils attend primary school; the contribution of the private sector to such schooling is only 12 per cent. There was an overall increase of 3.2 per cent between 2007 and 2010, 5.8 per cent of which was recorded in rural areas. Eighty-four primary schools and community schools were created between 2009 and 2012 and 1,699 schools were renovated in 2012.

¹⁰⁴ The Action Plan provides for practical measures to improve access to psychiatric care and to prevent the stigmatization of persons with mental disorders. It also provides strong support for the development of mental health-care facilities and establishments. With regard to resources, the Ministry of Health employs 116 psychiatrists in nine specialized psychiatric hospitals and has established 16 psychiatric units in provincial and regional hospitals. With a view to facilitating access to specialized care throughout the country, the Action Plan for Health 2008–2012 provided for the construction of four regional psychiatric hospitals and the opening of three psychiatric units each year in general provincial hospitals that currently have no such units. The Ministry of Health has also provided for the further development of child psychiatric facilities, given the importance of ensuring the promotion and protection of children's mental health, which plays a crucial role in their social development.

¹⁰⁵ The education and training system in Morocco consists of pre-school, primary, secondary and higher education. Action to improve the availability of education services has led to an increase in access at all levels of education. The education system in Morocco comprises a six-year primary education cycle, a three-year lower-level secondary education cycle, a three-year higher-level secondary education cycle and higher education. It is supervised by the Ministry of National Education and the Ministry of Higher Education, Management Training and Scientific Research.

220. Families belonging to disadvantaged groups with socioeconomic problems that can impede the school enrolment of their children receive financial support to safeguard pupils who may be at risk of dropping out of school. The “Tayssir” programme is an innovative component of the social support strategy that has produced positive results.¹⁰⁶ It provides direct conditional financial support to needy families with a view to reducing school dropout. The number of beneficiaries of the programme increased from 47,000 families and 88,800 pupils in 2008/09 to 460,000 families and 783,000 pupils in 2012/13, i.e. rates of increase of 878 per cent and 781 per cent respectively. The programme has had a significant impact on the effectiveness of the education system. The records show, *inter alia*, an improvement of 9.5 per cent in the school enrolment rate and a decline in the primary school dropout rate of almost 43 per cent.

221. The Najah (Success) Emergency Plan, which was allocated a budget of DH 44 billion (DH 29.5 billion of which has been invested in various activities), was drawn up by the Department of National Education on the basis of the first report produced by the Higher Council for Education in 2008. Its aim is to galvanize the education and training reform process.¹⁰⁷ It focuses on four strategic areas which have given rise to 27 specific projects aimed at implementing the Plan.¹⁰⁸

222. Parallel measures will be taken to universalize the supply of modern high-quality pre-school facilities,¹⁰⁹ and a marked improvement in the supply of educational

¹⁰⁶ Various types of action have been taken to consolidate progress in school enrolment. They include, in particular, the distribution of satchels, implementation of the Tayssir conditional financial support programme for needy families aimed at preventing school dropout, increasing the number of beneficiaries of school canteen services (1,059,980), creating new boarding schools, increasing the availability of study grants (+20 per cent since 2008) and providing means of transport (buses, bicycles, horse-drawn carriages, etc.) for school districts, particularly in rural and remote areas. Mention may also be made of the creation of a non-formal education directorate, the launching of various literacy education programmes and the construction of mobile schools for children of nomadic families. The Oriental Agency, acting in conjunction with its partners, supports the school enrolment of girls in rural areas by creating community schools, building and equipping boarding schools for girls and supplying schools with drinking water.

¹⁰⁷ It seeks to place pupils and students at the core of the education and training system and to deliver other key benefits, namely: learning procedures that focus on the acquisition of basic knowledge and promote students’ personal development; teachers who enjoy optimum working conditions and who have mastered the requisite teaching methods and tools; and high-quality educational establishments that provide students with a working environment that is conducive to learning.

¹⁰⁸ By means of a number of measures such as:

- Ensuring effective implementation of compulsory schooling until the age of 15;
- Stimulating initiative and promoting excellence at higher-level secondary schools and universities;
- Addressing cross-cutting issues within the system;
- Acquiring the means to ensure success.

¹⁰⁹ The parallel measures include the following:

- Upgrading of the existing supply of pre-school facilities, by means of 390,000 person-days of teacher training and the creation of nine new teacher resource centres.
- Development of a supply of modern pre-school facilities throughout the country, especially in rural and disadvantaged areas, by opening 3,600 pre-school classrooms in public-sector primary schools between 2009 and 2012. The aim is to facilitate the enrolment of almost 50 per cent of children in rural areas and 10 per cent of children in disadvantaged urban areas in public-sector pre-school facilities by 2015. This action will be accompanied by the distribution, free of charge, of educational materials and supplies to the neediest children. The development of facilities on such a vast scale will make it possible to increase the number of pre-school pupils from 0.7 million in 2009 to more than 1 million in 2012, which represents an increase of 42 per cent.
- Oversight of the pre-school sector by promoting inspections through the internal recruitment of more than 250 additional inspectors during the period 2009–2012.

establishments will be achieved within three years of the launching of the Plan. The rate of enrolment of pupils in the 6–11 age group reached 97.5 per cent in the 2010/11 school year. Morocco is therefore close to achieving the goal of universal schooling,¹¹⁰ although reversibility risks cannot be ruled out in the present context.¹¹¹

Accessibility of secondary education

223. The measures taken to increase the supply of educational facilities (building and renovation of educational establishments and boarding schools) have had a positive impact on the availability and accessibility of lower-level secondary education for all pupils in rural and peripheral urban areas. Progress has also been made in the provision of support for scientific and technical secondary education. The State encourages enrolment in these branches of education; access depends on the skills acquired by female and male pupils and is based on principles of merit and equity. A marked increase in the percentage of pupils enrolled in these branches was recorded between 2007/08 (55.1 per cent) and 2011/12 (60.8 per cent).

224. Support for the supply of secondary education has produced significant results. During the 2012/13 school year 100 new educational establishments, including 62 lower secondary schools, were opened. In 2012, 812 lower secondary schools and 405 upper secondary schools were renovated or supplied with basic equipment.

225. Social support measures enabled 117,361 pupils to attend boarding schools in 2012/13, compared with 76,924 in 2008/09, which represents an increase of 52.6 per cent. Enrolment in lower-level secondary education recorded a major increase (+12 points) from 71.3 per cent in 2007/08 to 83.7 per cent in 2011/12. Enrolment in rural areas increased by 19 per cent.

226. Special attention has been given to social support initiatives on behalf of secondary school pupils, particularly those from rural areas. The number of school canteen beneficiaries increased by 46 per cent and that of boarding school residents by almost 53 per cent between 2008/09 and 2012/13. Almost all pupils from needy families were provided with satchels containing school supplies in 2010/11. Their number increased from 1,273,846 in 2008/09 to 3,898,000 in 2012/13 (primary and lower secondary levels), which represents an increase of about 206 per cent. During the same period, the number of school transport beneficiaries increased from 2,200 to 50,221 pupils. The total number of pupils enrolled in higher-level secondary education also recorded a marked increase of 7.4 points between 2007/08 and 2011/12.

¹¹⁰ The dropout rate for the first year of primary school declined by 29 per cent between 2009 and 2010. The enrolment rate for children in the 6 to 11 age group increased to 97.5 per cent in 2010/11, compared with 91.4 per cent in 2007. The rate for the 12 to 14 age group stood at 79.1 per cent, compared with 71.3 per cent in 2007. The enrolment rate for the 15 to 17 age group stood at 52.8 per cent, compared with 48.1 per cent in 2007. In addition, 359 new educational establishments were built and almost 14,000 teachers were recruited.

¹¹¹ Since the launching of the non-formal education programmes, 482,691 beneficiaries, 53 per cent of whom are girls, have enrolled in second-chance educational programmes. As a result, 70,058 beneficiaries have been enrolled in the formal education system and 12,947 in vocational training facilities. It should also be noted that more than 600,000 pupils have received support under the school dropout prevention programme launched in 2005–2006. The programme has an educational monitoring component consisting of units that oversee individual pupils who are at risk of dropping out; the rate of coverage of educational establishments is currently almost 100 per cent. In 2011, 293 partnership agreements were signed under the second-chance educational programme with non-governmental associations to provide schooling for 46,119 unenrolled children and dropouts.

Accessibility of higher education

227. The progress recorded is encouraging: the number of students rose from 311,856 in 2006/07 to 496,437 in 2011/12, which represents an increase of 59 per cent; the number of graduates increased by 22 per cent, reaching almost 53,505 in 2009/10; 55 per cent of the training currently provided is vocational in nature.

228. University-based higher education in Morocco entered a new phase in 2009 with the launching of State-run development contracts with universities and the two establishments subject to public oversight (the National Centre for Scientific and Technological Research and the National Office for University Social and Cultural Services (ONOUSC)). The contracts cover all university development projects for a four-year period and specify the universities' commitments in terms of goals to be achieved. The State, for its part, undertakes to provide the universities with the financial and human resources they require to achieve the goals in question. The goals were set by each establishment in accordance with the general guidelines set forth in the 2009–2012 Emergency Programme.¹¹²

229. However, the results are still inadequate when compared with the far-reaching ambitions of the sectoral strategies launched by Morocco. Thus, the number of engineers still falls far short of the country's needs, which have been estimated at 35,000 engineers per year, notwithstanding the achievement of an 18 per cent increase which brought the total number of engineers and persons with comparable skills to 11,420 in 2010/11, compared with 4,249 in 2006/07.

Recommendation 57(c): Take steps to ensure that higher education in scientific subjects is also available in Arabic

230. Most of the higher education courses available in Moroccan universities are conducted in Arabic and French. Courses in almost all fields of study at university level are

¹¹² They are:

- Expansion of the intake capacity of higher education;
- Development, diversification and enhancement of the vocational dimension of training courses;
- Improvement of the internal and external yield of higher education;
- Contribution to the development of human capital;
- Pursuit of excellence and stimulation of innovation.

Development of social services for students: grants, accommodation, dining facilities and medical coverage. The State is required, under the 17 university development contracts that have been signed, to provide universities with the financial and human resources they require to achieve the goals that have been set. The funds mobilized to finance the 2009–2012 Emergency Programme total about DH 12.6 billion (DH 8.2 billion for non-wage operating expenses, DH 4.4 billion for investments, 2,400 budget items). The implementation of these contractual obligations is monitored in each university by means of an oversight and assessment procedure.

According to the National Charter for Education and Training, the aim of the education and training system is to ensure that the principles of equality of citizens and equality of opportunity as well as the right of all children, both girls and boys, to education in both rural and urban areas, in accordance with the Kingdom's Constitution, are implemented in practice by enhancing the system's absorptive capacity, increasing the total number of students and graduates, and channelling more newly enrolled female and male students into scientific and technical training programmes. Educational reforms at the university level laid the foundations for the development and diversification of the courses on offer and for the introduction of training courses aimed at meeting existing or predictable needs. These measures were boosted by the implementation of university development contracts under the 2009–2012 Emergency Programme. Measures were taken to enhance graduates' professional skills, to involve professionals in the design and staffing of courses, and to provide the resources required to ensure the success of the courses (10,000 Engineers Initiative, "Morocco Offshoring 2010" Initiative, 3,300 Doctors Initiative, sectoral strategies).

still conducted in French, except for religious education and law, which are conducted in Arabic. In 2009/10, 57 per cent of newly enrolled university students opted for scientific courses, which are conducted in French. Courses conducted in French in the “arts and humanities” faculties and the “legal, economic and social science” faculties account for 16 per cent and 63 per cent respectively of the total. Most lecturers in scientific subjects received their training in French. The transition to scientific training courses in Arabic is a social choice that can be studied and discussed in the constitutionally competent institutions.

Continuing education and literacy

231. The illiteracy rate in Morocco declined from 43 per cent of the population in 2004 to just under 30 per cent in 2010. The number of beneficiaries of literacy programmes also increased from 286,000 persons in 2002/03 to about 700,000 in 2010/11. A total of more than 2,723,000 persons enrolled in literacy programmes during the period from 2007 to 2010.

232. The Department of National Education runs the non-formal education programme. Major advances have been recorded since it was launched:

- 400,000 young people benefited from education during the period from the launching of the non-formal education programme in 1997/98 until 2009/10;
- The number of beneficiaries of non-formal education totalled 38,197 in 2009/10; 19,038 of this total were girls and 19,159 boys; 41 per cent lived in towns and 59 per cent in rural areas;
- Since the launching of the programme, 28,700 beneficiaries of non-formal education have been integrated, mostly into formal education (24,400);
- Females remain the principal beneficiaries of such programmes, with a current ratio of 58 per cent.

233. Adult literacy education is a national priority.¹¹³ Morocco recorded a total of 2 million beneficiaries between 2002 and 2006, which is equivalent to the figure recorded for the 20 years from 1982 to 2001. Almost 80 per cent were women. A total of 0.67 million people were enrolled in 2006–2007. The number of persons enrolled in literacy programmes increased from 390,000 beneficiaries in 2001/02 to almost 706,394 beneficiaries in 2009/10, 49.9 per cent of whom, i.e. 352,467 beneficiaries, lived in rural areas. Women are the main beneficiaries of the literacy education programme. They account for 85.3 per cent of all enrolments or more than 602 000 beneficiaries, of whom more than 280,000 live in rural areas, while men account for only 14.7 per cent, or 104,000 enrolments.

¹¹³ As in the case of sectoral programmes to promote continuing education and literacy, the INDH has contributed, through various multipurpose centres and support for associations involved in training, to the promotion of non-formal education for young people so as to enable them to integrate into formal education. Women continue to be the main beneficiaries of these programmes. The INDH has also contributed to adult literacy education by supporting associations involved in the fight against illiteracy: 317 projects and actions have been implemented on behalf of 80,000 beneficiaries. The INDH has supported the building and equipment of 701 boarding schools for lower-level and higher-level secondary school students (the Dar Taliba and Dar Talib programmes) to encourage school enrolment in rural areas. It has also supported vocational training programmes in sociocultural and skills training centres on behalf of girls and women in rural areas.

234. The recent establishment of the National Agency to Combat Illiteracy will facilitate the coordination of action against illiteracy in Morocco and an improvement in human development indices.¹¹⁴

Recommendation 58: Create literacy programmes in the Amazigh language and provide free schooling in Amazigh at all levels

235. The framework of reference for the integration of Amazigh into the education system is contained in the speeches delivered by His Majesty King Mohammed VI, particularly the speech to mark the Feast of the Throne on 30 July 2001 and the speech delivered in Ajdir on 17 October 2001, in the provisions of the *dahir* establishing and organizing IRCAM, in the recommendations of the CNEF, and in the educational guidelines set forth in the White Book of the Ministry of National Education.

236. At the beginning of the 2003/04 school year, IRCAM and the Ministry of National Education set about drawing up curricula, publishing teaching manuals and guides, and providing the requisite training for teachers and inspectors. A number of measures have been taken in the school and university education system since 2001.¹¹⁵

237. Amazigh has been taught in all six primary-school grades since the beginning of the 2009/10 school year in a large number of schools. There are currently roughly 10,000 teachers of the Amazigh language in about 3,500 schools, which serve 12 per cent of pupils enrolled in primary education. Amazigh courses will be extended in due course to the entire education system. The number of beneficiaries was estimated at almost 600,000 at the beginning of the 2011/12 school year.

¹¹⁴ The greatest contributor to literacy education is civil society through NGOs, which account for 48 per cent of beneficiaries; public-sector operators, at 41.6 per cent, are next in line, followed by the general programme, at 9.9 per cent. However, the contribution of enterprises remains low, with only 3,128 beneficiaries, which was equivalent in 2009/10 to 0.5 per cent of all beneficiaries.

¹¹⁵ The following measures have been taken at the pre-university level:

- 2001: Elaboration by the Ministry of National Education of a general plan for the introduction of schooling in Amazigh;
- 2003/04:
 - Initiation of schooling in Amazigh (Agreement between the Ministry of National Education and IRCAM);
 - Teaching of Amazigh as a subject for three hours a week, i.e. 96 hours a year;
 - Adoption of the codified Tifinagh writing system (IRCAM);
 - Standardization of Amazigh spelling (IRCAM);
 - Development of teaching aids, such as the pupil's textbook, the teacher's guide, and storybooks, books of nursery rhymes and picture books for all primary-school grades (IRCAM);
 - Production of grammar, conjugation and general and specialized vocabulary textbooks (IRCAM);
 - Three annual in-service training sessions (i.e. 90 hours per year) for teachers and inspectors (Regional Education and Training Academy (AREF) and IRCAM).

The results for the 2009/10 school year were: 527,000 pupils (15 per cent of the total number of enrolled pupils); 17,630 classes (26 per cent of the total); 5,100 teachers (4 per cent of the total).

The following measures have been taken at the higher education level:

- 2006/07: Introduction of a master's degree in Amazigh studies at Ibn Zohr University, Agadir;
- 2007/08: accreditation of three bachelor's degrees in Amazigh studies in the following universities: Ibn Zohr, Agadir; Sidi Mohammed ben Abdellah, Fas-Saï's, Fez; Sidi Mohammed I, Oujda; a total of 1,250 students were enrolled in these universities in the 2011/12 academic year;
- Staffing is ensured jointly by the universities and IRCAM.

Gender

Recommendation 57(b): Take steps to achieve equality in education between girls and boys and between rural and urban areas

238. In addition to the action taken with respect to school textbooks, school life, teacher training courses and the design of teaching aids in support of education in human values, particularly equality, the Ministry of National Education developed a strategic plan for the period 2008–2012 aimed at institutionalizing gender equality. A number of measures have been taken to ensure equality in practice and to promote equal access for boys and girls to the services, benefits and resources provided by the education and training system.¹¹⁶

239. The boy/girl parity index for the primary cycle gained three points at the national level and five points in rural areas; it stood at 0.90 and 0.88 respectively for the 2010/11 school year, compared with 0.87 and 0.83 for 2007/08.

240. Action has been taken to meet the equity challenge. Thus, universalization has been combined with a significant decline in both regional and gender-based inequalities in access to education. Girls living in rural areas, a group long neglected by the system, are now almost universally enrolled in school. Moreover, the gap between rural and urban areas has been greatly reduced: in 2009 the gap in terms of the net primary school enrolment rate dropped sharply to just over two percentage points.¹¹⁷

¹¹⁶ A number of measures have been taken to ensure equality in practice and to promote equal access for boys and girls to the services, benefits and resources provided by the education and training system:

- Organization of awareness-raising campaigns on the importance of education for girls and boys in the mass media, on radio and television, and in schools and “rural markets” (souks), targeted at parents, guardians and society as a whole;
- Raising awareness among planners in regional academies with a view to mainstreaming the gender dimension in the planning process;
- Raising awareness among the central and regional budget management authorities of the need for a gender-based approach to the budget;
- Dissemination of information regarding compulsory schooling and raising of awareness of the right of young girls and boys to education;
- Equitable financial, social and educational support for the two sexes;
- Measures to facilitate access to schools in order to address the problems of dropout and abandonment, especially among young girls in rural areas;
- Measures to ensure that the criteria for access to community schools, boarding schools, canteens and school transport are applied in an equitable manner to girls and boys;
- Raising awareness among designers of teaching aids of the “rights-based approach” and the “gender-based approach” with a view to preventing the dissemination of stereotypical messages (texts and images) and promoting a culture based on equality;
- Design of a training module for teaching staff and staff at training centres for school managers and inspectors;
- Training of peer educators in some regions in order to combat violence in educational establishments, particularly violence against girls;
- Establishment of equality units at the central and regional level;
- Raising awareness among communication specialists at the Ministry of Education of the need to mainstream a gender-based approach in communications.

¹¹⁷ With a view to improving the environmental situation of rural schools, a National Programme for the Environmental Upgrading of Rural Schools was adopted for the period 2006–2015. The Programme has two components: the first supports primary schools that lack basic facilities by providing them with a drinking-water supply (14,912 rural primary schools) and health-care facilities (almost 17,785 rural primary schools); the second component promotes environmental education in all rural schools by creating school environmental clubs and providing training courses for teaching staff.

241. The universalization of education was accompanied by a significant decline in both regional and gender-based gaps in school enrolment rates. In 2006/07, the gap in the net primary school enrolment rate between rural and urban areas recorded a marked decline to 1 per cent for boys and 4 per cent for girls. The enrolment rate for girls living in rural areas stood at 88 per cent at the beginning of the 2006/07 school year. In 2010/11, the gap in the specific primary school enrolment rate between rural and urban areas declined sharply to 3.1 per cent for boys and 5.1 per cent for girls. The enrolment rate for girls living in rural areas stood at 93.6 per cent at the beginning of the 2010/11 school year.

242. There is now almost full gender parity in higher education. In 2007 girls accounted for 47 per cent of students and 52 per cent of graduates; in 2009/10, girls accounted for 48 per cent of students and 50 per cent of graduates.

School drop-out

243. Steps have been taken to improve school management, for instance by supporting the position of head teacher in terms of both the benefits system and working methods and means. The Emergency Programme provides for large-scale projects to prevent school dropout, such as the expansion and upgrading of educational facilities, tackling of socioeconomic impediments by developing existing programmes (canteens and boarding schools), introduction of new programmes such as the “One million satchels” Royal Initiative and the Tayssir conditional financial support programme, and many other projects aimed at improving the quality of education. In addition, Morocco has devised a special plan to prevent school dropout by means of monitoring committees and individual oversight of pupils.

244. However, experience on the ground has shown that the results depend to a large extent on the involvement and commitment of the local community. Three years after the launching of the Emergency Programme, the number of pupils dropping out of school declined from 445,000 to 288,700 between 2008 and 2011. During the same period, the number of pupils dropping out of school declined by 34.5 per cent at the primary level, by 19 per cent at the lower secondary level and by 20.4 at the higher secondary level.

245. With a view to enhancing equity, the Ministry of National Education also took steps to facilitate access to education for children with specific needs (children with disabilities, children in a prison environment, children living in the streets and working children). In 2009 and 2010, the Ministry focused on developing a strategy to increase the rate of integration of children with disabilities into the school environment.

246. Mention should be made, for instance, of the creation of 351 corridors to facilitate access to ordinary and specialized classes for children with disabilities, and of the establishment of 114 integrated classes in which 1,368 children with disabilities were enrolled. Much work remains to be done, however, to achieve the educational mainstreaming of such groups with specific needs.¹¹⁸

¹¹⁸ A provincial committee of the Ministry of National Education is tasked with compiling a list of children with disabilities, specifying the nature and seriousness of the disability, at the beginning of each school year so that they can be channelled towards the best equipped educational facilities. Specially trained teams of teachers and physicians ensure educational and medical oversight for the children.

Pupils in more than 7,000 schools have participated in the “from child to child” initiative of the Ministry of National Education, which consists of awareness-raising campaigns concerning children who are not enrolled or have dropped out of school. More than 600,000 unenrolled children or dropouts were identified by means of this large-scale project and more than 3.7 million primary school pupils were alerted to the consequences of early school abandonment.

Article 15 Culture

Promote popular participation in, and access to, cultural life

Accessibility of cultural activities for all segments of the population

247. The Government has espoused the aim of increasing popular access to cultural facilities with a view to promoting citizens' individual and collective cultural development. Its approach consists in facilitating access, particularly of the most disadvantaged groups, to leisure, recreational and entertainment facilities, such as community arts centres, theatres, book and multimedia libraries, music conservatories and public sports facilities, and in developing socio-educational complexes and recreational sports centres.¹¹⁹

The Educational Support Programme (ACS), which is currently being implemented on an experimental basis in four regional education and training academies, seeks to develop innovative approaches involving educators with a view to promoting educational monitoring in schools. The direct beneficiaries of the Programme are pupils from second-chance schools who have been reintegrated and pupils who have been identified by the monitoring units as requiring educational support and as being exposed to personal or environmental risk factors in a specific school catchment area.

The goal of universal primary-school enrolment faces two challenges. The first consists in targeting this population group, i.e. 2.5 per cent of children who are unenrolled each year, since they belong to a segment of the population that lives in insecure and heterogeneous circumstances so that interventions involving different ministerial departments and local stakeholders are required.

The second challenge relates to school dropouts. Just over 3 per cent of primary school pupils dropped out of school in 2010 without even having acquired literacy skills. While the Ministry of National Education is implementing a number of projects designed to maintain the maximum number of pupils until the end of compulsory schooling, contributions by other departments remain necessary, especially in parts of the country that are difficult to reach.

¹¹⁹ The aim is to create facilities throughout the country by means of a partnership between the central and local authorities and, at the same time, to implement national projects such as the National Museum of Contemporary Art in Rabat.

The projects have been funded by the general State budget with support from the Hassan II Fund for Economic and Social Development. In 2010 and 2011 further action was taken to decentralize cultural activities by means of the following projects:

- Construction of four offices tasked with promoting cultural activities and highlighting the cultural heritage at the local level;
- Development of local cultural facilities by building and equipping four new book and multimedia libraries in Guelmim and building two regional theatres;
- Creation of musical institutes, equipment of music conservatories and upgrading of six conservatories in partnership with local authorities;
- Restoration and maintenance of 22 historic monuments in different parts of the Kingdom, adjustments to the layout of seven museums and six historic sites, restoration of the walls of Demnate, and creation of the National Museum of Archeology and Earth Sciences at a total cost of DH 160 million, DH 70 million of which was donated by the Hassan II Fund for Economic and Social Development;
- Beginning of construction work on the Grand Theatre of Rabat;
- Continuation of the construction and equipment of the National Museum of Contemporary Art and the Higher National Institute for Music and Choreographic Arts, the cost of which has been reassessed at DH 200 million and DH 193 million respectively;
- Modernization and extension of administrative facilities and cultural centres by the following means:
 - Continuing to expand the network of community arts centres and other cultural facilities throughout the national territory;

248. A further aim of the Government's policy is to guarantee the rights of different stakeholders in the field of sport and to specify their obligations. The Government has continued to implement projects aimed at renovating existing sports facilities and providing a wider range of local facilities such as district stadiums and indoor sports centres, thereby encouraging people throughout the country to engage in sport, particularly young people from peripheral urban areas and rural areas, including people with disabilities. The policy is also designed to promote the emergence of high-performance national teams and future champions in different sports. Further action has been taken to expedite the development of major sports facilities.¹²⁰

Enhancement of access to the cultural heritage of humankind, including through new information technologies

249. Morocco has developed procedures for disseminating information about the cultural heritage, targeting professionals who work in that area and the general public, particularly young people. The aim is to arouse young people's curiosity and to encourage them to discover the richness and diversity of the country's tangible and intangible cultural heritage.¹²¹ Other public communication activities are undertaken on a regular basis. They

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- Creating four new community arts centres, thereby increasing the network's overall capacity to 24,000 beneficiaries;
 - Promotion of books and public reading facilities, *inter alia* by the following means:
 - Continuous expansion of book and multimedia library facilities, renovation and restoration of libraries for the general public with a view to creating 1,520 new reading spaces;
 - Encouragement of public reading by creating reading rooms and organizing book fairs, which were attended by almost 700,000 visitors;
 - Encouragement of publishing by continuing to support the publication and dissemination of books, and encouragement of the publication of authors' works by means of the Morocco Book Award.

¹²⁰ A new roadmap has been prepared with a view to laying the foundations for good governance in sport and giving fresh impetus to national sport. The roadmap, which was produced in September 2009, comprises two short-term and medium-term strategies to be pursued until 2012 and 2016 respectively. The objectives include the creation of 1,000 local social sports centres, a tripling of the volume of investment and a doubling of the number of athletes with skills in different sports disciplines. A first step was taken in this regard with the upgrading of the legal framework governing sport. Draft law No. 30-09 concerning physical education and sport sets four main objectives:

- Alignment of domestic law with the international legislation in force in this area;
- Development of competitiveness and transparency among athletes;
- Promotion of private-sector investment in sport;
- Drafting of a legal instrument that specifies the conditions governing professional engagement in sport with a view to establishing a professional football league in time for the 2011–2012 season.

¹²¹ High priority is given to Internet development in Morocco. It is one of the core objectives of the Digital Morocco strategy, which aims to develop the three segments of the telecommunications sector, namely landline phone services, mobile phone services and the Internet. Ambitious goals have been set in the general guidelines for the development of the telecommunications sector by 2013. The goals consist in establishing a landline base of 34 million subscribers, increasing the number of Internet subscribers to 2 million, and increasing the sector's turnover to DH 40 billion. At the same time, the process of liberalization of the sector has been pursued by opening it up to new operators. In addition, measures have been taken to develop broadband Internet access and new mobile phone technology and to impose stricter regulations with a view to promoting competition and the visibility and transparency of service fees.

The following online tools have been designed in this context:

- www.patrimoinedumaroc.com: This is a website for the general public on the Moroccan cultural heritage. It provides all kinds of information on matters related to awareness-raising and

include the organization of cultural and artistic events at historic sites and monuments,¹²² and the organization of a Heritage Month from 18 April to 18 May by the conservation and inspection services responsible for historic sites and monuments.¹²³

Encouragement of participation in cultural life by children, including children from poorer families, and migrant or refugee children

250. The Government takes steps each year to support institutions that encourage children, particularly children from poor families, to participate in cultural life. Examples of these activities are provided in the footnote.¹²⁴

safeguarding of the Moroccan cultural heritage. One section is devoted to major cultural and scientific events and to scientific research on the cultural heritage;

- The inventory system (www.idpc.ma): This is a document website which provides accurate and succinct data on the cultural heritage inventory of the different regions of the Kingdom of Morocco. The main themes addressed on the site are: the tangible (architectural, archeological and movable) heritage, the intangible heritage and the multimedia heritage. The website database is regularly updated when new facts are brought to light by research on the tangible and intangible cultural heritage inventory;
- The geographic information system (www.sigpcm): This is a computerized system used to specify the geographic location and to document the Moroccan cultural heritage by means of the data available in the above-mentioned inventory system (www.idpc.ma).

¹²² They include the Chellah Jazz Festival and the Mawazine Festival, the sacred music festival in different monuments and sites of Fez and Meknes, the Volubilis Festival and the Festival of Sufi Culture in Fez.

¹²³ Issuance of permits for the shooting of documentaries and short or full-length films at historic monuments and archeological sites for television channels and national and international film production companies; issuance of permits for visits to historic monuments and archaeological sites, at preferential rates and in some cases free of charge, by school groups and associations; monitoring of university research and facilitating access to information for national and foreign students and researchers.

¹²⁴ When Heritage Month is celebrated from 18 April to 18 May each year, on-site awareness-raising, educational and training activities on behalf of young people, commonly designated “Heritage Classes”, are organized at archaeological sites and historic monuments. The aim is to generate awareness among young people in general (at pre-school, school and university level, children in holiday camps, children of Moroccans living abroad, children with disabilities) of the status of the cultural heritage as a heritage to be protected, preserved and transmitted. The educational and awareness-raising activities are conducted by means of open-house events, symposiums, lectures, workshops on the architectural heritage, photography workshops, painting and drawing workshops, exhibitions, guided visits, competitions between educational establishments on heritage questions, simulated archaeological excavations, etc.

The main achievements in 2010 involved the upgrading, adjustment and equipment of socio-educational establishments (youth clubs, women’s centres, day nurseries, reception facilities...). Further support was also provided in 2010 for the “holidays and recreation” programme involving 300,000 children. The new sectoral strategy will continued to be implemented under the 2011 plan of action by means of the following activities:

- Equipment of 25 new youth clubs (not attached to local sports centres);
- Upgrading of 84 existing youth clubs;
- Equipment of 84 youth clubs attached to local sports centres;
- Upgrading of seven existing holiday camps;
- Creation and equipment of five new holiday camps;
- Creation of a new children’s club;
- Upgrading of two existing children’s clubs;
- Upgrading of 57 existing day nurseries/child-care services;
- Equipment of 83 day nurseries/child-care services in local sports centres;
- Creation of a new partnership-based reception facility;

Elimination of physical, social and communication barriers preventing older persons and persons with disabilities from fully participating in cultural life*

251. A number of actions have been undertaken:

- Training courses have been organized for architects with a view to improving physical accessibility as well as communication and transport facilities. A draft decree on implementation of the law concerning accessibility has been prepared.
- Steps have been taken to upgrade support centres for persons with disabilities: signing of an agreement with the Meknes Tafilalet region on the equipment of a centre for abandoned children with disabilities in Meknes (30 June 2008); support for the creation by nine associations of support centres for persons with disabilities; and equipment of a sound library for persons with autism in Taza.
- A festival for persons with special needs is organized each year.

Protection of cultural diversity

Measures taken to protect cultural diversity, to promote awareness of the cultural heritage of ethnic, religious or linguistic minorities and of indigenous communities, and to create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs

252. The tangible heritage in Morocco comprises 40 medinas, 150 archaeological sites, 406 historic sites and many natural sites, eight of which have been included in the UNESCO World Heritage List. Morocco has implemented a great variety of initiatives aimed at documenting and promoting the cultural heritage as a living tradition by creating museums,¹²⁵ multimedia libraries and libraries,¹²⁶ encouraging young people to become actively involved in cultural life,¹²⁷ recognizing medinas as part of the cultural heritage,

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- Upgrading of five existing reception facilities.

* General comment No. 5, paras. 36 to 38; general comment No. 6, paras. 39 to 41.

¹²⁵ According to the Ministry of Culture (source: Analysis of the economy of the cultural heritage in Morocco, October 2010), there are 31 museums in Morocco located in 14 towns. Rabat heads the list with nine museums. All the museums with just a few exceptions (Chefchaouen) are located in cities. The Museum of Moroccan Judaism (Casablanca) is a unique and remarkable institution and a fine example of respect for cultural pluralism and religious tolerance, which enjoys Government support, for instance through its highly qualified conservator. Mention may also be made of the official opening in December 2012 of a documentary resource centre, which is tasked with promoting research on the heritage and making available exhaustive data concerning the twentieth century Moroccan cultural heritage to specialists (researchers, students, individuals, experts, etc.). With that end in view, a number of documents and reference works have been compiled in addition to the existing inventory and classified collections of documents. The centre will gradually expand its services by means of exchanges and collaboration with similar centres and the results of its research work.

¹²⁶ Four public libraries, including one for children, have been opened in the south of the country, for instance in Dakhla. With a view to preserving the intangible cultural heritage, information concerning the rock engravings discovered in some areas has been compiled and action has been taken to preserve manuscripts. A cultural club, a multimedia library, a museum, a Hassani musical institute and a centre for the preservation of Hassani culture have been established. Hassani culture is mainly oral, but the centre has nonetheless collected 400 manuscripts of Hassani poetry.

¹²⁷ By making available areas in which they can organize exhibitions, theatrical and musical events, film shows and other cultural events in different regions of the country. The initiative of the *filles cavalières* (girl horse riders) group in Khemisset not only preserves the culture of Moroccan society

sharing good practices between towns and cities;¹²⁸ organizing festivals¹²⁹ sponsored by local authorities, encouraging the general public to have access to and become involved in cultural life, and supporting workers in the cultural and handicrafts sector so that they can continue to earn a living from their activities.

253. Two legal instruments regulate the Government's action to protect, promote, raise awareness and preserve the diversity of the national cultural heritage: the Act creating the "National Foundation of Museums", which establishes the institutional framework for the creative and cultural field and for conservation of the cultural heritage, and the Act concerning archives.

Recommendation 59: Make Amazigh an official language under the Constitution; enable parents to give their children an Amazigh name; fully guarantee the right of the Amazigh community to exercise its own cultural identity

254. Article 5 of the Constitution confers on Amazigh the status of an official language of the State and recognizes it as part of the common heritage of all Moroccans without exception. It also guarantees the protection of existing languages and forms of cultural expression in Morocco. To that end, the Constitution provides for the creation of a National Council for Languages and Moroccan Culture.¹³⁰

255. With regard to Amazigh names, article 21 of the 2002 Act concerning civil status stipulates that "the first name chosen by the person making the declaration of birth with a view to having it entered in the civil registers must be Moroccan in character". In addition, the circular issued by the Ministry of the Interior on 9 April 2010 clearly states that the first name given at birth must reflect the specific characteristics of Moroccan society from the north to the south of the Kingdom and from the east to the west. Moroccan first names

as a living tradition but also gives fresh impetus to women's participation in cultural life and their contribution to an aspect of the cultural heritage traditionally associated with men.

¹²⁸ Excerpt from the report of the Independent Expert in the field of cultural rights, Ms. Farida Shaheed, on her mission to Morocco from 5 to 16 September 2011 (A/HRC/20/26/Add.2), para. 44: "In Marrakech, the Government provides its support to the medina and around 4,000 craftsmen's associations working in approximately 98 *founduks* (quarters where craftsmen work and display their work), which historically were travellers' inns. This heritage is of both architectural and historical value; most *founduks*, however, are owned by private individuals and require restoration. The Government has instituted an excellent practice in this regard. Funds allocated through INDH projects are used to renovate *founduks*, thus preserving architectural and historic heritage, while simultaneously contributing to continued cultural production of craftsmen associations. Another important INDH-supported initiative visited by the Independent Expert is the Ben Youssef cultural complex, involving the transformation of an old house in the medina of Fez into an art centre for children. Such initiatives not only contribute to the development of art skills among young people, but also assist in the revitalization of cultural life in medinas."

¹²⁹ The number of festivals has been increasing at great speed since 2004. While there had been only two festivals for 40 years, four new festivals were launched in 2005 (including Timitar, Chefchaen and the Gnaoua Top Talent Festival), in 2006 (Theatre and Culture Festival, Rai d'Oujda Festival), in 2007 (Dakhla Festival, Maghrib Music Awards, Thé-Arts Festival, Awaln'art Festival, Slam and Klam Festival) and in 2008 (Moonfest Festival...). The World Festival of Sacred Music and the Fez Forum, which bring together musicians and artists of diverse origins to promote intercultural dialogue, are particularly impressive. The aim is to have at least one festival in each town.

¹³⁰ It should be noted in this connection that the Office of the Ombudsman receives complaints in all national languages, and also in sign language in the case of persons with hearing and visual impairments, so that its services are accessible to all persons, regardless of their capacities and their regional and social origin. There are plans to open Ombudsman offices in all regions. There are currently three branch offices (in Laâyoune, Tangiers-Tetouan and Meknes-Tafilalet) and one is about to be opened (Fez-Boulemane).

include Amazigh first names whose meaning differs from one region to another and Hebrew names for Moroccan Jews.

256. With a view to guaranteeing the right of the Amazigh community to exercise its own cultural identity, a National Action Plan for Democracy and Human Rights was drawn up for the period 2011–2016. It adopts a rights-based approach to various economic, cultural and environmental issues, including the promotion of national languages, in particular the Amazigh language and culture. In addition, the State created the Royal Institute for Amazigh Culture (IRCAM) in 2001. IRCAM has implemented a large number of projects aimed at promoting the Amazigh dimension of Moroccan culture and highlighting it in social, cultural and media contexts at the national, regional and local level through education, information and communication, cultural creativity and support for civil society. It has issued numerous publications and has developed training methods.

257. In addition, information and communication services in the Amazigh language have been developed in the press and on radio and television, especially since the launching of the Tamazight television channel in 2010. Several private radio stations in the Amazigh language have been authorized. The terms and conditions applicable to public audiovisual communication companies in Morocco include provisions concerning cultural diversity.¹³¹

Education

Provide information on school and professional education in the field of culture and the arts

258. The choice of curricula is based on the diversity of the Moroccan cultural dimension and its openness to different regional and international cultures. Children are introduced to a range of artistic activities from the primary-school level without any restrictions. The activities, which are organized in educational establishments at all levels and with the assistance of different partners, usually focus on freedom of expression, creativity, art,

¹³¹ The country's audiovisual media have undergone far-reaching reforms. The first step taken to establish the existing legal framework was the promulgation of Decree No. 2-02-663 of 10 September 2002, which ends the State's monopoly on radio and television broadcasting. It was followed by the creation of a regulatory body pursuant to *Dahir* No. 1-02-212 of 31 August 2002, namely the "High Authority on Audiovisual Communication", which is tasked with monitoring professional ethics and respect for the Kingdom's basic human rights obligations, particularly cultural rights. The promulgation of Act No. 77-03 of 7 January 2005 concerning audiovisual communication completed the process of liberalization of the Moroccan audiovisual media.

The main objectives of the Act are: to guarantee individual and collective freedom of expression, opinion and communication; to contribute to cultural development and the dissemination of information at the national, regional and local level; to support the public audiovisual media sector and to provide it with the resources it requires to meet quality-related and competitive challenges and to perform its duties as a public service; and to stimulate private investment in the sector as well as the development of an audiovisual industry. At the operational level, a joint commission was established under the partnership agreement between the Ministry of Communications and IRCAM to monitor the integration of Amazigh culture into the public-sector audiovisual media and to draw up contract documents that include measures to guarantee respect for the Amazigh language and for Amazigh culture, art and civilization in radio and television programmes. To that end, a national television channel in the Amazigh language called "Tamazight" was launched in March 2010 together with a national radio station in the Amazigh language called "Radio Amazigh". Programme contracts have been signed with public corporations in the audiovisual sector, which specify the objectives to be achieved and the means to achieve them. These include respect for cultural and linguistic diversity by devoting, on average, at least 70 per cent of the company's broadcasting time each year to programmes in the Arabic and Amazigh languages or in Moroccan dialects.

human values, tolerance and criticism. An agreement was signed between the Ministry of Culture and the Ministry of National Education. The results achieved under the agreement remain to be assessed.

Scientific progress

Indicate:

(a) The measures taken to ensure affordable access to the benefits of scientific progress and its applications for everyone, including disadvantaged and marginalized individuals and groups

259. Among the measures taken with this end in view, special mention should be made of private-sector initiatives undertaken with Government support, such as the price policy adopted by “Telecom” operators with a view to making information and communications technology (ICT) services (mobile phone services, Internet, etc.) available to a wide sector of the population at competitive prices, and the decisions taken by pharmaceutical companies and laboratories to manufacture generic drugs at prices that are affordable for disadvantaged social groups.

260. With regard to ICT, a new national strategy called “Digital Morocco 2013” was adopted in October 2009 for the period 2009–2013. It aims to make high-speed Internet services accessible to citizens and to facilitate access to exchanges of views and information. Several programmes have been adopted since then, including: the “GENIE” Programme,¹³² which aims to universalize ICT in public-sector educational establishments and to equip them with multimedia resources linked to the Internet; the “N@fida” Programme, which grants subsidies to families of students so that they can subscribe to the Internet and purchase computers (150,000 beneficiaries); the Injaz Programme (high-speed Internet access and/or laptop) for students of engineering and similar subjects and students in various branches of higher education;¹³³ the U-NET Programme, which provides public universities and student halls of residence with Wi-Fi networks;¹³⁴ the Community Access Centre (CAC) Programme for people without IT facilities and Internet access, including

¹³² Under the GENIE programme, which was launched in 2005 and extended in 2010, ICT facilities have hitherto been made available to 9,260 educational establishments, 200,000 teachers and administrators, and 6 million students by the following means:

- Equipment and connection to the Internet of 4,000 educational establishments;
- Creation of 107 regional training centres;
- Purchase of 82 per cent of the education sector’s digital resources;
- Training courses in ICT for 700 specialized teacher educators and 70 per cent of the teaching profession;
- Launching of projects for the establishment of the National Digital Resources Laboratory and creation of a website for the resources.

Launching of the Génie-Sup programme, which aims to make the requisite digital resources available to public-sector universities and higher-level training establishments.

¹³³ It greatly facilitates their access to computers with links to the Internet (out of 17,000 eligible students, 15,000 benefited from the Programme in 2009/10; 13,000 of them obtained laptops). The students were based in 19 of the Kingdom’s towns and in 44 establishments. During the 2010/11 academic year, 11,260 students (including 2,120 doctoral students) benefited from the Programme out of 13,238 eligible students in 20 towns of the Kingdom and 7 establishments. The third edition of the Programme was launched on 14 November 2011. It aims to extend the offer to all branches of the second cycle of public higher education, targeting 45,000 beneficiaries in almost 110 establishments.

¹³⁴ Creation through U-NET (university mobile telecommunication network) of 150 mobile Internet access sites in 108 universities and 25 student halls of residence.

people with disabilities;¹³⁵ and the “PACTE” Programme, which aims to provide universal access to telecommunication services for 9,263 districts without telecommunication links.¹³⁶

(b) Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of human dignity and human rights

261. Among the measures taken, mention should be made, in particular, of the following Government initiatives: adoption of the regulations currently in force governing organ donations and transplants (Act No. 16/89) and the creation of local bioethical bodies.¹³⁷

Protection of creators

Indicate the measures taken to ensure the effective protection of the moral and material interests of creators, in particular:

(a) To protect the right of authors to be recognized as the creators and for the protection of the integrity of their scientific, literary and artistic productions

262. The Copyright and Neighbouring Rights Act¹³⁸ protects authors’ rights. Creative activities are protected by several different bodies. The Book Office, run by the Ministry of Culture, registers books and protects authors’ rights. The Moroccan Copyright Office (BMDA) is tasked with collecting royalties and distributing them to rights holders. The Moroccan Film Centre helps to organize film-related activities and occupations. All these bodies take action against forgery.

263. The main difficulty encountered in protecting artists’ interests consists in developing a sufficiently wide supervisory network to prevent the misuse of artists’ works without notification of the BMDA. In practice, it is essential to conduct inspections in art and entertainment sites that may potentially be used to exploit protected works.

¹³⁵ It enables them to benefit from low-cost online services in particular and to obtain access to information in general. It is planned to create 400 centres under the CAC Programme during the period covered by “Digital Morocco 2013”. Most CACs are established in areas where home-based Internet access is non-existent or unaffordable. They are usually located in youth clubs, girls’ hostels, post offices, etc. A pilot project in this field has been conducted in partnership with the Ministry of Youth and Sport. It will enable CACs to be established in 100 girls’ hostels.

¹³⁶ The districts represent about 2 million inhabitants, or 7 per cent of the total population of Morocco and 17 per cent of the rural population. The “PACTE” Programme was implemented in four stages in 2008, 2009, 2010 and 2011; 78 per cent of the districts identified under the Programme benefited from telecommunication coverage (telephone and Internet services) and preparatory work for future coverage is under way in 17 per cent of the districts.

¹³⁷ In addition, the Advisory Council on Human Rights (CCDH), which has been replaced by the CNDH, prepared a memorandum on the draft law concerning identify verification by means of DNA, which had been transmitted to it by the Ministry of Health and on which it made a number of recommendations, including the following:

- The need to respect the inviolability of the right to privacy;
- Obtain the consent of the person concerned;
- Ensure judicial oversight in cases that fall under criminal law;
- Create an independent national body to supervise the management of this field;
- Formally prohibit the sale or donation of the human genome;
- Prohibit discrimination on grounds of people’s genetic characteristics;
- Establish a broad-based commission composed of the health, justice, interior and Islamic affairs sectors and the CCDH with a view to drafting legislation governing identify verification by means of DNA.

¹³⁸ Act No. 2-00, as amended and supplemented by Act No. 34-05, particularly the provisions concerning objects of copyright protection and measures taken to combat piracy.

(b) To protect the basic material interests of authors resulting from their productions, which enable them to enjoy an adequate standard of living

264. The legislation concerning artists recognizes their work as a profession whose members should enjoy all rights and obligations that entitle them to benefit from social security rights, health insurance and the establishment of creative enterprises with a view to promoting citizens' involvement in cultural life. Its second objective is to enable individuals and groups to enjoy the products of creative activity by ensuring that artists can work under conditions that preserve their dignity and encourage their creativity. An artist's card was introduced to facilitate enforcement of the legislation. Agreements to accord preferential conditions to artists have been concluded between the public and private sectors.

(c) To ensure the protection of the moral and material interests of indigenous peoples relating to their cultural heritage and traditional knowledge

265. The Copyright Act protects the folklore heritage,¹³⁹ including the use of folklore for commercial purposes or in circumstances that fall outside the traditional or customary context, for instance the reproduction of folklore, the public communication of folklore through its presentation, performance or production, the broadcasting or transmission of folklore by cable or by any other means, and the adaptation, translation or any other modification or arrangement of folklore. The BMDA is tasked with ensuring that all printed publications and all communications to the public of an identifiable expression of folklore indicate the source in an appropriate manner and in accordance with established practice by mentioning the community or geographic location in which the expression of folklore originated. It is entitled to authorize expressions of folklore and to identify rights associated with such expressions for professional purposes and cultural development.

266. The High Authority for Audiovisual Communication is tasked with ensuring that the interests of culturally and linguistically diverse communities are properly reflected in the audiovisual media. In March 2011 the High Authority for Audiovisual Communication created the Unit for Cultural and Linguistic Diversity within the Programme Monitoring Department. The Unit has been tasked with monitoring and conducting *a posteriori* controls of audiovisual broadcasts in the Amazigh language. It incorporates aspects of linguistic diversity in its reports on pluralism.

(d) To strike an adequate balance between the effective protection of the moral and material interests of authors and the State party's obligations in relation to the other rights recognized in the Covenant

267. A framework for dialogue between the public authorities and artists' and creative workers' associations and trade unions was developed, *inter alia* with a view to establishing procedures that enable them to benefit from rights to social security and health insurance. The BMDA website recently published a list of musical, literary and dramatic works (almost 40,000 titles) and the names of authors registered with the BMDA (about 2,000). At the end of the dialogue between the BMDA and the artists' associations, an agreement was

¹³⁹ It identifies expressions of folklore as products of characteristic components of the traditional artistic heritage that have been developed and preserved in the territory of the Kingdom of Morocco by a community or by individuals who are recognized as meeting the traditional artistic expectations of the community in question; they include:

- Popular stories, popular poetry and riddles;
- Popular songs and instrumental music;
- Popular dances and shows;
- Popular artistic products such as drawings, paintings, sculpture, terracotta objects, pottery, mosaics, woodwork, metal objects, jewellery, textiles, costumes.

reached on measures to facilitate registration procedures and on publication of the Office's redistribution scales and statement of accounts. There are plans to have professional associations representing artists who recently arrived on the artistic scene represented on the BMDA Board of Directors.

Research and creative activity

Indicate the legal provisions in place to protect the freedom indispensable for scientific research and creative activity and any restrictions on the exercise of this freedom

268. Article 25 (para. 2) of the new Constitution stipulates: "Freedom of literary and artistic creation, publication and exhibition, and of scientific research are guaranteed." Article 15 of the General Public Service Regulations prohibits public officials from "engaging professionally in a private income-generating activity". However, such activities are authorized when they involve the production "of scientific, literary, artistic and sports-related works, provided that they are not primarily of a commercial nature" (see article 1 of the Act amending the General Public Service Regulations).

Dissemination of science and culture

Measures taken for the conservation, development and dissemination of science and culture and to encourage and develop international contacts and cooperation in the scientific and cultural fields

269. A key achievement in the area of scientific and cultural development was the creation of the Hassan II Academy of Science and Technology.¹⁴⁰ More recently, the Government set itself the following goal in its governmental policy statement: "building of a knowledge society and promotion of a knowledge-based economy by enabling universities to reassume a leadership role in training and scientific research, and by creating the conditions required to guarantee students' dignity and to encourage training in fields generating the greatest demand on the labour market".

270. Morocco has a network of universities and professional training establishments at its disposal to implement its scientific research policy.¹⁴¹

¹⁴⁰ This institution is tasked with promoting the development of scientific and technical research, for instance by according science and scientific and technical research a more prominent position in the national scale of values, proposing to the relevant authorities ways and means of developing a scientific spirit in Moroccan society, providing national researchers and scientists with a platform from which they can communicate and express their views, fostering high-level communication between the national scientific community and the global scientific elite, promoting the dissemination of science through symposiums, scientific events, publications and the creation of science libraries, and evaluating and assessing the discoveries submitted to it, while ensuring that moral and ethical values are respected in the application of scientific and technical research. It is also required by its terms of reference to assist in defining the basic general guidelines applicable to scientific and technological development, and to evaluate and fund scientific and technical research programmes. It is further required to propose to the competent authorities procedures for cooperation in the area of scientific and technical research in order to promote involvement in regional or international research programmes, to deliver opinions on the activities of national research facilities that are associated with such programmes, and to assist in establishing procedures for continuous coordination between the world of research and technological innovation and that of economic and social activities.

¹⁴¹ In 2009/10, 11,725 teacher-researchers were employed in a network of higher education establishments serving all regions of the country. In 2010 the student population totalled over

271. The Government plans to promote research at universities by restructuring their research facilities, creating doctoral study centres and new branches of doctoral studies, amalgamating teams and skills, and accrediting university research facilities. The publication statistics show an improvement in scientific production and the beginning of a trend towards innovation-driven applied research. At the operational level, Morocco has created the National Centre for Scientific and Technical Research.¹⁴²

330,000. Almost 36 higher education establishments were created in just about ten years. However, the territorial distribution of universities and higher education establishments is still characterized by a lack of regional balance in terms of the supply of training facilities.

¹⁴² The National Centre for Scientific and Technical Research is tasked with implementing research and technological development programmes based on options and priorities set by the Government, disseminating scientific and technical information, publishing research works and ensuring technological oversight, concluding association agreements or contracts relating to research activities or services with public or private research establishments and agencies, and creating synergies between the different research teams working on priority projects (networks, centres of expertise). As part of its mandate to develop basic research facilities, the National Centre for Scientific and Technical Research created the Moroccan Institute for Scientific and Technical Information (IMIST). The Institute's main tasks consist in ensuring that scientific circles, industrialists and various decision-makers have access to the scientific and technical documentation they require to remain at the cutting edge of their activities, and facilitating access to national scientific work and skills.