

MOROCCO

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 13th session, 2012

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Global Initiative to
**End All Corporal Punishment
of Children**

Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General’s Study on Violence against Children, as a highly significant issue, both for asserting children’s status as rights holders and for the prevention of all forms of violence.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies and also regional human rights mechanisms have condemned all corporal punishment. In October 2006, the report of the UN Secretary General’s Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.

Corporal punishment of children is lawful in Morocco, despite repeated recommendations by the Committee on the Rights of the Child, questioning on the issue during the initial UPR and Morocco’s acceptance of the recommendation to continue harmonising domestic legislation with its international human rights obligations.

We hope the Human Rights Council will highlight with concern Morocco’s lack of progress towards prohibiting corporal punishment of children, including in the home, and strongly recommend that legislation be introduced as a matter of urgency to prohibit all forms of corporal punishment of children in all settings.

1 The initial review of Morocco by the Human Rights Council (2008)

1.1 Morocco was reviewed in the first cycle of the Universal Periodic Review in 2008 (session 1). No recommendation on corporal punishment was made during the review, though the issue was raised in advance questions by Finland. However, the following recommendation was made and accepted by the Government:

“To continue the harmonization of its domestic law with regard to its international obligations on human rights (Netherlands)”¹

1.2 Prohibiting corporal punishment of children in all settings is a key obligation under the Convention on the Rights of the Child and other international human rights instruments. Since the review in 2008 no further progress has been made towards prohibiting all corporal punishment of children in Morocco. Today, as in 2008, corporal punishment is unlawful in the penal system but it is not prohibited by law in the home, in schools or in alternative care settings.

2 Legality of corporal punishment in Morocco

2.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Criminal Code (amended 2003 and 2006) and the Family Code (2004) are not interpreted as prohibiting corporal punishment of children.

2.2 A Ministerial directive in 2000 stated that corporal punishment should not be used in **schools**, but there is no explicit prohibition in law.

2.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Code of Criminal Procedure (2002). It is also unlawful as a disciplinary measure in penal institutions: it is not among the permitted disciplinary penalties in the Prisons Act No. 23-98, adopted in 1999.

2.4 Corporal punishment is lawful in **alternative care settings**.

2.5 Research has revealed the extent to which children are subjected to corporal punishment in the home and other settings. For example, according to the Centre for People’s Rights at least 1,000 cases of violence in schools were recorded in 2009, including 400 cases of physical violence, mostly consisting of corporal punishment, including slapping, kicking and hitting with sticks, iron rulers and electrical cables.² According to a report by the Moroccan Ministry of Justice, violence against children is widespread in government run orphanages and care institutions, with physical punishment being the most prevalent disciplinary measure.³ In a survey commissioned by UNICEF, UNFPA and the Arab Family Health Project in 2008, involving interviews with 5,078 children, 24% reported experiencing severe physical punishment (including being hit on the face or the head with a hard object) and 67% minor physical punishment (e.g. being shaken or slapped).⁴

¹ 22 May 2008, A/HRC/8/22, Report of the Working Group on the Universal Periodic Review: Morocco, para. 75(9)

² Reported in *Algeria News*, 8 October 2010

³ Cited in Abdul-Hamid, Y. (2011), *Child Rights Situation Analysis: Middle East and North Africa*, Save the Children Sweden

⁴ UNICEF (2008), *Enquête Nationale à Indicateurs Multiples et Santé des Jeunes, ENIMSJ 2006-2007*, Rabat, Maroc: UNICEF

3 Recommendations by human rights treaty monitoring bodies

3.1 The **Committee on the Rights of the Child** has twice recommended that Morocco prohibit all corporal punishment of children – in its concluding observations on the state party's second report in 2003⁵ and on the initial report in 1996.⁶

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⁵ 10 July 2003, CRC/C/15/Add.211, Concluding observations on second report, paras. 42 and 43

⁶ 30 October 1996, CRC/C/15/Add.60, Concluding observations on initial report, paras. 15 and 27