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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Third periodic reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**Addendum**

**MOROCCO \* \*\***

[27 October 2004]

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\* The second periodic report concerning rights covered by articles 1 to 15 of the Covenant (E/1990/6/Add.20) submitted by the Government of Morocco was considered by the Committee on Economic, Social and Cultural Rights at its session in 2000 (see E/C.12/2000/SR.70-72 and E/C.12/1/Add.55).

\*\* The information submitted by Morocco in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.23/Rev.1 and Corr.1).

## CONTENTS

|   | <i>Paragraphs</i> | <i>Page</i> |
|---|-------------------|-------------|
| Introduction .....  | 1 - 4             | 3           |
| I GENERAL INFORMATION .....   | 5 - 16            | 3           |
| II. INFORMATION RELATING TO ARTICLES 1 TO 15 OF<br>THE COVENANT .....   | 17 - 392          | 6           |
| Article 1: The right of peoples to self-determination .....   | 17 - 21           | 6           |
| Article 2: Implementation of the Covenant at the<br>national level .....  | 22 - 65           | 6           |
| Article 3: The right to equal enjoyment by men and women<br>of economic, social and cultural rights.....        | 66 - 85           | 14          |
| Articles 4 and 5: Limitations on implementation of the Covenant.....  | 86                | 17          |
| Article 6: The right to work .....  | 87 - 136          | 17          |
| Article 7: The right to enjoy fair and equitable conditions<br>of work .....                                    | 137 - 162         | 25          |
| Article 8: The right to form and join trade unions.....   | 163 - 171         | 29          |
| Article 9: The right to social security and social insurance.....   | 172 - 183         | 30          |
| Article 10: Family protection and assistance.....   | 184 - 233         | 32          |
| Article 11: The right to an adequate standard of living.....  | 234 - 269         | 39          |
| Article 12: The right of everyone to enjoy the highest possible<br>standard of physical and mental health ..... | 270 - 309         | 43          |
| Articles 13 and 14: The right to education.....   | 310 - 364         | 48          |
| Article 15: The right of everyone to culture and the benefits<br>of scientific progress .....                   | 365 - 392         | 56          |

## **Introduction**

1. In accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, the Kingdom of Morocco is submitting its third periodic report on implementation of the Covenant.
2. The Moroccan Government has noted with satisfaction the positive aspects highlighted by the Committee when Morocco's second periodic report (E/1990/6/Add.20) was submitted.
3. The Moroccan Government has also taken into consideration the factors and difficulties impeding implementation of the Covenant and the recommendations made by the Committee (E/C.12/1/Add.55) when it considered the second periodic report.
4. Accordingly, the present report will address the Committee's recommendations and subjects of concern and will review Morocco's implementation of the Covenant during the period since the submission of the second periodic report.

### **I. GENERAL INFORMATION**

5. The basic data relating to the territory and population and general political structure of Morocco are contained in document HRI/CORE/1/Add.23/Rev.1 and Corr.1 of 15 April 2002.
6. The present report highlights the latest progress made in the area of human rights and in consolidating the rule of law.
7. The reforms undertaken in Morocco attest to the royal determination to make democracy a reality in daily life and in the minds of the people, and to make the country a State governed by the rule of law. This determination is borne out by the following activities:
  - The restructuring of the Consultative Council on Human Rights (CCDH), in accordance with the Paris Principles relating to national institutions;
  - The establishment of the Diwan Al Madhalim, the office of the Moroccan ombudsman;
  - The establishment of the Royal Institute of Amazigh Culture (IRCAM);
  - The establishment of the Equity and Reconciliation Commission, following a CCDH recommendation endorsed by King Mohammed VI, with a view to closing the file on past human rights violations once and for all.
8. The Equity and Reconciliation Commission will be responsible for the rehabilitation and social reintegration of victims while continuing with its investigations into enforced and involuntary disappearances. It seeks to uncover the truth about cases of enforced disappearance and arbitrary detention and settle cases of human rights violations outside the courts.

9. The Commission must also address requests from victims' families, focusing on the need to provide reparation for injury, which must not be limited to compensation but should also include the rehabilitation of victims, both as individuals and as a group. In the case of persons certified as deceased, the Commission will endeavour to find their graves and determine the responsibility of various State entities.

10. The establishment of the Commission by King Mohammed VI represents a decisive step towards completing the process of democratic transition in Morocco. The Commission is composed of 16 members and chaired by a former political prisoner.

11. A new timetable is to be proposed for the compensation of victims' families and related claimholders and the restitution of confiscated property. At the end of its mandate, the Equity and Reconciliation Commission will submit a report setting out the causes, political motives and responsibilities for events over the past 40 years. It will also submit proposals to the Executive so that the latter may take appropriate decisions to ensure that such human rights abuses are never perpetrated again.

12. To mark the establishment of the Equity and Reconciliation Commission, on 7 January 2004 a royal pardon was granted to 33 prisoners, including 28 political prisoners, among whom were Islamic extremists, members of the political opposition and journalists. Consequently, according to the international criteria used to define political prisoners, there are no more political prisoners in Morocco.

13. Other reforms introduced include the following:

- Abolition of the Special Court of Justice (CSJ) by the Cabinet on 6 January 2004, with the Court's powers transferred to the appeal courts. The abolition of this court will strengthen the rule of law since the CSJ followed exceptional procedures unlike those followed in other courts. These exceptional procedures infringed the right to a defence, failed to provide the guarantees necessary for a fair trial and undermined the principle of equality before the law. Abolition of the CSJ will also strengthen the principle of the separation of powers established in the Constitution, since the court fell under the Executive, as the Minister of Justice initiated the prosecution of cases submitted to it;
- The unanimous adoption on 28 January 2004 of two major pieces of legislation. One lifted parliamentary immunity and the other established the High Court, which will try members of the Government for offences they commit in the exercise of their duties;
- The harmonization of domestic legislation with the provisions of international human rights instruments ratified by Morocco. This will enhance the effectiveness and protection of the rights recognized in international instruments ratified by Morocco. The steps taken in this area include:

- Reform of the Code of Public Freedoms;
- Adoption of new prison legislation;
- Reform of the *kafala*, the law on the legal placement of children in families;
- Adoption of a new Code of Criminal Procedure;
- Partial reform of the Criminal Code with a view to strengthening the protection afforded to women and children;
- Adoption of a new law on civil registration and the applicable implementing decree;
- Adoption of a new law governing the entry and stay of aliens in Morocco;
- Adoption of a counter-terrorism law;
- Reform of the Personal Status Code, pursuant to the establishment on 27 April 2001 of a royal commission; the results of its work were announced by King Mohammed VI on 10 October 2003 at the opening of the second annual session of the seventh legislature;
- The unanimous adoption on 16 January 2004 of the Family Code by the House of Representatives. This reform allows women to reclaim their rights and lift the injustice and inequality weighing down on them and guarantees respect for women's and children's rights to the benefit of the stability of the family unit. The joint responsibility of husbands and wives in running the home is established. The new Family Code introduces new social patterns that will have an impact on daily life.

14. In addition, in a letter addressed to the Minister of Justice, King Mohammed VI stressed the need to provide suitable facilities for family courts within the various courts in Morocco and to ensure the training of qualified officials, in the light of the powers conferred on the justice system by the Family Code.

15. The promotion of children's rights is another legislative and institutional priority.

16. Particular mention should be made of the harmonization of national legislation with the Convention on the Rights of the Child, International Labour Organization (ILO) Conventions No. 138, concerning Minimum Age for Admission to Employment, and No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the ratification of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

## **II. INFORMATION RELATING TO ARTICLES 1 TO 15 OF THE COVENANT**

### **Article 1. The right of peoples to self-determination**

17. The right of peoples to self-determination is a fundamental right established and guaranteed by the Kingdom of Morocco.

18. In addition to the information contained in Morocco's second periodic report, it should be noted that Morocco has subscribed to the principal resolutions of the United Nations General Assembly establishing the right to self-determination, namely resolutions 1514 (XV), 1541 (XV), 1803 (XVII), 2625 (XXV), 3201 (S-VI) and 41/121.

19. It will also be recalled that Morocco was one of the first countries to support the international community's efforts to establish and promote the right of peoples to self-determination while cautioning against any erroneous interpretation that might restrict this right to a single interpretation (independence) that would be reductionist, misleading and contrary to the provisions of General Assembly resolutions, particularly resolutions 1541 (XV) and 2625 (XXV).

20. With regard to the Committee's recommendation, made during consideration of Morocco's second periodic report, in which it "encourages the State party to seek a solution, in cooperation with the United Nations, to the problems impeding the realization of the referendum on the issue of self-determination in Western Sahara" (E/C.12/1/Add.55, para. 35), it will be recalled that Morocco, faithful to its principles of respect for international law, continues to collaborate with the United Nations in the search for a settlement to the Saharan conflict that will ensure national sovereignty over the whole of Moroccan territory.

21. In its final reply, issued in the report of the Secretary-General dated 23 April 2004 on the situation in Western Sahara (S/2004/325 and Corr.1 and Add.1), the Kingdom of Morocco reiterated its irreversible commitment to a political solution based on a compromise in the form of autonomy within the framework of Moroccan sovereignty and territorial integrity.

### **Article 2. Implementation of the Covenant at the national level**

22. Morocco's advocacy of a universalist approach to human rights is fully reflected in the country's legislation. The preamble to the 1992 Moroccan Constitution states that "the Kingdom of Morocco, conscious of the need to place its actions in the context of the international bodies of which it is an active and dynamic member, subscribes to the principles, rights and obligations stemming from the charters of those bodies and reaffirms its attachment to human rights as universally recognized".

23. On 10 December 1999, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, King Mohammed VI addressed a message to the Moroccan people in which he affirmed that Morocco's commitment to human rights was unwavering and irreversible. The King added: "Our vision of human rights is not limited to the institutional and legal aspects, nor to certain specific measures or procedures; rather, we have chosen to focus

also on the social aspects that form the basis for preserving human dignity. We continue to be interested in the integration of the poor and the disabled and in the advancement of rural women who suffer from marginalization, for we are convinced that these issues lie at the very heart of human rights.”

24. In the early 1990s the public authorities developed a social development strategy aimed at improving the living conditions of the disadvantaged population, particularly by meeting priority needs in the area of school enrolment, literacy, basic health care, public housing and employment promotion, as well as developing social safety nets and local social welfare programmes, such as Entraide Nationale, Promotion Nationale, the Agency for the Promotion and Economic and Social Development of the Northern Prefectures and Provinces of the Kingdom, the Social Development Agency, the National Agency for the Promotion of Employment and Skills and the Development Agency for the Southern Provinces.
25. In its general policy statement to Parliament on 21 November 2002 the Government stressed that Morocco’s main current and future concerns were employment, economic development, high-quality education, decent housing and the reduction of poverty and social inequalities. The Government’s statement also included among the country’s priorities the adoption of a “new community-based policy to combat marginalization and poverty that will address the concerns and needs of the neediest groups through improved access to services and facilities and assistance to ensure them a decent life in dignity”.
26. Committed to implementing the recommendations adopted in Copenhagen at the World Summit for Social Development, the Moroccan Government has identified an integrated community-based social development strategy. This strategy is aimed at revitalizing and promoting efforts by local communities and encouraging initiatives involving all social actors with a view to ensuring access to isolated regions, creating jobs and reducing poverty.
27. The Government is also working to implement a system for identifying the neediest groups in the population so that the State can provide them with free social services, particularly in the areas of health care, housing, food and social welfare. Since the mid-1990s efforts have been made to translate this social policy into a programme of social priorities. Special attention is paid to rural areas so that disadvantaged groups can enjoy greater access to basic social services, such as clinics, literacy programmes and jobs.
28. The programme of social priorities focuses on three main areas: basic education, health care and social welfare. It covers 14 provinces in which 43 per cent of the neediest rural population are concentrated.
29. In the area of basic education, the objectives of the programme of social priorities are to:
  - Improve access to basic education, reduce the rural school-leaving rate and increase the number of available classrooms;
  - Reduce the gap between girls and boys in terms of access to education and introduce awareness campaigns to increase school attendance;

- Improve the quality of instruction;
  - Improve school curricula nationwide;
  - Encourage school attendance through the free distribution of textbooks and other school supplies to needy children;
  - Encourage the establishment of school canteens and increase efforts to improve the school environment and integrate schools in the community.
30. In the area of basic health care, the objectives of the programme of social priorities are to:
- Improve access to basic health care services, both preventive care and treatment;
  - Renovate, re-equip and build rural medical centres and clinics and regional hospitals;
  - Ensure that medical equipment and supplies are available, particularly medicines, sera, contraceptives, ambulances and transport for visiting nurses;
  - Develop a risk-free maternity programme.
31. In 2000 the programme of social priorities, which was to conclude in 2003, was evaluated and the following achievements were reported:
- In the area of school attendance, the number of unenrolled children aged six to nine years in *douars* where education programmes were in operation was halved;
  - The literacy rate among children aged 10 years and over in the provinces concerned rose from 29.6 per cent in 1994/95 to 38.4 per cent in 1997/98. For girls in the provinces covered by the programme the rate rose from 7.6 per cent to 15.2 per cent during the same period;
  - In the area of access to basic health care services, the increase in the supply of such services allowed the population in the target provinces to achieve a gain of almost 18 kilometres in some provinces;
  - With regard to national welfare activities, involving primarily the construction of water towers, wells, tracks, *kouttab* and *dar talib* (student residences) and reforestation activities, associated projects led to the creation of 947,600 workdays.
32. The main activities carried out in 2003, the year in which the programme of social priorities ended, involved the establishment of integrated primary schools in communities that had not yet received direct programme support and the completion, through nationwide promotion, of the support activities begun in 2002 in the areas of basic health and education.
33. With regard to the Committee's recommendation that "the State party needs to adopt further measures to provide adequate safety nets for the vulnerable sectors of society affected



by structural adjustment programmes” (E/C.12/1/Add.55, para. 39), it must be noted that the public authorities are pursuing a social solidarity policy that seeks to expand the access of disadvantaged groups to basic social services and poverty-reduction measures through:

- The development of basic services and amenities, chiefly basic education, especially in rural areas, measures to combat illiteracy, expansion access of disadvantaged groups to basic health services, the opening up of isolated rural areas, rural drinking-water supply and electrification, and public housing;
- Strengthening of health coverage through the establishment of a medical assistance scheme for the economically disadvantaged and a mandatory health insurance scheme;
- The promotion of employment through dynamic employment policies, including training and integration policies, skills acquisition, self-employment, the “seed enterprises” programme, the promotion of small and medium-sized enterprises, microcredits and reform of the employment intermediation system;
- Social assistance to disadvantaged groups, especially through local income- and employment-generating projects.

34. Implementation of this strategy has required the appropriation of significant budgetary resources for the social sectors; social spending as a portion of the State budget rose from 41 per cent in 1992 to nearly 49.3 per cent in 2004, or 11 per cent of gross domestic product (GDP). Spending on basic social services as a whole represents approximately 18 per cent.

35. During this time various community-based social welfare institutions were established.

### **Entraide Nationale**

36. Established by *dahir* in 1957, Entraide Nationale is a public social welfare agency with a vast network comprising 50 delegations and 1,028 social centres throughout the country that provide assistance to the disadvantaged in rural and peri-urban areas. Entraide Nationale has as its main tasks:

- Providing aid and assistance and promoting family and social welfare;
- Providing oversight of private aid and welfare agencies receiving State subsidies;
- Collecting, storing, allocating and distributing donations and allowances.

37. As part of its social development strategy the Government has set up a number of mechanisms for the establishment of institutions and agencies to help orphans and persons with physical disabilities obtain jobs and become integrated in society. Entraide Nationale oversees and provides financing to 438 charitable Islamic welfare associations that serve some 41,000 clients each year.

### **Promotion Nationale**

38. Programmes operated by Promotion Nationale are designed to mobilize the unemployed to become involved in infrastructure projects drawing on locally available technologies that can be used by unskilled workers.

### **Social Development Agency**

39. Established by *dahir* No. 1-99-207 of 25 August 1999, this government agency carries out activities and programmes to improve the living conditions of economically and socially vulnerable groups. The Agency participates directly in project financing or provides support for ongoing projects.

40. The Agency's tasks are to:

1. Participate in the financing of social development projects in such priority areas as drinking-water access, rural electrification, literacy, basic education, basic health services and telecommunications development;
2. Provide material and technical support for individual and collective projects aimed at making greater resources available to vulnerable population groups and improving the living conditions of these groups;
3. Help with the establishment of small enterprises in order to create outlets for persons who have difficulty integrating themselves in the labour market;
4. Support environmental protection and preservation projects;
5. Build the institutional capacities of non-governmental organizations (NGOs), local communities, etc.

### **Agencies for the economic and social development of the Kingdom's northern and southern provinces**

41. These agencies reflect the particular economic, social and cultural character of these prefectures and provinces. Their objectives are to:

- Create, in the medium term, jobs that will enable the population to participate in development programmes;
- Ensure that the population has access to basic social services and strengthen social assistance systems for vulnerable groups, particularly women and children.

42. In addition to the establishment of these two agencies, in November 1998 both houses of Parliament unanimously adopted a bill on the granting of microcredits, which provides increased opportunities for the establishment of small enterprises.

43. To encourage job creation and the promotion of income-generating activities for disadvantaged groups, the public authorities have since 2002 contributed 100 million dirhams through the Hassan II Fund for Economic and Social Development to the work of 12 microcredit associations whose operations have been authorized under Act No. 18-97, on microcredits, promulgated by *dahir* No. 1-99-16 of 5 February 1999.

44. At the end of September 2003 the number of microcredits granted had reached 645,949, totalling 632,183,000 dirhams in loans. These credits, 63.75 per cent of which went to women and more than 59 per cent to rural and peri-urban areas, were distributed among the following sectors:

|                       |               |
|-----------------------|---------------|
| Textiles              | 34.3 per cent |
| Commercial activities | 23.1 per cent |
| Agriculture           | 12.1 per cent |
| Handicrafts           | 9.5 per cent  |
| Services              | 0.22 per cent |
| Other                 | 20 per cent   |

45. Two major organizations, Al Amana and the Zakoura Foundation, dominate the microcredit sector, accounting for 76.4 per cent of all loans granted.

46. A bill amending the Microcredit Act has been adopted; this legislation is intended to extend the scope of microcredits to cover the construction of public housing and supplying these housing units with drinking water and electricity.

47. The social development strategy of the public authorities also involved the implementation of programmes in three major sectors: rural electrification, rural road construction and rural drinking-water supply.

48. Other, more closely targeted activities have been carried out by various departments. The Ministry of Industry, Trade and Economic Upgrading, for example, has launched a series of socially oriented projects focused on developing the industrial and commercial sectors with a view to facilitating the creation of enterprises by persons who are poor or who live in disadvantaged regions. These projects include:

1. The national seed enterprise programme, launched jointly with the Hassan II Fund for Economic and Social Development. This programme is designed to provide young entrepreneurs who have viable projects with buildings ready for use at affordable rents, thereby helping to promote the employment of young people at the regional level. Seed enterprises are set up in partnership with local communities. At present seven operations have been set up (in Salé, Khemisset, El Jadida, Oujda, Laayoune, Chechaouene and Tétouan), 18 projects are scheduled to start up in 2005 and four new projects have recently been launched;

2. The development of women's enterprises as part of the cooperation between the Ministry of Industry and the United Nations Industrial Development Organization (UNIDO), with a view to building the capacities of women entrepreneurs in the agro-industrial and traditional sectors in peri-urban and rural areas;
3. The settlement of itinerant traders;
4. Access to microcredits.

49. It should also be noted that, alongside the Government's efforts, many NGOs are actively involved in social development through a major community-based effort to reduce poverty and inequality.

50. In accordance with article 2, paragraph 2, of the Covenant, many provisions of the Moroccan Constitution establish the rights set out in the Covenant: article 5 of the Constitution establishes the equality of all Moroccans before the law; article 6 guarantees freedom of worship; articles 8 and 9 establish equality between men and women in the exercise of their civil, political and trade-union freedoms and rights; article 10 protects the right to life; and article 15 guarantees the right to own property and freedom of enterprise, without any discrimination.

51. In accordance with article 2, paragraph 1, of the Covenant, all Moroccans enjoy equal access to the courts in cases of violations of the provisions of the Covenant (see HRI/CORE/1/Add.23/Rev.1 and Corr.1, chap. III, Legal framework within which human rights are protected).

52. When rights conferred on individuals by the Covenant are violated, the following remedies exist: the lodging of a complaint with the Crown Procurator or a hearing in the courts.

53. When these rights are violated by the administrative authorities, the remedies are:

- Application to the authority that issued the contested administrative decision for reconsideration of the decision;
- Appeal to a higher administrative authority;
- Application for the annulment of the contested administrative decision for excess of jurisdiction.

54. Since January 1995, when the Administrative Tribunals Act entered into force, applications for the annulment of decisions taken by administrative authorities on the grounds that they have exceeded their powers are lodged with the administrative tribunals.

55. Extrajudicial remedies are also available and have been strengthened by the reform of the Consultative Council on Human Rights (CCDH), in accordance with the Paris Principles relating to national institutions, and by the establishment of the Diwan Al Madhalim, the office of the Moroccan ombudsman.

56. As part of its newly assigned tasks, CCDH must produce an annual report on the human rights situation, provide an annual account of its activities and issue an opinion on the annual report produced by the Diwan Al Madhalim.
57. CCDH is also required to investigate cases of human rights violations submitted to it, make the necessary proposals and recommendations to the competent authorities and study and issue opinions on draft legislation and regulations referred to it.
58. The pluralist composition of the restructured Consultative Council, which is principally made up of decision-makers representing civil and political society, guarantees the Council's independence and helps broaden the scope of the dialogue between the various partners.
59. On the occasion of Human Rights Day on 10 December 2002, the King also appointed a *wali* (prefect) to head the Diwan Al Madhalim. This extrajudicial body has the task of providing a remedy for injustices arising from situations that are inconsistent with the demands of fairness and detrimental to the users of public services. It will therefore consider all grievances fairly and give substance to Morocco's desire to increase the synergy between the authorities and citizens while respecting the rules guaranteeing the primacy of the law.
60. In accordance with article 2, paragraph 2, of the Covenant, enjoyment of economic, social and cultural rights is guaranteed to all without discrimination of any kind, both to Moroccan citizens and to nationals of other countries, in accordance with the legislation in force.
61. The right to work and the right to education without discrimination of any kind are guaranteed by the Constitution, article 13 of which stipulates: "All citizens shall have equal rights in seeking education and employment."
62. The reform of labour legislation is aimed at giving practical effect to this equality and combating all forms of discrimination.
63. Article 9 of the new Labour Code clearly illustrates this intention when it states that it is prohibited to practise against employees any form of discrimination based on race, colour, sex, disability, marital status, religion, political opinion, trade-union membership or national or social origin that may have the effect of undermining or impairing equality of opportunity or treatment in employment or professional matters, in respect of recruitment, the distribution of work, vocational training, pay, promotion, social benefits, disciplinary measures or dismissal.
64. Article 36 of the Labour Code lists the grounds which cannot be invoked to justify disciplinary sanctions or dismissal and includes among them all forms of discrimination.
65. The right to health, medical care, social security and basic social services, the right to education and vocational training and the right to take part in cultural life in conditions of equality are not subject to any form of discrimination.

**Article 3. The right to equal enjoyment by men and women  
of economic, social and cultural rights**

66. The equal recognition and enjoyment by men and women of the rights contemplated in the Covenant is a principle established in the Constitution.

67. The status of women in Morocco had improved significantly. There is a genuine political commitment to improving women's status in all areas.

68. In the legislative sphere, various measures have been taken, particularly the reform of the Code on Obligations and Contracts and the Commercial Code (see E/1990/6/Add.20, paras. 42-45), the reform of the Labour Code, which criminalizes all forms of discrimination, the reform of the Code of Criminal Procedure, the partial reform of the Criminal Code, which qualifies violence against women and sexual harassment in the workplace as criminal offences and devotes an entire chapter to efforts to combat discrimination, and the adoption of the new Code of Public Freedoms, which punishes discriminatory language and acts.

69. With regard to the Committee's recommendation that "the State party proceed as expeditiously as possible with the adoption and full implementation of the Action Plan for Integrating Women into Development ... [and that it] amend existing legislation that institutionalizes discrimination against women, such as provisions of family, inheritance and personal status law, with a view to strengthening the legal status of women" (E/C.12/1/Add.55, para. 40), it must be stressed that a royal commission was established on 27 April 2001 to revise the Personal Status Code. When the commission was established King Mohammed VI addressed a royal letter to its members in which he said: "Since our accession to the throne of our glorious ancestors, we have diligently sought to take action for the advancement of women in all sectors of activity within the nation and to emancipate women from every form of injustice against them ... Islamic Shariah law is based on balance and moderation ... We therefore desire to guarantee the rights of women, in the same way as those of men. We have ensured that the composition of this consultative commission is representative of the legal, judicial and scientific domains and includes a female component." King Mohammed VI urged the Commission to "tread a fine line that will enable it to reconcile commitment to the immutable values that lie at the core of our identity with total acceptance of the spirit of our times, as characterized by, inter alia, the universality of human rights, the preservation of our Islamic identity, social progress, and the equal distribution of opportunities, resources and talents, through concerted action carried out jointly by men and women in dignity and a spirit of equality and equity. These are the goals to be attained if our country is to meet the challenges that await it, both from within and from without".

70. On Friday, 10 October 2003, King Mohammed VI restored the economic rights of Moroccan women when he announced a sweeping reform of the Personal Status Code, now known as the Family Code.

71. The salient features of this reform concern:

1. Equality within the family unit, with the family made the joint responsibility of the husband and wife, whereas under the previous Code it was the sole responsibility of the husband;

2. The legal majority of married women, with matrimonial guardianship (*wilaya*) recognized as a right to be exercised by adult women, as they choose and according to their own interests. The rule of matrimonial guardianship by which a woman was made the ward of another family member has been abolished;
3. Marriageable age, which is now uniformly set at 18, although certain exceptions may be made where warranted, at the sole discretion of the court. Girls and boys who are wards have also been placed on an equal footing, and both now have the right to choose their guardian at the age of 15 (instead of 12 for boys and 15 for girls);
4. Severe restrictions on polygamy, which is now authorized only by the courts. Judges will authorize polygamy only if they are convinced of the husband's ability to treat the second wife and the children equitably and on an equal footing with the first wife, and to guarantee them the same standard of living. It should be noted that a woman may make it a condition of marriage, to be stipulated in the marriage contract, that her husband shall agree not to take any other wives;
5. Simplification of marriage procedures for expatriates; the only requirement for drawing up a marriage contract is the presence of two Muslim witnesses, in accordance with the procedure applicable in the host country;
6. Dissolution of the bonds of marriage, which is now a right that may be exercised by husband or wife, subject to judicial supervision. Additionally, limitations have been placed on the right to repudiate by strengthening conciliation and mediation mechanisms. Divorce by mutual consent has also been introduced;
7. Greater balance within the marriage, with a view to extending the woman's right to seek judicial divorce where the husband fails to comply with one of the conditions set down in the marriage contract, or if she suffers harm through, for example, defaulting on maintenance, desertion of the marital home or violence;
8. Recognition and preservation of children's rights, specifically through the incorporation into the Family Code of the relevant provisions of the international conventions ratified by Morocco, and through efforts to safeguard the child's best interests as regards care (custody), which must be awarded to the mother, then the father, then the maternal grandmother. Where none of these options is feasible, the court alone may place the child in the care of whichever close relative is best able to provide such care, taking account of the child's interests. In addition, the obligation to provide a child in care with decent accommodation is now separate from maintenance-related obligations. Maintenance procedures must be completed within a maximum of one month;
9. Protection of the right to establish paternal filiation. In exceptional circumstances, where a marriage is not formalized by a contract, the child's right to recognition of paternity is protected. The court shall base its decision on evidence demonstrating filiation;

10. Equality of inheritance, with the children of a man's daughter allowed to inherit from their grandfather on an equal footing with the grandchildren of the man's son. This is done in the interests of fairness and equity;
11. Regulation of the administration of property acquired by a couple during their marriage, without prejudice to the principle of separate ownership of their personal property. A husband and wife must agree in a document distinct from the marriage certificate how jointly acquired property shall be administered. Any dispute will then be subject to the judgement of a court.
72. For the purposes of implementing the Family Code, it has been decided to set aside premises within the various courts of the Kingdom for family courts and for the training of officials of various ranks to exercise the authority to be vested in them in this area.
73. At the same time that this legislative and institutional progress has been made, efforts have been made in the area of women's education. Here two aspects merit special attention:
  - The increasing role played by civil society in the matter of women's education;
  - The involvement of many multilateral and bilateral cooperation organizations and agencies in Morocco, who support projects for the enrolment of rural girls and the introduction of the gender perspective. This approach is based on the notion of balanced relations between men and women and their equal access to the benefits of development.
74. Women's entry into the job market is irreversible. Women constitute approximately one third of the urban workforce. At the same time, owing to the limited economic opportunities available to them, their employment status remains unstable.
75. In rural areas, however, women's participation in the economy is high, and their employment rate exceeds 40 per cent.
76. In the civil service women enjoy the same rights as men.
77. In 2001 women account for roughly 34 per cent of all government employees. This percentage is generally on the rise, particularly at senior levels.
78. The national scene is characterized by a genuine willingness to strengthen democracy and the rule of law, and to promote a culture of human rights, with women's rights viewed as a key element.
79. Women's advancement is one of the priorities of the economic and social development plan for 2000-2004. The programmes planned are intended to offer women greater opportunities for participating fully in development.
80. At the institutional level, a State Secretariat for Social Welfare, the Family and Children was established in 1998 and replaced in 2000 by the Ministry for the Status of Women, Family and Child Welfare and Integration of the Disabled; in 2002 the Ministry in turn became the State Secretariat for the Family, Solidarity and Social Action.



81. In the political and administrative sphere, women can be found in senior positions as ministers, secretaries of State, ambassadors, and deputies and counsellors in both houses of Parliament, where they occupied 10.8 per cent of all seats in 2002.
82. Despite this progress, women do experience difficulties in exercising their legally recognized rights, even if they do not encounter any outright discrimination.
83. In the area of education, for example, some 62 per cent of women were illiterate in 1999, as compared with 34 per cent of men. But if disparities persist in the exercise of certain economic, social and cultural rights, they are essentially linked to economic and geographic factors.
84. Many efforts have been made pursuant to royal guidelines for the promotion of women's rights and ensuring women's genuine participation in the sustainable human development of Morocco.
85. Similarly, it should be noted that the development assistance programmes of United Nations and bilateral cooperation agencies make the advancement of women one of the pillars of cooperation programmes and development assistance for Morocco.

#### **Articles 4 and 5. Limitations on implementation of the Covenant**

86. The Moroccan Government recalls that it has not adopted any measure aimed at limiting the rights recognized in the Covenant. Moreover, any violation of fundamental human rights is punishable under the legislative provisions in force.

#### **Article 6. The right to work**

87. The right to work is guaranteed by article 13 of the Moroccan Constitution.
88. In addition to the ample information contained in the second periodic report (E/1990/6/Add.20, paras. 48-101), considerable strides have been made in the area of the right to work.
89. Concerning the Committee's recommendation which "urges the State party to adopt the draft labour code and to ensure that the provisions thereof are in conformity with articles 6, 7 and 8 of the Covenant, as well as with the relevant ILO conventions to which Morocco is party" (E/C.12/1/Add.55, para. 41), it should be noted that the new Labour Code was adopted in 2003.
90. Many mechanisms have been put in place to promote employment:
- Employment intermediation, governed by articles 475-494 of the Labour Code. It involves a series of activities aimed at facilitating the supply and demand of jobs as well as a range of services offered to job-seekers and employers with a view to promoting employment and professional integration. Intermediation is carried out by services set up for this purpose by the government employment authority, which

provides these services free of charge. The new Labour Code has granted private agencies the right to act as intermediaries, subject to authorization by the government employment authority, under article 477 of the Labour Code. The new Labour Code also contains provisions (arts. 512-515) concerning the gainful employment of Moroccans abroad, based on instruments and agreements concerning expatriate labour. It also contains provisions governing the employment of foreigners in Morocco (arts. 512-519).

- The Higher Council and the regional and provincial councils for the promotion of employment: the new Labour Code has established an advisory council within the government employment authority called the Higher Council for the Promotion of Employment, which is responsible for coordinating government policy relating to employment and advising on all employment-related matters at the national level, including the Government's general employment guidelines and measures aimed at the promotion and integration of young people and employment management.

91. The Higher Council for the Promotion of Employment plays an advisory role. The Council is also responsible for:

- Helping to foster dialogue and consultations among partners in the production process;
- Monitoring and evaluating measures to promote employment, in particular those receiving State support and assistance;
- Reviewing the employment situation and job opportunities in the public, semi-public and private sectors on the basis of information received from the administrative departments and organizations concerned;
- Drafting an annual report for submission to the Government on the employment situation and prospects, including its opinions and proposals;
- Cooperating and working in liaison with all committees and specialized national and local organizations involved with such issues as population growth, teaching, training, employment and social development issues in general;
- Preparing and proposing regional employment programmes and plans based on partnership and the effective participation of various local actors.

92. The Higher Council for the Promotion of Employment is headed by the Minister of Employment or his or her representative. It is composed of representatives of the administration, professional employers' associations and the most representative workers' trade unions.

93. The President of the Council may invite any person recognized as having skills and expertise in the Council's field of competence to participate in its work under the provisions of article 523 of the new Labour Code.

94. As far as the regional and provincial councils for the promotion of employment are concerned, article 524 of the Labour Code provides for the establishment of:

- A regional council for the promotion of employment in the administrative seat of each region of the Kingdom, to be headed by the governor of the prefecture, province or regional capital, or his or her representative;
- A provincial council for the promotion of employment in each prefecture or province of the Kingdom, headed by the governor.

95. These advisory councils are responsible for:

- Giving advice on matters of employment and professional integration;
- Submitting proposals for promoting employment, supporting small- and medium-sized enterprises and adapting training more closely to the requirements of the local labour market;
- Helping to assess the progress made at the local level as a result of employment promotion measures that receive State subsidies and support;
- Fostering dialogue, consultation and partnership among the various actors in the employment market at the local level;
- Ensuring coordination and cooperation with all parties concerned at the local level in the promotion of employment and the development of joint programmes in this area.

96. The regional councils are also responsible for drafting an annual report to be submitted to the Higher Council on employment issues and prospects, together with proposals and projects to promote employment.

97. In accordance with the provisions of article 525, the regional and provincial councils are composed of representatives of the Government, professional employers' associations and the most representative workers' trade unions. The President of the council may also invite any person recognized as having relevant skills and expertise to participate in its work.

98. With a view to promoting employment and limiting unemployment among young people, particularly graduates, several mechanisms have been put in place, including direct placement, training and placement, integration through the promotion of the enterprise and the reform of intermediation in the labour market.

99. These mechanisms, run primarily by the ministries responsible for employment, agriculture and finance, have been financed by the Youth Employment Fund, which has received budgetary allocations of approximately 2.62 billion dirhams (DH) since its establishment in 1994. In addition to these funds, donations were received from the United States Agency for International Development (USAID) in 1996 and from the Hassan II Fund in 2003, totalling DH50 million and DH20.2 million respectively.

100. At the same time, other strategic measures have been adopted:

- The National Agency for the Promotion of Employment and Skills (ANAPEC) has been established by virtue of Act No. 51-99, promulgated by *dahir* No. 1-00-220 of 5 June 2000. The purpose of the Agency is to assist in the organization and implementation of programmes to promote skilled employment decided by the authorities. To this end, the ANAPEC network has been expanded with the establishment of 24 agencies and 100 offices providing information and counselling services to job-seekers;
- The Charter for Small- and Medium-Sized Enterprises was adopted under Act No. 53-00 (promulgated by *dahir* No. 1-02-188 of 23 July 2002) with a view to supporting enterprises in their restructuring and development efforts. The Charter provides for new mechanisms to stimulate the creation of small- and medium-sized enterprises by strengthening the process for guaranteeing loans and establishing the National Agency for the Promotion of Small and Medium-Sized Enterprises;
- The Hassan II Fund has been made a government agency. It has taken an innovative approach to the budgeting process in order to relaunch its investment activities in a more flexible and vigorous manner. This approach involves the establishment of a direct link between resources derived from privatization activities and specific investment programmes earmarked for economic, social and cultural promotion. It ensures that income from privatization is not used to cover the State's recurrent expenditure.

101. Projects proposed for funding by the Hassan II Fund are scrutinized to ensure that they are eligible for funding in the light of predetermined criteria; such projects should:

- Foster the creation and preservation of employment;
- Leverage investment in strategic sectors;
- Promote partnerships between the public and private sectors;
- Generate their own resources to ensure the sustainability of the Fund;
- Contribute to the country's economic and social development.

102. Agreements relating to the projects and programmes financed by the Hassan II Fund were signed under the active presidency of the King and fall within the following major programmes: public housing, highway infrastructure, sports and cultural facilities, industrial and tourist infrastructures, port and fishing infrastructures, the rural drinking-water supply programme (PAGER), employment promotion and the development of information technologies.

103. Since its inception at the end of 2003 this body has concluded 69 agreements relating to investment projects worth approximately DH107 billion, thereby creating 405,000 jobs.

104. Forced labour is prohibited under Moroccan legislation. Article 467 of the Penal Code defines forced child labour as the forcing of a child to carry out work prohibited by law or that is considered harmful to his or her health, safety, morality or development and education under articles 10 and 12 of the Labour Code and the provisions of the ILO Forced Labour Convention (No. 29) and the Abolition of Forced Labour Convention (No. 105).

105. In accordance with article 6, paragraph 2, of the Covenant, the Moroccan Government is making numerous efforts in the area of vocational training.

106. The purpose of vocational training is to satisfy the requirements of enterprises, to promote youth employment and to increase employment opportunities. Vocational training may be preparatory or on-the-job and may lead to a diploma or certification.

107. Preparatory vocational training is open to persons who have reached 15 by the date specified for admission to training.

108. The aim of on-the-job training is to develop workers' skills and qualifications so as to promote the competitiveness of enterprises and enable employees to keep pace with developments in the labour market and facilitate their advancement.

109. Vocational training is provided in the following ways:

- Residential vocational training takes place in vocational training institutions and is supplemented by work placements;
- In alternate vocational training (introduced by Act No. 36-96) at least half of the training takes place in an enterprise, and at least a third takes place in a vocational training institution;
- Vocational training through apprenticeship (introduced by Act No. 12-00) is based on practical training at least 80 per cent of which is provided in an enterprise and at least 10 per cent of which take the form of additional general and technological training.

110. The legal framework for the vocational training system is Act No. 3-00, which governs the private vocational training sector.

111. Vocational training is structured on four levels:

- Specialization, which is available to students who have completed six years of primary education;
- Qualification, which is available to students who have completed three years of junior secondary education;
- Technician, which is available to students who have completed three years of vocational secondary education;
- Specialized technician, which is available to holders of the baccalaureate.

112. Various measures have been adopted to promote vocational training. Particular attention is drawn to the following types of training.

### **Vocational training for vulnerable groups**

#### *Vocational training for prisoners*

113. The purpose of this type of training is to facilitate the social and professional rehabilitation of prisoners from the reform and education centre at the Salé local prison, the reform and education centre at the Ain Sbâa local prison in Casablanca, the Oujda local prison and the Aït Melloul local prison in Agadir.

114. The programme consists of:

- A vocational training programme;
- A literacy programme for all illiterate prisoners;
- A general education programme for prisoners who attended school before imprisonment and for those serving long sentences;
- Religious, cultural and sporting activities;
- A programme aimed at integrating participants in the labour market and society.

115. Under the vocational training programme, it is expected that the number of beneficiaries in the institutions concerned will increase from 763 in 2003-2004 to 1,200 in 2004-2005, distributed as follows:

| Institution                            | Number of options | Total number of beneficiaries in 2003-2004 | Total forecast for 2004-2005 |
|--|-------------------|--|------------------------------|
| Casablanca reform and education centre | 16                | 286  | 270                          |
| Ain Sbâa local prison (women's ward)   | 6                 | 79   | 85                           |
| Salé reform and education centre       | 15                | 118  | 240                          |
| Salé local prison                      | 14                | 134  | 225                          |
| Juvenile ward                          | 5                 | 25   | 35                           |
| Women's ward                           |                   |  |                              |
| Oujda local prison                     | 7                 | 54   | 150                          |
| Male and juvenile wards                | 3                 | 8  | 15                           |
| Women's ward                           |                   |  |                              |
| Aït Melloul local prison, Agadir       | 7                 | 44   | 150                          |
| Juvenile ward                          | 3                 | 15   | 30                           |
| Women's ward                           |                   |  |                              |
| <b>Total</b>                           | <b>24</b>         | <b>763</b>                                 | <b>1 200</b>                 |

116. The budget allocated for this programme is shared among the partner organizations as follows:

**Capital budget (thousands of dirhams)**

| Institution  | 2002         | 2003          | Total         |
|--|--------------|---------------|---------------|
| Mohammed V Foundation for solidarity                       | 1 000        | 4 000         | 5 000         |
| Mohammed VI Foundation for the rehabilitation of prisoners | 1 000        | 3 000         | 4 000         |
| Ministry of State for vocational training                  | 5 500        | 2 500         | 8 000         |
| Ministry of Justice  | -            | 12 000        | 12 000        |
| International cooperation (equipment)                      | -            | 1 500         | 1 500         |
| <b>Total (1)</b>   | <b>7 500</b> | <b>23 000</b> | <b>30 500</b> |
| International cooperation (technical assistance) (2)       |              |               | 4 500         |
| <b>Total (1) + (2)</b>                                     |              |               | <b>35 000</b> |

117. Activities have also been undertaken to promote vocational training for the disabled.

**Apprenticeship training**

118. The national charter for education and training, which constitutes the frame of reference in this area, has provided for the establishment of a system of apprenticeships in small- and medium-sized enterprises that will enable young people who have left school to acquire, through an occupation of their choice, the qualifications they need to find employment.

119. Apprenticeships allow such enterprises to improve their productivity and strengthen their competitiveness by providing them with skilled labour that is better trained and more open to technological innovations and also to absorb school dropouts, of whom there are some 200,000 each year.

120. Since 1997 the Vocational Training Office, in partnership with the departments of handicrafts, agriculture and Entraide Nationale, has carried out pilot projects in the handicrafts, service, construction and agricultural sectors.

121. The five-year economic and social development plan for 2000-2004 provided for apprenticeships for 40,000 young persons by 2004-2005 and 60,000 by 2009-2010.

122. At the end of the period of apprenticeship training pilot projects implemented since 1997 and following the promulgation of Act No. 12-00, the State Secretariat for Vocational Training began the widespread use of this type of training under agreements concluded with training departments, crafts guilds and training centres as well as with rural associations and family centres. By the end of 2003 some 80 agreements had been concluded, including 40 for 2002-2003 involving a total of 24,507 young persons, of whom 15,255 were undergoing training.

123. A draft agreement is being prepared with the Moroccan League for the Protection of Children with a view to training young persons with whom the League deals, such as kindergarten teachers, domestic workers and undocumented migrants who have been repatriated to Morocco.

124. During 2003-2004 training programmes will involve 27,855 young persons, whose training will be provided as follows:

| Training operators         | Total number of apprentices |
|----------------------------|-----------------------------|
| Handicrafts                | 5 000                       |
| Agriculture                | 10 000                      |
| Vocational Training Office | 7 170                       |
| Entraide Nationale         | 3 285                       |
| Tourism                    | 1 200                       |
| Sea fishing                | 1 200                       |
| Total                      | 27 855                      |

### **Strengthening equality between the sexes in the vocational training system**

125. Access to vocational training is open under identical conditions to boys and girls who have the necessary skills and meet the required conditions.

126. The total number of girls undergoing training in 2002-2003 stood at approximately 60,170, representing 42 per cent of all trainees in the public and private sectors.

127. In 2003 there were a total of 28,900 female graduates, or 42 per cent of all graduates at the national level.

### **Distribution of trainees and graduates by levels of training, 2002-2003**

| Level of training      | Total number of trainees | Female trainees | Percentage | Total number of graduates | Female graduates | Percentage |
|------------------------|--------------------------|-----------------|------------|---------------------------|------------------|------------|
| Specialization         | 28 342                   | 15 554          | 55         | 19 819                    | 7 258            | 37         |
| Qualification          | 50 638                   | 17 275          | 34         | 24 256                    | 9 029            | 37         |
| Technician             | 47 891                   | 20 672          | 43         | 19 073                    | 8 672            | 46         |
| Specialized technician | 16 776                   | 6 670           | 40         | 6 362                     | 3 969            | 62         |
| Total                  | 143 647                  | 60 171          | 42         | 69 510                    | 28 928           | 42         |

128. The private vocational training sector takes in large numbers of girls: in 2002-2003 there were 34,440 trainees, representing 57 per cent of all girls and 53 per cent of all trainees in the private vocational training sector.

129. Part of the project involving a skills-based approach being implemented in cooperation with Canada is devoted to promoting equality between the sexes.



130. The Vocational Training Office will help to strengthen equality between the sexes by focusing initially on a qualitative study of the factors that explain why girls' access to vocational training is so limited and why girls tend to concentrate in the more traditionally feminine subject areas.

131. The results of this study will serve as a basis for formulating a strategy to promote equality between the sexes that may have the following elements:

- The implementation of incentives and information campaigns to ensure the integration of girls in non-traditional areas of study;
- The elimination of sexist stereotypes as part of the restructuring of training programmes;
- Incorporating the objectives of gender equality in training programmes for trainers and raising employers' awareness of the principles of equity in employment and working conditions.

132. To combat illiteracy among women, in 2004 the State Secretariat for Vocational Training prepared a draft decree to supplement the decree establishing the vocational training tax with a view to encouraging enterprises and workers, particularly women, to participate in functional literacy programmes by covering the cost of wages during training hours through part of this tax.

133. The aim of this project is to overcome certain problems encountered in the functional literacy programmes launched in partnership with professional associations, in particular the lack of transport facilities and security measures for workers involved in literacy activities outside working hours, especially for the sectors with a large female workforce.

### **Skills training programme**

134. The principal objective of this programme is to combat unemployment among graduates. It was set up under the agreement signed on 12 April 1999 between the Ministry of Employment and Vocational Training and the Ministry of Higher Education, Executive Training and Scientific Research.

135. To help university graduates who are seeking their first job, this programme provides short-term skills training in areas where employment is likely. The training lasts between 4 and 10 months and involves a work placement in an enterprise.

136. When selecting candidates for the skills training programme account is taken of their social situation, with priority given to the oldest and the long-term unemployed.

### **Article 7. The right to enjoy fair and equitable conditions of work**

137. In accordance with the provisions of the Covenant, Morocco has become a party to a number of ILO conventions, including the Equal Remuneration Convention (No. 100), the Weekly Rest (Industry) Convention (No. 14), the Weekly Rest (Commerce and Offices)

Convention (No. 106), the Labour Inspection Convention (No. 81), the Labour Inspection (Agriculture) Convention (No. 129), the Forced Labour Convention (No. 29), the Abolition of Forced Labour Convention (No. 105), the Minimum Age Convention (No. 138), the Worst Forms of Child Labour Convention (No. 182) and the Workers' Representatives Convention (No. 135).

138. Article 346 of the Labour Code prohibits any discrimination between the sexes in terms of pay for work of equal value.

139. Likewise, any individual or collective agreement that provides for remuneration lower than the legal minimum wage shall be null and void.

140. With regard to the Committee's recommendation that "the State party undertake measures to eliminate the existing significant disparity in the minimum wage afforded to the various categories of workers, particularly industrial and agricultural workers ... [and] that the minimum wage be established at a level that will better ensure an adequate standard of living for workers and their families" (E/C.12/1/Add.55, para. 42), it should be noted that the difference in the minimum wage between the industrial, commercial and service sectors and the agricultural sector is due to the fact that agricultural workers enjoy benefits in kind that are not reflected in the minimum wage.

141. As for the measures taken to raise the minimum wage to a level that guarantees workers and their families an adequate standard of living, it should be emphasized that in accordance with the agreements drawn up under the social dialogue, the minimum wage was raised by 10 per cent in two phases. The decree published in *Official Gazette* No. 5219 of 7 June 2004 fixes the minimum wage as of 1 July 2004 at:

9.66 dirhams per hour for industrial and commercial workers and professionals;

50 dirhams per day for the cash portion paid to agricultural workers over and above benefits in kind.

142. The Labour Code contains criminal provisions consisting of a fine of 300 to 500 dirhams for failure to pay wages or for payment of a wage lower than the legal minimum wage. The fine is payable as many times as there are workers in respect of whom the relevant wage provisions have been breached, up to a total of DH20,000.

143. In the event of a dispute, and if the amount due has not been paid before a court hearing is held, the court, at the request of the worker concerned, shall order payment to the worker of an amount representing the legal minimum wages that were, either wholly or partially, improperly withheld.

144. Likewise, failure to observe the principle of non-discrimination between the sexes in terms of equal pay for equal work shall be punished by a fine of from DH25,000 to DH30,000. In the event of a repeat offence, this fine shall be doubled, pursuant to article 361 of the Labour Code.

145. It should also be noted that there has been an increase in the salaries of junior civil servants and officials.

146. With regard to hygiene and safety in the workplace, article 281 of the Labour Code stipulates that employers must ensure that premises are kept in a clean and sanitary state to ensure workers' health. Employers must ensure that work sites are regularly supplied with drinking water and that accommodation provided is healthy and sanitary.

147. Article 282 of the Labour Code stipulates that workplaces must be equipped so as to guarantee workers' safety and facilitate the work of any disabled employees.

148. It is also forbidden to purchase or rent any machines or parts thereof that may endanger workers or that are not equipped with their original protective devices of recognized effectiveness.

149. Employers may not allow workers to use products or substances, devices or machines that are recognized by a competent authority as being harmful to their health or likely to jeopardize their safety (Labour Code, art. 287).

150. Employers must also ensure that when products that are used consist of hazardous substances or preparations their packaging must carry a warning of the danger involved in the use of such substances or preparations.

151. Article 286 of the Labour Code makes it compulsory for employers to inform workers of the legal provisions concerning protection against the dangers some machines may pose. Employers must display an easily legible notice in the workplace indicating the dangers resulting from the use of machines and the precautions to be taken. Accordingly, employers may not request workers to carry loads whose weight is likely to endanger their health or safety.

152. Fines of from DH2,000 to DH20,000 shall be imposed in cases of failure to observe health and safety regulations.

153. Article 300 of the Labour Code provides that in the event of violations of health and safety legislation or regulations, the court may, in addition to finding an employer guilty, decide to close the establishment temporarily for a period of no less than 10 days and no more than 6 months. In the event of a repeat offence, the court may decide to close the establishment definitively.

154. Article 301 of the Labour Code stipulates that for the duration of the temporary closure the employer shall be obliged to continue paying workers the wages, allowances and benefits in cash or in kind that they received prior to the closure. Once the closure becomes definitive and entails the dismissal of workers, the employer must pay any compensation due in the event of termination of contract, including damages.

155. With regard to occupational health, article 304 of the Labour Code stipulates that an independent occupational health centre must be set up in:

- Industrial, commercial and handicrafts enterprises, farms and forestry sites and their subsidiaries that employ at least 50 people;

- Industrial, commercial and handicrafts enterprises, farms and forestry sites and their subsidiaries and employers involved in activities that expose workers to the risk of occupational diseases, as defined by legislation relating to compensation for industrial accidents and occupational diseases.

156. The new Labour Code has also re-established the Occupational Health Council and has set up safety and health committees.

157. Under article 332 of the Labour Code an advisory council known as the Council for Occupational Health and the Prevention of Occupational Hazards will be set up within the government body responsible for labour issues. The Council will be responsible for submitting proposals and opinions with a view to promoting occupational health inspections and occupational health services. It will also deal with all matters relating to occupational health and safety and the prevention of industrial accidents and occupational diseases.

158. Under article 336 of the Labour Code, safety and health committees are to be set up in all industrial, commercial and handicrafts enterprises, farms and forestry sites and their subsidiaries that employ at least 50 people.

159. The safety and health committees shall be composed of:

- The Chairman, who is the employer or his or her representative;
- The head of the safety service or, in his or her absence, an engineer or technical manager working in the enterprise, appointed by the employer;
- The enterprise's medical officer;
- Two staff representatives, elected by the staff;
- One or two representatives of the enterprise's trade union.

160. The safety and health committees shall be responsible for:

- Identifying occupational hazards to which workers are exposed;
- Ensuring the implementation of health and safety legislation and regulations;
- Ensuring the proper maintenance and use of equipment and devices to protect workers against occupational hazards;
- Monitoring environmental protection in and around the workplace;
- Encouraging all initiatives relating to work methods and processes, and the choice of suitable work equipment, devices and tools;

- Submitting proposals concerning the rehabilitation of disabled workers;
- Advising on the operation of the occupational health service;
- Developing a sense of occupational hazard prevention and safety within the enterprise.

161. Moroccan labour legislation contains provisions that guarantee the payment of overtime, weekly rest, paid annual leave, paid holidays and the observance of public holidays.

162. The new Labour Code has also shortened the length of the workweek from 48 to 44 hours for non-agricultural activities and from 2,700 to 2,496 hours a year for agricultural activities, with no reduction in pay.

### **Article 8. The right to form and join trade unions**

163. In addition to the information contained in Morocco's second periodic report (E/1990/6/Add.20, paras. 106-112), it is important to reiterate that the right to form and join trade unions is guaranteed by Moroccan legislation. Morocco is party to the ILO Right to Organize and Collective Bargaining Convention (No. 98). It is also considering accession to the Freedom of Association and Protection of the Right to Organize Convention (No. 87); in any case, the provisions of that Convention have been incorporated into the new Labour Code.

164. The Labour Code affirms the right of women, regardless of marital status, to join trade unions and to participate in their administration and management.

165. Civil servants and public officials enjoy the right to organize, with the exception of civil servants responsible for State security and public order (armed forces and the police).

166. The new Labour Code reaffirms the freedom to form trade unions in article 398, which stipulates that professional unions may be freely established by persons exercising the same profession or trade, similar or related professions, or trades resulting in the manufacture of goods or the provision of certain services under conditions prescribed by law, irrespective of the number of workers employed by an enterprise or establishment. Employers and workers are free to join the trade union of their choice.

167. The new Labour Code has also introduced the following new provisions:

- The elimination of any form of discrimination based on membership of a trade union in the following areas: recruitment, management and preparation of work, vocational training, the granting of social benefits, dismissal, disciplinary measures (art. 9);
- The possibility for trade unions to join international employers' and workers' associations;

- The possibility for trade union officials to be granted paid leave for up to five days in order to participate in training sessions and national or international trade union meetings (art. 419);
- The right of those trade unions that are most representative to be represented in advisory bodies and organizations, in accordance with the instruments relating to those bodies or organizations (art. 423).

168. The right to strike is guaranteed by article 14 of the Constitution and is not subject to any limitations under the law, in accordance with article 8, paragraph 1 (d), of the Covenant.

169. With reference to the Committee's recommendation that the State party "undertake measures to eliminate excessive restrictions on the right to strike, in particular article 288 of the State party's Penal Code, which criminalizes certain forms of strike" (E/C.12/Add.55, para. 46), it must be emphasized that article 288 does not criminalize strikes, but acts of violence committed to impose a work stoppage.

170. However, in order to avoid any misinterpretation of article 288, the social agreements of 30 April 2003 called for a reform of that article as part of the overall reform of the Penal Code undertaken by the Ministry of Justice.

171. At the same time a bill organizing the right to strike was submitted to the social partners and to the International Labour Office for an opinion.

#### **Article 9. The right to social security and social insurance**

172. In its second periodic report (E/1990/6/Add.20, paras. 113-122) the Moroccan Government provided information on the social insurance system existing in Morocco.

173. It will be recalled that this system comprises compulsory and optional public and private funds.

174. The compulsory funds are the National Social Security Fund (CNSS), the Moroccan Retirement Fund (CMR) and the Public System for Retirement Benefits (RCAR).

175. CNSS, which is the main instrument of social protection for workers in the private sector, provides three kinds of benefits: family allowances, short-term benefits and long-term payments.

176. CNSS is funded through workers' and employers' contributions.

177. Since 1998, the date of submission of Morocco's second periodic report, various measures have been adopted relating to social security, compensation for industrial accidents and expansion of the retirement scheme.

178. For example, the social security system has benefited from:

- A bill reforming the *dahir* of 27 July 1972 organizing the social security system, which was adopted by Parliament in 2004;
- A decree raising the upper limit of base salaries used in calculating membership fees;
- An act and its implementing decree introducing a compensatory allowance for loss of employment for economic reasons.

179. The benefits provided by CNSS, both long-term (invalidity, old-age and survivors' pensions) and short-term (daily sickness allowances, maternity allowances and death benefits), have been improved by:

- The introduction of retirement at age 55 for workers in the private sector;
- The introduction of retirement at age 55 for sea fisherman who can furnish proof of 10 years spent working on ships;
- The introduction of early retirement for the insurance scheme participants who do not have enough working days to be granted the old-age pension;
- The establishment of a minimum of DH500 for CNSS retirement pensions;
- The extension of eligibility for family allowances and death benefits up to age 21 for disabled children;
- The extension of eligibility for death benefits for the children of insured parties from age 12 to age 16;
- An increase in the scale of allowances provided by CNSS to bring it into line with real social conditions and the standard of living;
- The general implementation of an increase in the amount of family allowances for civil servants and officials of the State, local communities and public institutions;
- An increase in the daily maternity allowance from 12 to 14 weeks.

180. With regard to compensation for industrial accidents, attention is drawn to the *dahir* of 1963 concerning compensation for industrial accidents and occupational diseases.

181. This reform is intended to make insurance against industrial accidents and occupational diseases compulsory, to improve the payments and allowances provided and to establish protective measures.

182. In cooperation with ILO, the State has increased the number of occupational diseases for which compensation can be claimed from 35 to 96.

183. There has been an increase in the number of participants in mutual societies, which stood at 800,000 for the public sector in 2003. They and their dependants received health-care services valued at DH1.62 billion.

#### **Article 10. Family protection and assistance**

184. The family is the fundamental unit of Moroccan society and thus receives a good deal of attention, in keeping with article 10, paragraph 1, of the Covenant.

185. Family matters are today governed by the Family Code, which has replaced the Personal Status Code and is designed to ensure greater equality between men and women and better protection for the family.

186. The right to marry and to start a family is recognized and guaranteed for men and women of marriageable age, which is set at 18 for both sexes.

187. The provisions of article 10, paragraph 1, of the Covenant are similarly embodied in Moroccan positive law, under which consent is a basic condition for marriage: without it a marriage is deemed to be invalid.

188. Marriage is validly concluded by the mutual consent of the parties, expressed in traditional terms or in any other customarily accepted form, under article 10 of the Family Code.

189. In the field of health care for women, it should be noted that the maternal mortality rate, though still high, fell from approximately 332 deaths per 100,000 live births in 1985-1991 to 228 per 100,000 for the period 1992-1997, an overall reduction of 31.3 per cent.

190. The reduction in maternal mortality was more noticeable in urban than in rural areas: the rate fell from 224 per 100,000 live births to 125 per 100,000 in urban areas and from 362 per 100,000 to 307 per 100,000 in rural areas over the same period.

191. Good progress has been made in contraceptive use. From 1992 to 1997, the contraceptive prevalence rate rose from 41.5 per cent to 58.4 per cent, with a more marked increase in rural areas (from 31.6 per cent to 51.6 per cent) than in urban areas (from 54.5 per cent to 65.8 per cent).

192. The narrowing gap between urban and rural areas, which was no more than 15 percentage points in 1997, shows how the rural population has adopted the practice, thanks to the availability of better targeted services.

193. Easier access to contraceptives has had a considerable impact on fertility rates, with the total fertility rate falling from 4 children per woman in 1992 to 2.9 in 1997.

194. Improvements in women's health are also due in part to the "birth without risk" strategy, which is based on monitoring during pregnancy and childbirth, addressing obstetric complications, providing proper care for newborns and improving the conditions for home births.



195. Although not all needs are yet being met, there has been an improvement in antenatal care, which was provided in 56 per cent of cases in 1997, as compared with 32.3 per cent in 1992 - an increase of 73.3 per cent. The same is true for the proportion of medically assisted births in 1997.

196. In order to combat iron and vitamin A deficiency, the Ministry of Health has developed strategies that emphasize nutrition education and the provision of medical supplements for high-risk populations, particularly pregnant and breastfeeding women and young children.

197. The proportion of pregnant women with a haemoglobin level below 11 g per 100 ml has improved, falling from 45.5 per cent in 1995 to 35.3 per cent in 2000.

198. A programme to fortify major staples such as flour, oil and margarine is also being implemented.

199. In terms of maternity protection, the new Labour Code stipulates that female employees who are medically certified as pregnant are entitled to 14 weeks' maternity leave in the absence of more favourable provisions.

200. In addition, female employees may not work for seven weeks after giving birth.

201. Employers must give lighter work to pregnant employees in the period leading up to and immediately following childbirth.

202. An employee may decide not to return to work at the end of the 7-week or, in some cases, 14-week period following childbirth in order to care for her child, provided she so notifies her employer at least two weeks before the expiry of her maternity leave.

203. An employed mother is entitled to take a year's unpaid childcare leave, by agreement with her employer (Labour Code, art. 156).

204. For one year of her return to work following childbirth, a mother is entitled to a special break of half an hour in the morning and half an hour in the afternoon to breastfeed her child; this is to be paid as working time. Alternatively, by arrangement with her employer, she may take the hour's breastfeeding break at any time during the working day.

205. Labour legislation provides that, all enterprises employing at least 50 women aged over 16 must make available a special breastfeeding room on or adjacent to the company premises.

206. Breastfeeding rooms may be used as crèches for the children of an enterprise's female employees. The rules governing the admission of children, the requirements for breastfeeding rooms and standards of supervision and hygiene to be observed are set by the labour authorities, in accordance with article 162 of the Labour Code.

207. Fines of from DH10,000 to DH20,000 may be imposed for:
- Breaking the labour contract of a pregnant worker or a worker who has recently given birth during the 14 weeks after childbirth;
  - Employing a worker who has recently given birth during the seven weeks following childbirth.
208. Fines of from DH2,000 to DH5,000 may also be imposed for:
- Denying an employee the special breastfeeding break;
  - Failure to comply with the law on provision of a breastfeeding room.
209. In accordance with article 10, paragraph 3, of the Covenant, Morocco attaches great importance to the protection of the rights of the child, owing to the keen interest shown by King Mohammed VI and the royal family in this matter; this is reflected in government policies, which give highest priority to social development and human rights questions.
210. One factor contributing to improvements in children's situation has been greater community involvement as a result of the decentralization policy pursued by Morocco with a view to correcting the imbalances between urban and rural areas, meeting special local needs and promoting local development.
211. In the area of child protection, Morocco ratified the Convention on the Rights of the Child on 21 June 1993 and has also ratified the Optional Protocols to that Convention, on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.
212. Protective measures apply to all children without discrimination.
213. In addition, the Committee's recommendations "[urging] the State party to take remedial action, including the imposition of appropriately severe penalties, in order to ensure that employers, especially in the handicraft and light industries, are prevented from resorting to child labour under the legal minimum working age; ... [and to] raise the minimum working age from 12 to 15 years, in accordance with ILO standards (Convention No. 138)" (E/C.12/1/Add.55, para. 44) and "to adopt legislation immediately in order to protect minors who are employed as domestic workers, especially young girls, from being exploited by their employers" (ibid., para. 45) have now been implemented in the new labour legislation and child protection policies. These recommendations are also to be reinforced as part of the national plan, currently in preparation, for the implementation of the Declaration and Plan of Action entitled "A World Fit for Children", adopted at the Special Session of the United Nations General Assembly on Children, held in New York in May 2002.
214. To protect children from economic exploitation, Morocco has ratified ILO Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182) and has brought its labour legislation into line with international standards by raising the minimum age for employment from 12 to 15 years, which is also the age at which compulsory schooling ends.

215. The new Labour Code contains a large number of protective measures to combat the economic exploitation of children:

- Minors may not be employed or admitted by enterprises or employers until they have reached the age of 15;
- Labour inspectors may order any employees who are minors under the age of 18 to be examined by a Government-appointed physician in order to ensure that the work they are doing is not beyond their capacity. They may also order the dismissal of a minor after a second opinion has been sought by the parents;
- Enterprises named in an officially maintained list may not employ minors under the age of 18 as actors or performers in any public performance without prior written authorization from the labour inspector in respect of each of the minors concerned and after consultation with their guardians;
- No advertisement may be published that improperly encourages minors to engage in artistic activities for financial gain;
- No minor under the age of 18 may be required to participate in dangerous games, acrobatic exercises or any performances that put his or her life, health or moral integrity at risk;
- No minor under the age of 16 may be employed in performances by acrobats, animal trainers, entertainers or circus or fairground directors. Any persons engaged in such occupations must have in their possession the birth certificate or identity card of any minor in their charge and be able to prove the minor's identity by producing such documents for the labour inspector or the local authorities;
- If any of these provisions are violated, the labour inspector or the local authorities shall request the forces of law and order to prevent the performance from taking place and notify the public prosecutor's office;
- Children aged 16 or over who work are entitled to vote in elections for worker representatives;
- Children under the age of 18 who work must undergo a medical examination every six months;
- No minor under the age of 16 may be employed in night work except in special circumstances: to forestall an imminent accident, to organize rescue operations or to repair unexpected damage. Any employer departing from these provisions must take all possible steps to notify the labour inspector. Moreover, employers may not avail themselves of this dispensation for more than one night or in respect of a worker with a disability.

216. In accordance with the health and safety provisions of the ILO Worst Forms of Child Labour Convention (No. 182), the law stipulates that:

- Minors under the age of 18 may not be employed in quarries or in underground mining work;
- Children may not perform tasks that may restrict their growth, put them in danger or offend against decency;
- After six months' continuous service in the same enterprise or with the same employer, minors under the age of 18 are entitled to paid annual holidays at the rate of two working days for every month worked;
- Reductions in the minimum wage for minors have been abolished. Minors under the age of 18 are entitled to the same minimum wage as adults.

217. Lastly, one of the most important changes to the Labour Code is the introduction of penalties for violating the provisions on child labour. For example, violations of the provisions on the minimum age for admission to employment are punishable by a fine of from DH25,000 to DH30,000. For repeat offences the fine is doubled, a term of imprisonment ranging from six days to three months may be imposed, or both penalties can be imposed concurrently.

218. With regard to the protection of children employed as domestic workers, article 4 of the new Labour Code stipulates that the employment and labour conditions of domestic workers shall be set forth in a special law governing employer-worker relations and working conditions in traditional sectors of work.

219. In addition to legislation on child labour, various initiatives have been taken by the Government and by civil society with the support of the specialized international organizations and international cooperation agencies in general, as in the following examples:

- National and sectoral plans of action on child labour have been devised and adopted, thereby enabling Morocco to join the International Programme for the Elimination of Child Labour (IPEC);
- The Government of Morocco signed a memorandum of understanding with ILO in April 2000, reflecting its political commitment to efforts to combat child labour.

220. The national component of IPEC has the following objectives:

- To prevent the early admission of children to employment;
- To prohibit hazardous work as soon as possible;
- To improve working conditions for children of working age;
- To help eliminate child labour by means of a national campaign.

221. Since the programme's launch in June 2001, major pilot projects have been implemented to improve conditions for working children while presenting viable alternatives for children and their families. These projects are now under way in urban and rural areas.

222. A new project, "Combating child labour in Morocco: creation of a favourable national environment and direct action in rural areas", has been adopted with a view to broadening the scope of the IPEC/Morocco programme.

223. A UNICEF-supported project to prevent and eliminate child labour has been adopted, with three main aims:

- To speed up implementation of domestic legislation on child labour;
- To promote the incorporation of successful experiments into national strategies to combat child labour;
- To ensure access by working children to education, medical care and leisure activities in the regions targeted by UNICEF programmes.

224. The UNICEF strategy focuses on the following main areas:

- Building the capacities of the various actors involved in the prevention and elimination of child labour;
- Replication of successful pilot projects.

225. Initiatives under the IPEC/Morocco programme since June 2004 have enabled some 1,400 children to leave work and be reintegrated in the educational or vocational training cycle.

226. The handicrafts sector, one of several sensitive sectors making use of child labour, is now well informed and is making extensive efforts to prevent child labour and provide more humane conditions for those children who work.

227. Examples include:

- Conclusion of a partnership agreement with the Ministry of Education, Higher Education, Executive Training and Scientific Research, on non-formal education for children employed in the handicrafts sector;
- Support for vocational training in the handicrafts sector, not only in training centres but also within enterprises, with priority given to training through apprenticeship;
- Awareness-raising campaigns for individual craft workers, owners of production units and workers' associations aimed at publicizing labour law and children's rights. Prevention campaigns have also been organized around health and safety at work;

- Establishment in October 2001, under the presidency of Princess Lalla Meriem and in cooperation with UNICEF, the Chambers of Handicrafts of Fes, the wilaya of Fes, other departments and local associations, of a protection centre for children working in handicrafts in Fes;
- These centres are intended as sheltered spaces outside the workplace where children can obtain health, education and recreation services as a means of offsetting the negative impact of work on their life and health;
- Partnership agreements concluded on 22 April 2001 in Marrakech, under the honorary presidency of Princess Lalla Meriem, with the Chambers of Handicrafts of Tangier, Safi, Salé, Mekhnès and Marrakech for the expansion of protection centres for children working in handicrafts.

228. Alongside these developments, progress in the area of non-formal education and vocational training has also been helpful in combating child labour, benefiting children who attend school and those who do not.

229. The non-formal education programme offers a model of education that complements and builds on efforts to universalize education and guarantee the right to education for all.

230. The programme is being implemented in partnership with local, regional and national non-governmental organizations (NGOs) and with the support of international organizations.

231. The programme covered 25,937 working children in 1999-2002, 60 per cent of them girls.

232. As well as the above-mentioned measures, social protection for children has also been strengthened by the addition to the Penal Code of a series of provisions protecting children from sale, prostitution and child pornography, in accordance with the Optional Protocol to the Convention on the Rights of the Child, which Morocco has ratified.

233. The Penal Code provides for:

- From 1 to 5 years' imprisonment and a fine of from 10,000 to 100,000 dirhams for anyone inciting, encouraging or facilitating the exploitation of children under the age of 18 in pornography or sexual acts;
- From 2 to 10 years' imprisonment and a fine of from 5,000 to 2 million dirhams for anyone buying or selling children under the age of 18;
- From 1 to 3 years' imprisonment and a fine of from 5,000 to 20,000 dirhams for anyone exploiting a child under the age of 15 in forced labour.

**Article 11. The right to an adequate standard of living**

234. Ensuring the right to an adequate standard of living calls for a range of measures and initiatives to combat poverty, reduce social inequalities and promote economic recovery, which in turn requires the promotion of investment, a closer focus on agriculture and rural areas, development of marine fisheries, promotion of small and medium-sized enterprises and better management of natural resources, particularly drinking water resources.

235. Ministry of Finance figures confirm that the macroeconomic performance for 2003 is encouraging and will make it possible to continue with programmes to combat poverty and unemployment and to consolidate the benefits of economic equilibrium, which will in turn boost social development.

236. Economic growth was 5.5 per cent in 2003, as compared with 3.2 per cent in 2002.

237. The inflation rate is 1.2 per cent and the budget deficit is 3.5 per cent of gross domestic product (GDP).

238. This improvement in the economy is chiefly attributable to: an increase in remittances from Moroccans abroad (DH34 billion, an increase of approximately 7 per cent); partial debt-for-investment swaps with France, Spain and Italy; a 20 per cent growth rate in the agricultural sector; an increase in investment of approximately 8 per cent; increased consumption as a result of additional revenue from agriculture; and rises in pay and benefits for various grades of public officials and civil servants.

239. With regard to the right to decent housing, the Government attaches great importance to the housing sector because of its significance for the economy and because of the problems it faces, which create an imbalance between supply and demand and lead to a proliferation of shanty towns and sub-standard housing.

240. To deal with the housing crisis and rectify these imbalances, the Government has decided to step up its efforts in the area of public housing so as to build 100 units a year, to speed up the national slum-upgrade programme and to gradually clear shanty towns. To that end, the Government has adopted a new approach based on decentralized, regional programme planning and implementation and ensuring increased private-sector participation.

241. During the period 1995-2001 a series of slum upgrade programmes were carried out; these affected 216,642 units, of which 174,581 were mains-connected plots and 34,119 were dwellings.

242. Investments over the same period totalled DH16.7 billion, or DH2.4 billion a year. However, investments during the 2001 financial year showed an increase of 20.8 per cent relative to the annual average investment for 1995-2000.

243. Nationwide, more than 14,000 households a year on average have benefited from the slum-upgrade programme, and more than 4,000 from the shanty-town clearance programme.

244. By the end of 2001, nearly 61,000 households had benefited from the shanty-town clearance programme and 90,000 from the slum-upgrade programme.

245. The national slum-clearance programme will thus affect 630,000 households over a 10-year period. The overall cost is expected to be approximately DH29 billion: DH17 billion for slum-upgrade programmes and DH12 billion for shanty-town clearance. Beneficiary contributions are expected to cover 53 per cent of the cost and State subsidies 47 per cent.

246. State funding over the 10-year period will be obtained from four sources:

- The general State budget: DH300 million;
- Revenue from a special levy on cement: DH350 million;
- Hassan II Fund for Economic and Social Development: DH400 million;
- Contributions from local communities: DH300 million.

247. Other noteworthy programmes to promote public housing include:

- A programme to build 200,000 public housing units, launched in 1995. By the end of 2001, projects had been approved to provide nearly 121,000 dwellings, 92 per cent of them public housing units for persons having a monthly income of less than DH3,600. The total cost of this new stock is approximately DH25 billion;
- The Hassan II Fund for Economic and Social Development, which by the end of 2001 had helped to finance 12 public housing projects totalling 9,700 dwellings. The total cost of these projects is DH2.75 billion, of which 33 per cent comes from the Fund;
- Government housing assistance, consisting of interest rebates and State advances to civil servants: persons whose income is not more than DH3,600 are eligible for an advance of DH25,000, repayable interest-free as from the fourth year;
- Tax incentives to encourage property developers, particularly in the private sector, to implement public housing projects. In its 1999-2000 and 2001 Finance Acts, the Government made provision for full tax exemption for all public housing projects producing at least 2,500 units within a minimum of five years.

248. In order to improve living conditions and the standard of living, and in response to the Committee's recommendation reiterating the recommendation it made in 1994 (E/C.12/1994/5, para. 18), "strongly encouraging the State party to take measures to reduce the disparities that exist between the rural and urban areas, inter alia, by improving access to water, electricity and sanitary facilities in the rural areas", the Moroccan Government has taken numerous steps to increase access to basic services in rural areas through joint participatory programmes involving the State, rural communities and beneficiary groups, with the aim of ensuring improved management and more durable installations.



249. Of particular note in this regard are the rural drinking-water supply programme (PAGER) and the comprehensive rural electrification programme (PERG), for which the completion dates have been brought forward from 2010 and 2009, respectively, to 2007; and the national rural road-building programme (PNCRR).

250. These programmes, which are designed to open up rural areas, have a major economic and social impact on beneficiary groups, particularly as regards access to education and health-care services and increased income.

251. PAGER aims to provide water to 31,000 communities having a total population of 11 million, and involves an investment of some 10 billion dirhams. At the end of December 2002, 12,235 rural communities having a total population of 6.3 million had been provided with drinking water, which brought the rate of drinking water access in rural areas up from 26 per cent at the end of 1997 to 55 per cent at the end of 2003.

252. PAGER requires financing in the amount of DH750 million a year, of which DH250 million come from the State budget and DH110 million from local communities.

253. Beneficiaries contribute about 5 per cent of the cost of the project.

254. PERG aims to provide 34,400 douars (12 million people) with electricity, which will bring the connection rate up to 80 per cent in 2007. By the end of 2003 the rate was 62 per cent, as compared with 19 per cent in 1995.

255. PNCRR aims to open up rural areas by building 11,236 kilometres of rural roads and tracks over a period of five years, at a total cost of DH5.11 billion.

256. As a result of the work carried out between 1995 and the end of 2003, 8,227 kilometres have been completed. The programme will also benefit greatly from the creation of a fund to finance the road system.

257. A programme to counter the impact of drought in the southern and eastern provinces of the Kingdom was also launched in early 2003, following a royal order to provide aid to those provinces, which have had little rain for six successive years. The programme will cost approximately DH246.4 million and will be funded entirely from State budget allocations.

258. A new approach has been adopted in the drought-relief programme, based on policies of decentralization and delegation of authority, as well as the involvement of the affected groups in selecting the programmes and initiatives to be carried out.

259. In accordance with article 11 of the Covenant, which provides for the continuous improvement of living conditions, the Government is pursuing a policy aimed at protecting citizens' purchasing power, particularly for the more disadvantaged sectors of society. The Compensation Fund is currently subsidizing the price of sugar, local sunflower seeds, petroleum products and butane gas. Price subsidies for flour are the responsibility of the National Interprofessional Cereals and Pulses Board.

260. In 2003 the total subsidy burden borne by the Compensation Fund was of the order of DH4.63 billion, as compared with DH4.11 billion in 2002, an increase of 12.52 per cent resulting basically from increases in world prices of petroleum products and butane gas, the falling dollar notwithstanding.

261. The Compensation Fund has also contributed some DH857 million in financing for various socially oriented initiatives, including:

- DH340 million for rural road-building and drinking-water projects in 37 provinces;
- DH71.9 million to subsidize the sale price of source insulin for diabetics in financial need;
- DH217.5 million to the Capital Finance and Anti-Unemployment Fund, to finance job-creation schemes in rural areas.

262. Price subsidies for 2004, on sugar, local sunflower seeds, butane gas and petroleum products, are estimated at DH5.6 billion, based on world prices for these products and current dollar exchange rates.

263. In addition, in accordance with article 11, paragraph 2, of the Covenant and in response to the Committee's recommendation "[urging] the State party to take the appropriate legislative and administrative measures to ensure that sufficient control is exercised on factories manufacturing foodstuffs so that the products manufactured conform to international standards and do not constitute any health hazard" (E/C.12/1/Add.55, para. 54), the Ministry of the Interior coordinates with the relevant ministerial departments the inspection of foodstuffs and detection of irregularities or deficiencies in food-production standards.

264. Thus steps have been taken, with the use of local and national monitoring mechanisms, to:

- Raise awareness and check the quality of foodstuffs produced for the domestic market for preventive purposes;
- Inspect the finished product, with the possibility of asking the courts to impose deterrent penalties in the event of irregularities.

265. In addition to the Standing Inter-Ministerial Commission for the control and punishment of fraud in the sale of goods, established by royal decree of 29 January 1968, the Joint Inspection Commission is also involved in preventing products unfit for consumption from finding their way onto the market.

266. Any information received locally on sub-standard foodstuffs is passed on to the coordinating centre in the Ministry of the Interior, which alerts the relevant department to take the required action without delay, in accordance with the law.

267. In addition, national and local units to monitor consumer food hygiene were instituted and set up on 1 September 2000 by joint circular No. 001/2000 of the Ministry of Rural Development and Marine Fisheries, the Ministry of Health and the Ministry of the Interior.

268. The task of these monitoring units is to deal with emergencies arising from outbreaks of food-borne disease or large-scale fraud that might put consumers' health at risk.

269. Set up by the Standing Inter-Ministerial Commission for the control and punishment of fraud, the monitoring units have helped reduce the number of cases of life-threatening food poisoning in the wake of the botulism outbreaks in Morocco during the summer of 1999.

**Article 12. The right of everyone to enjoy the highest possible standard of physical and mental health**

270. In accordance with article 12, paragraph 1, the Government of Morocco recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (E/1990/6/Add.20, paras. 144-148).

**Health policy in Morocco**

271. The public health sector plays a major role, particularly in the areas of prevention, rural coverage and health-care services for economically vulnerable groups.

272. The State is still the major care provider and one of the biggest sources of funding, and has a monopoly in health training. It is also responsible for devising and implementing health policy, primarily through the Ministry of Health.

273. Since the 1980s the Ministry of Health has concentrated on developing basic health care, in close cooperation with local communities and the various ministerial departments.

274. This policy was reinforced during the 1990s by moves to improve effectiveness and equity in the health-care system.

275. There are seven pillars to the Ministry of Health's policy:

- Public health mapping in order to rectify the current imbalances in health coverage;
- The reinforcement and extension of the basic health-care infrastructure;
- The establishment of management policies, particularly in the areas of human resources, finance, logistics and information technology;
- A gradual increase in hospital autonomy;
- Reform of health-sector funding mechanisms by the introduction and gradual universalization of a compulsory health insurance scheme; establishment of a medical assistance scheme for the economically vulnerable; and improved coverage of the

costs of public health services. These measures respond to the Committee's recommendation to the State party to "adopt a national strategy and action plan on health which will increase the health coverage provided by the State party, in particular with regard to the rural areas" (E/C.12/1/Add.55, para. 52);

- Improved staff training;
- Promotion of the private sector so that it can play a bigger role in improving the standard of health of the general population.

### **Medical, paramedical and administrative staffing levels**

276. Major efforts have been made to increase the number of public-sector medical and paramedical personnel.

277. Between 1960 and 2000 the total number of State doctors rose from 431 to 7,233, an annual increase of approximately 39 per cent.

278. The ratio of public health doctors to population has improved considerably, from one doctor to 26,975 inhabitants in 1960 to one to 15,275 in 1980 and one to 3,969 in 2000.

279. With the increase in public-sector human resources has come a corresponding expansion in the provision of basic health-care services, with the number of doctors rising from 871 in 1990 to 2,568 in November 2000, an increase of 19.5 per cent a year.

280. There has also been an improvement in the standard of paramedical staff employed in the basic health-care system. Between 1990 and 2000, the proportion of State-registered nurses rose from 1.5 per cent to 30.3 per cent.

281. There has also been an increase in the services provided by basic health-care units, particularly through the implementation of such health programmes as:

- The expanded programme on immunization against the main childhood diseases;
- The programme for the prevention of acute childhood diarrhoea;
- The malnutrition prevention programme;
- The family planning programme;
- The pregnancy and childbirth monitoring programme;
- The programme for the prevention of communicable diseases.

282. Between 1960 and 1997 there was an 83 per cent increase in the number of medical consultations, which rose from just over 5 million to approximately 9.5 million, an annual average increase of 4.5 per cent that reflected a noticeable increase in the average number of

medical consultations per inhabitant, especially in rural areas. Despite these efforts, many problems remain, chief among them the enduring inequalities between regions, the shortage of personnel in rural areas and the lack of managerial staff.

### **Maternal and child health-care strategy**

283. The Ministry of Health has developed a strategy based on a set of programmes that aim to promote the balanced development of children's health and improved health in mothers.

284. The main components of the strategy are:

- The national immunization programme;
- The programme to combat diarrhoeal diseases;
- The programme to combat acute respiratory infections;
- The programme to combat malnutrition;
- Neonatal health;
- The national programme to combat sexually transmitted diseases (STD) and AIDS.

#### *National immunization programme*

285. The primary aim of this programme is to help reduce infant and child mortality and morbidity. Specific objectives are the eradication of polio by 2005 and of measles by 2010 and a continuing reduction in neonatal tetanus.

286. The main programme activities are the vaccination of all children aged one year against the seven target diseases and the vaccination of women of childbearing age to prevent neonatal tetanus. A priority in this work is the decentralization of vaccination campaigns and of epidemiological monitoring.

287. Morocco has been vaccine-independent since 1992: all its vaccine needs are funded from the State budget, as is some vaccination equipment, notably cold-chain and sterilization material.

288. The results of the immunization programme have been satisfactory; approximately 90 per cent coverage has been achieved for children aged between 12 and 23 months, which has helped bring down infant mortality rates.

289. Infant mortality rates have in fact fallen sharply to 36.6 per 1,000 in 1992-1997, as compared with 57.3 per 1,000 in 1988-1992.

290. Infant and child mortality rates were 45.8 per 1,000 in 1992-1997, as compared with 76.1 per 1,000 in 1988-1992. Neonatal mortality rates, which were 25.9 per 1,000 in 1988-1992, fell to 17 per 1,000 in 1992-1997.

291. Future goals of the national immunization programme are: attainment and maintenance of vaccination coverage above 95 per cent on average; strengthening of epidemiological monitoring mechanisms; introduction of booster doses and other antigens; and further involvement of the private sector.

*Programme to combat diarrhoeal diseases*

292. This programme is concerned with developing activities to promote preventive measures: expanding the practice of breastfeeding; dissemination of best weaning practices; and promoting awareness of general and food hygiene.

293. The programme has helped to decrease child mortality by reducing mortality due to diarrhoea by roughly 47 per cent in the post-natal period and by 69 per cent in the juvenile period.

294. The number of diarrhoea cases decreased by 20 per cent between 1990 and 1999 owing to the increased use of oral rehydration therapy (ORT) and better patient care.

*Programme to combat acute respiratory infections*

295. The aim of this programme is to reduce mortality and morbidity due to acute respiratory infections. It is based on a series of activities involving the training of health-care workers in decentralized management of the programme, the treatment of cases of acute respiratory infections, the designing, printing and dissemination of educational material, and the acquisition and distribution of audio-visual equipment, teaching materials and medicines.

*Programme to combat malnutrition*

296. Activities under this programme are focused on promoting the practice of breastfeeding and combating protein and energy malnutrition.

297. To promote breastfeeding the Ministry of Health is developing its training activities and popular awareness campaigns, implementing the Baby-Friendly Hospital Initiative in hospital maternity and paediatric clinics and elaborating a marketing code for breast milk substitutes.

298. Thus, records show that the proportion of newborns who were exclusively breastfed during the first four months of life increased by almost three points, a 5.8 per cent increase, between 1992 and 1997. However, the proportion of children aged 6-9 months who were breastfed decreased by 14.9 per cent while the proportion of children aged 12-15 months and 20-24 months who continued to be breastfed increased by 7.4 per cent and 20.3 per cent, respectively.

299. The other component of the anti-malnutrition campaign is a programme to combat protein-energy malnutrition that seeks to detect and treat nutritional problems in children.

300. This programme entails monitoring children's growth by means of systematic weighing in all health establishments, systematic evaluation of children's nutritional status and diet and the provision of nutrition counselling to mothers.

301. An analysis of trends in the prevalence of underweight shows that mortality due to malnutrition has decreased faster than general mortality: by 49 per cent in the neonatal period and 75 per cent among children.

302. It should be noted that the Government's efforts to reduce poverty and its consequences, and the wide application of the Strategy on Integrated Management of Childhood Illness (IMCI) seem to be contributing to a further reduction in the scale of protein - energy malnutrition.

#### *Neonatal health*

303. The Ministry of Health has made development of the "maternity-without-risk" strategy, designed to reduce maternal and perinatal morbidity, one of its priorities.

304. The overall objectives of this strategy are to reduce neonatal mortality and some diseases of mothers and newborns that occur during pregnancy, childbirth or immediately thereafter by 25 per cent by the end of 2004.

305. To this end, the Ministry of Health has taken various measures, namely:

- Equipping and renovating maternity hospitals by, inter alia, setting up neonatal intensive care units in delivery rooms;
- Improving the conditions of reception and stay at childbirth facilities;
- Purchasing medical and technical equipment to improve maternal and neonatal care;
- Improving and developing the logistics of transferring cases that present complications;
- Developing an information, training, education and communication strategy for health-care workers and target populations;
- Improving and developing the skills of health-care workers in the area of neonatal care.

306. Despite the efforts made and the improvements observed, childbirth and neonatal health remain the principal weak point in the health system; this is reflected in the number of births attended by a health-care worker, which did not exceed 39.6 per cent between 1990 and 1995 (10.7 per cent by a doctor and 28.9 per cent by a nurse or midwife). In rural areas, only 19.3 per cent of women deliver with medical assistance.

#### *National programme to combat sexually transmitted diseases (STD) and AIDS*

307. This programme is designed to prevent prenatal mother-to-child transmission of STD and HIV/AIDS, and STD/AIDS among adolescents and young people. The programme has the following components:

- The elaboration, since 1998, of a strategy for the prevention of perinatal transmission of HIV (Ministry of Health circular No. 7 of 2 April 1998 was designed to this end). Under this strategy treatment is provided to infected pregnant women during pregnancy and childbirth, and also to newborns;
- Treatment of children infected with HIV, systematic screening for serologic syphilis in pregnant women as part of prenatal check-ups, and treatment of the cases diagnosed;
- Treatment of pregnant women who have an STD.
- The conducting of several studies on young people's knowledge, attitudes and practices with regard to STD/AIDS, targeting in particular young people aged 15-18 years.
- The gradual establishment at the provincial level of intersectoral committees to combat STD/AIDS;
- The training, in partnership with these committees and certain NGOs, of individuals to serve as contact persons for young people;
- The training of workers in women's centres to increase awareness among girls;
- The training of teachers, in partnership with the Ministry of Education and NGOs;
- The introduction of a course on STD/AIDS prevention in middle and secondary school curricula.

308. In addition to the various measures mentioned above, and in accordance with article 12, paragraph 2 (d), of the Covenant, which calls for "the creation of conditions which would assure to all medical service and medical attention in the event of sickness", it should be noted that a medical assistance plan for the economically disadvantaged and a compulsory insurance scheme have been introduced to enhance medical and social protection. These two components constitute the basic medical coverage that is scheduled to come into effect on 1 January 2005.

309. Despite the progress made, however, health-care coverage remains insufficient and poorly distributed between urban and rural areas and among regions.

### **Articles 13 and 14. The right to education**

#### **The legislative and regulatory framework for Morocco's education policy**

310. The right to education is established in Morocco's Constitution. Article 13 of the Constitutions of 1962, 1970, 1972, 1992 and 1996 stipulates that "all citizens shall have equal rights in seeking education and employment".



311. Various successive reforms sought to implement three objectives that have been the permanent feature of all education policies launched. They are: the universalization of education, its standardization, its arabization and its “morocconization”.

312. Morocco’s education and training objectives are in line with those set in article 13, paragraph 1, of the Covenant. This explains the country’s interest in integrating human rights in the school curriculum, which was extended to the whole Kingdom in 2002-2003 through the National Human Rights Education Programme supported by the Office of the United Nations High Commissioner for Human Rights.

313. Other programmes have been developed with a view to training citizens who are aware of their rights and obligations, respect others and participate in the promotion of democracy, tolerance, peace and peaceful coexistence among people; these include the Education for Democracy and Citizenship Programme, the Education for Equality Programme and the Education on Population and the Environment Programme.

314. King Mohammed VI has taken in most of his speeches an opportunity to call on the Government and all the dynamic forces of the nation to take part in this major national undertaking, emphasizing measures to combat illiteracy and enrol young girls, particularly those living in rural areas, in school.

315. In his speech to mark the opening of the third legislative session, the King set out the main objectives of education and training, stressing the importance of “education that is integrated in its environment and open to its era without, however, disregarding our religion and civilization and our Moroccan identity in all its aspects. Our objective is to develop a good citizen, capable of acquiring knowledge ... Aware of his rights and obligations, ready to serve his country faithfully and selflessly and to make sacrifices ... We ask our educational and training establishments to respond to their environment. This means expanding schooling and making it accessible to all groups and, in particular, to the needy and those living in remote regions”.

316. All of the concerns about the education system and its future, together with the need to offer all children an opportunity to enjoy their right to education, have prompted intensive reflection on how to create the basis and identify the prospects for a comprehensive reform of the education system, ensuring that it meets the needs of the population and is adapted to its economic and social environment. In this connection the late King Hassan II established a Special Commission for Education and Training (COSEF) tasked with elaborating a national charter for education and training.

317. The National Charter for Education and Training currently constitutes the frame of reference for educational policy, designating 2000-2009 as the decade of education and training. To this end the Charter has set the following targets:

- Ensuring that all 6-year-olds have access to primary education by 2002;
- Universal enrolment in the first year of pre-school education by 2004;
- Achieving a 90 per cent completion rate for the first cycle of basic education by 2005;

- Achieving an 80 per cent completion rate for the second cycle of basic education by 2008;
- Achieving a 60 per cent completion rate for secondary education by 2011;
- Achieving a 40 per cent completion rate for lycées by 2011.

318. The National Charter for Education and Training also sets the following targets: reducing the illiteracy rate to 20 per cent by 2010; the virtual elimination of illiteracy by 2015; and achieving a 100 per cent literacy rate for all children aged 8-16 years who are not enrolled in school or have dropped out, through non-formal education, by 2009.

319. The National Charter for Education and Training comprises six main areas of activity:

- The universalization of education and its integration in the economic environment;
- Teacher organization;
- Improving the quality of education;
- Human resources;
- Governance;
- Partnership and financing.

320. At the same time, numerous legislative and regulatory steps have been taken in the above-mentioned areas.

#### *Compulsory school attendance*

321. Shortly after independence, the Moroccan legislature elaborated Decree No. 1-63-071 of 13 November 1963, making education compulsory for all Moroccan children, boys and girls, from 7-13 years of age, with any person having responsibility for a child required to enrol the child in a school and ensure that he or she attends regularly.

322. Act No. 04-00 amended the Decree of 1963 on compulsory basic education with a view to giving effect to the provisions on compulsory school attendance in the National Charter for Education and Training.

323. The provisions of Act No. 04-00 concern the compulsory nature of basic education as a right and a duty of all Moroccan children, boys and girls, aged six years. Under this Act, the State undertakes to provide education free of charge in the school closest to the child's place of residence, while parents and guardians are required to ensure the child attends until the age of 15.

324. It should be pointed out that under Act No. 04-00 the legal (*Kafala*) custodian or testamentary or dative guardian are also considered to have responsibility for the child so as to protect all children regardless of their social situation, thereby ensuring the protection of abandoned children.

325. Likewise, Ministerial Note No. 62 of 1 August 2000 relating to the implementation of the law concerning compulsory school attendance calls on the heads of field offices to take steps to ensure that universal education is implemented successfully and effectively, in particular by simplifying the administrative procedures for enrolling children in the first year of primary education.

*Act No. 05-00 concerning pre-school education*

326. This law defines pre-school education as an educational phase that is the responsibility of establishments accepting children aged 4-6 years; the law also sets the objectives for this level of education and sets out a number of incentives for investment in this sector.

327. Furthermore, the Ministry of National Education, Higher Education, Executive Training and Scientific Research addressed Note No. 58 of 4 November 2000 to various field offices, calling on them to work with civil registrars to obtain the records of all births registered each year and the list of children who have reached the age of four or five years.

*Measures to protect children with specific needs*

328. Following the adoption of Decree No. 2-97-148 of 19 December 1997 relating to the implementation of Act No. 0-5-81, on social protection of the blind and the partially sighted, and of Act No. 07-92, on social protection of the disabled, the Ministry of Education issued Ministerial Note No. 10 of 16 February 1989, urging all persons concerned to apply provisions of section 3 of the above-mentioned decree, which establishes the right of persons with disabilities to education and guarantees them various privileges and priorities, so that they can pursue their education in optimal conditions.

**Achievements in education and training**

329. In addition to the progress described in Morocco's second periodic report (E/1990/6/Add.20, paras. 153-185), educational strategies have been developed in the last decade to improve the quality of education and broaden the foundations of basic education, particularly for girls in rural areas. Significant progress has been made, as can be seen from the increase in the number of pupils and in school enrolment rates.

*Primary education*

330. The number of pupils enrolled in primary schools stood at roughly 3.9 million by 2002/03 and grew more rapidly in recent years, reaching an average of 4 per cent a year as compared with 3 per cent in 1998.

331. The enrolment rate for girls is increasing faster than the rate for boys, averaging over 6 per cent a year since 1998/99.

332. In rural areas the number of pupils has increased by over 7 per cent a year since 1998/99, and the number of girls enrolled in school has increased by 9 per cent a year in the same period.

333. The enrolment rate for the first year of basic education reached 90.7 per cent in 2002/03, as compared with 37.2 per cent in 1997/98; measures have been taken to ensure that all 6-year-olds are enrolled in school.

334. In 2002/03, the enrolment rate for children in the 6-11 age group was 92 per cent, as compared with 72 per cent in 1999/2000. The enrolment rate for this age group since 1999/2000 is three times higher than it was during the previous decade.

335. The resources mobilized and the information campaigns conducted in rural areas, to promote school enrolment have been instrumental in achieving some objectives. The results recorded for the 6-11 age group as a whole and for girls are a perfect example of the progress made in rural areas, where the enrolment rate rose from 55.4 per cent in 1997/98 to 87 per cent in 2002/03.

336. Social support for education takes the form of the establishment of school canteens, distribution of dry rations and school supplies, and allocation of grants for boarding pupils.

337. These activities are supported by civil society, which participates in the distribution of school supplies, textbooks and various donations to children from needy families.

338. More than 1 million children in State-run primary schools are currently receiving school meals and dry rations.

#### *State-sponsored secondary education*

339. The total number of students enrolled in secondary schools increased in 2002/03 by approximately 1.9 per cent, exceeding 1 million. Rural areas saw a more significant increase, of 10.4 per cent as compared with 2001/02.

#### *Contribution of the private sector*

340. The private sector's contribution to enrolment efforts is growing rapidly but remains modest, accounting for only 4.6 per cent of all students enrolled in primary and secondary education in 2002/03.

341. Private-sector pupils are found mostly in primary education, with nearly 216,000 pupils and a growth rate of 10 per cent a year, as compared with 22,000 secondary school pupils.

#### *Development of non-formal education*

342. The non-formal education programme was introduced in 1997/98 with a view to integrating children aged 9-15 years who had never attended school or had left prematurely.

343. This “second chance” educational programme is carried out in partnership with local, regional and national NGOs.
344. The non-formal education programme is based on the following principles:
- A comprehensive and integrated approach to achieving the objectives of education for all;
  - Suitability of training and curricula;
  - Flexibility and adaptation in preparation and implementation;
  - Partnership with associations and various participants;
  - Organization of activities on a regional basis;
  - Follow-up and evaluation.
345. The main goals of non-formal education are to:
- Gradually eliminate illiteracy;
  - Integrate participating children in the formal education system, vocational training or working life;
  - Involve and mobilize governmental organizations and NGOs and society in general around the goal of education for all.
346. In the non-formal education programme particular attention is paid to children in rural and peri-urban areas, with priority given to girls, working children and children in difficult circumstances (street children, children in prison, etc.).
347. Implementation of this programme is based on partnership agreements concluded between the Ministry of Education and governmental organizations and NGOs. To date 46 agreements have been concluded, including 43 with NGOs.
348. Since the launching of the non-formal education programme in May 1997, some 141,525 children and young people, 65.3 per cent of them girls, have benefited from it. This has involved an overall budgetary allocation of DH131.9 million between 1997/98 and 2003, including 19 million allocated for 2004. The programme has also made it possible to place 56,427 young people by the end of 2001 as follows: 49,777 in jobs, 6,274 in the formal education system and 376 in vocational training.
349. In addition, training sessions dealing with implementation as well as monitoring and follow-up were conducted for all participants. Training was provided to:

- 1,035 non-formal education teachers;
- 254 regional and provincial trainers;
- 183 regional and provincial officials responsible for management and follow-up;
- 44 education officials from contracted NGOs.

350. Studies and surveys have been conducted on:

- Characteristics of out-of-school children and drop-outs;
- Identifying the constraints to integration in the formal education system;
- Evaluating non-formal education;
- Identifying the educational needs of various categories of children.

#### *Educational mainstreaming for disabled children*

351. The mainstreaming programme for children with disabilities is designed to allow these children to pursue their studies in ordinary classes.

352. Integrated classes have been created to prepare disabled children for partial and then full integration into the school programme by means of adapted teaching facilities.

353. An increasing number of children with disabilities are being integrated in ordinary classes.

354. A plan of action has been drawn up, which outlines future plans for the educational mainstreaming of special needs children with slight or average disabilities and provides for the expansion of educational facilities to incorporate both cycles of basic education, primary and secondary. Children with serious disabilities are referred to specialized centres.

355. The main objective is to ensure that the right of all children with special needs to education is given concrete expression, in accordance with provisions of national and international instruments in this area.

#### *Combating illiteracy*

356. In the context of the new literacy strategy that has been implemented in Morocco in recent years, which seeks to reduce the current illiteracy rate of 47 per cent to 35 per cent by the end of 2004 and to less than 25 per cent by 2010, the authorities, in cooperation with government actors, enterprises and civil society, have introduced four separate programmes:

- A general programme, implemented by bodies within the Ministry of Education;
- A programme operated by the public sector designed to supplement the services provided by certain ministries and government agencies;

- A civil society programme based on a contractual partnership with associations that can conduct literacy activities directly with the target populations;
- A literacy programme for enterprises, conducted in partnership with professional associations; up to 80 per cent of this programme is financed through the system of special vocational training agreements.

357. From 1994 to 2002 the number of persons benefiting from literacy programmes increased from 107,490 to 390,000 to reach 720,000 in 2003, of whom 80 per cent were women and 54 per cent lived in rural areas.

358. Since the introduction of the Finance Act in 1997/98, there has been a significant increase in budgetary allocations for the adult literacy programme, which rose from 19 million to DH73 million in 2001, DH92.6 million in 2002, DH148 million in 2003 and approximately DH92 million in 2004.

359. All these efforts reinforce the Committee's recommendation "[urging] the State party to take remedial action to address the persistent problem of the high rate of illiteracy, particularly among women in rural areas" (E/C.12/1/Add.55, para. 56).

360. The State Secretariat for literacy and non-formal education has identified the following objectives:

- To mobilize all participants, with priority given to the elimination of illiteracy among the working population;
- To improve programmes and build the capacities of trainers;
- To establish a legal and organizational framework for combating illiteracy;
- To introduce a post-literacy programme to allow those who have become literate to continue learning so that they do not become illiterate again.

#### *Implementation of the National Charter for Education and Training*

361. The reform of the education and training system has its basis in the following strategies:

(a) The universalization of education by means of efforts to expand basic and pre-school education; the stepping up of secondary education with a view to achieving universal secondary school enrolment by 2008 and enabling 60 per cent of pupils in the terminal cycle to reach the baccalaureate level by 2010;

(b) Improving the quality of education, in particular by overhauling and upgrading the content and methodology of programmes, while strengthening the scientific and technical branches and introducing and disseminating new information and communication technologies;

- (c) Improving governance in the education and training system, in particular by:
- Decentralizing the education sector by setting up regional education and training academies;
  - Strengthening university autonomy, which was established by Act No. 01-00, on the organization of higher education, promulgated by Decree No. 1-00-199 of 19 May 2000;

(d) Improving the financing of reform by mobilizing extrabudgetary resources, particularly within the framework of international cooperation, and involving the private sector and civil society to a greater extent through the creation of partnerships and the soliciting of contributions from various economic partners, families and local communities to finance education.

362. In the area of higher education and scientific research, the reform has led to the creation of the Moroccan Institute for Scientific and Technical Information in Rabat and a strengthening of educational facilities and teaching materials, particularly at the two faculties of medicine and pharmacy (in Fès and Marrakech), at four first-cycle university centres (in Taza, Ouarzazate, Safi and Nador), at the Higher Ceramic Institute in Safi, at four national colleges of applied sciences (in Marrakech, Agadir, Oujda and Tangier), at the National College of Applied Arts and Crafts in Meknès and three law faculties in Casablanca, Salé and Tangier.

363. Two observations must be made. The first concerns the considerable efforts made by the public authorities to extend education throughout the country and improve school enrolment and retention, particularly in urban areas. The second observation relates to the difficulties that persist and seriously affect the evaluation of the education system, particularly the failure to make basic education universal, the disparities in access to education between the sexes and regions, the uneven distribution of the education system and the sector's internal and external output.

364. Lastly, and in accordance with provisions of article 13, paragraph 3, of the Covenant, the Moroccan Government would recall that there are no impediments to parents' freedom to choose a school for their children. There are likewise no impediments to the establishment and operation of private education institutions in compliance with the rules governing the education sector.

#### **Article 15. The right of everyone to culture and the benefits of scientific progress**

365. The Moroccan Government is making numerous efforts to promote culture and scientific progress and to guarantee the right of equal access for all citizens.

366. Various partners are working together to give effect to the right to participate in cultural life and to respect for cultural identity.



367. A comprehensive strategy has been elaborated which places emphasis on dialogue and cooperation with various elements and participants in the cultural field. This strategy seeks to:

- Create a dynamic cultural awareness that can foster global development;
- Complement cultural globalization;
- Establish modern cultural facilities that respond to national needs relating to heritage, art and books;
- Protect the country's cultural heritage;
- Expand the sphere of cultural production through the adoption of a support strategy that guarantees the permanence of production and creation;
- Ensure that cultural spaces are available for citizens;
- Promote cultural activities as a means of stimulating local development;
- Support cultural associations.

368. Accordingly, investment budget allocations for the cultural sector saw a 33 per cent increase during the period 1998-2002, whereas this figure had not exceeded 7.8 per cent during the period 1994-1998.

369. In addition, the income of the National Fund for Cultural Activities has risen significantly, from DH15 million in 1994 to DH18 million in 2001.

370. In addition to the general State budget, the Hassan II Fund has earmarked DH400 million to build and equip the National Library of the Kingdom of Morocco, the Royal Museum of Heritage and Civilizations and the theatre in Casablanca.

371. The Ministry of Cultural Affairs has also received approximately 8.3 million euros in financial support for the creation of 26 cultural centres as part of the Méda project.

372. The French Government has allocated over 3 million euros through the fund to support public reading priorities for the creation of 10 multimedia libraries, 100 reading centres and 5 information and documentation centres.

373. The Ministry of Culture has also succeeded in encouraging the private sector to invest in the field of culture and to support various cultural programmes.

374. Here mention should be made of the agreement concluded with the Omar Ben Jelloune Foundation to restore certain historical sites, with over DH50 million in financing mobilized for that purpose.

375. Similar actions have been taken by the Meziane Ben Jelloune Foundation, which earmarked close to DH13 million to repair the Bouanania College in Fès and reopen it as a heritage documentation centre.

376. As part of the effort to protect the country's musical heritage, the Ministry of Cultural Affairs has concluded a partnership agreement with Morocco-Télécom which is allocating DH2.26 million for the production of an anthology of Moroccan music.
377. From 1998 to 2000 the Ministry of Cultural Affairs concluded 56 agreements with local communities; these provided major support for the cultural infrastructure and cultural activities in various urban and rural communities.
378. In addition to the efforts made to protect Morocco's cultural heritage through legal means, by placing historical buildings and monuments on the list of national and world heritage, and by physical efforts, such as the restoration work required to safeguard heritage, various activities have been undertaken to develop and promote cultural production and expand the sphere of consumption by means of a strategy aimed at providing support for theatrical activities, book distribution, and cultural associations.
379. With regard to support for theatrical activities, approximately DH12.48 million have been allocated for this purpose, making it possible to create numerous work opportunities, develop and improve the organization of theatre groups and provide, on average, some 360 performances a year.
380. With regard to support for book distribution under the new strategy 50 per cent of printing costs are covered in order to reduce retail prices by roughly 50 per cent. A budget of DH1.46 million was allocated for this purpose from 1998 to 2002.
381. Some DH2 million a year have been allocated to support cultural associations on the basis of partnership programmes that define the obligations of the Government and the association. Similarly, field offices of the Ministry of Cultural Affairs allocate a significant part of their resources and capacity to support local, provincial and regional associations.
382. With regard to support for and expansion of the cultural infrastructure, in addition to programme of cooperation with the European Union, which entail the creation of 25 cultural centres, the Ministry of Cultural Affairs has also been responsible for the creation of 15 cultural centres, the equipment of 8 others and the finalization of projects relating to cultural complexes and centres in the towns of Fès, Marrakech, Laayoune and Meknès.
383. Significant achievements were recorded during the period 1998-2002, in particular with regard to reading, with the establishment of 44 libraries, the restoration of 18 more and the equipment of an additional 11.
384. Such interest is reflected in the budget allocation for public libraries, which increased significantly, from DH2.65 million between 1994 and 1998 to DH19.06 million between 1998 and 2001. During the same period, budget allocations for book distribution increased from DH4.3 million to DH12.6 million.
385. All of the above-mentioned activities reflect the Moroccan Government's efforts to guarantee the right of everyone to enjoy the benefits of culture and scientific progress.

386. Also, as regards the Committee's recommendation "[requesting] more detailed information, including statistical data, on the enjoyment of the rights contained in the Covenant by the Amazigh people, including their right to participate in cultural life in Moroccan society, as well as to use their own language" (E/C.12/1/Add.55, para. 57), it must be pointed out that economic, social and cultural rights are guaranteed to all without discrimination.

387. The Amazigh culture occupies an important place in Morocco, and this lively and dynamic cultural reality is an integral part of national cultural activities: the spreading of Amazigh music and the publication of Amazigh novels and journals, poetry and periodicals.

388. In addition, in some universities the National Charter for Education and Training had provided for facilities for Amazigh linguistic and cultural research and development, as well as for teacher training and the development of school programmes and curricula.

389. Furthermore, regional educational authorities will be able to choose to use the Amazigh language or any other local dialect in those parts of the school curricula in which they are free to exercise their own initiative.

390. For example, in 2003 the Amazigh language was taught in the first year of primary education in 300 schools around the country with a view to gradually expanding its use, in coordination between the Ministry of Education and the Royal Institute for Amazigh Culture (IRCAM), established by King Mohammed VI on 17 October 2001.

391. In the speech he delivered when affixing his seal to the *dahir* establishing IRCAM, the King reaffirmed his desire to promote and ensure the respect for the Amazigh culture, and declared: "Morocco ... is making each of its regions into a centre of creativity where all kinds of potential can be expressed, find fulfilment, develop and prosper within the democracy practised by its citizens ... We are paying very particular attention to promoting the Amazigh language as part of the implementation of our project for a democratic and modernized society, based on the consolidation and enhancement of the Moroccan persona and its linguistic, cultural and civilizational symbols ... We also affirm that Amazigh, with its roots at the core of the history of the Moroccan people, belongs to all Moroccans without exception and cannot be used for political designs of any kind. Through the ages Morocco has stood out because of the cohesion of its inhabitants, whatever their origins and dialects. They have always shown a steadfast attachment to their sacred values and have resisted all foreign invasions or attempts to divide them."

392. The King has accepted the recommendation by IRCAM that the Tifinagh writing system be used to transcribe the Amazigh language.

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