



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Consideration of reports submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

#### Initial reports of States parties due in 2004

#### Morocco\*,\*\*

[19 February 2010]

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\* In accordance with information transmitted to the States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation service.

\*\* The annexes can be consulted in the archives of the secretariat.

## **I. Introduction**

1. Morocco ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (hereinafter the Optional Protocol) on 22 May 2002.
2. This document is the first report to be submitted by Morocco to the Committee on the Rights of the Child in accordance with article 8, paragraph 1, of the Optional Protocol. All the ministerial departments under the National Defence Administration (Royal Moroccan Armed Forces, Royal Moroccan Gendarmerie), the Auxiliary Forces, the Ministry of the Interior, the Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of Social Development, the Family and Solidarity helped to draft the report. The Ministry of Social Development, the Family and Solidarity was responsible for coordinating and collating the information. The main NGOs working in child protection were also consulted. The report was submitted to the Consultative Council on Human Rights whose views were taken into account. Those bodies will disseminate the report drafted in accordance with the Optional Protocol, along with the recommendations to be adopted by the Committee on the Rights of the Child.
3. In the initial report, pursuant to article 8, paragraph 1, of the Optional Protocol, Morocco provides information on the measures it has taken to implement those provisions. The report was drafted in accordance with the guidelines contained in document CRC/C/OPAC/1 of 12 October 2001 and the revised guidelines of September 2007 (CRC/C/OPAC/2), regarding the initial reports to be submitted by States parties, in accordance with article 8, paragraph 1, of the Optional Protocol.
4. The ratification by Morocco of the Optional Protocol did not require the adoption of amended legislation as the participation of minors in the Armed Forces was already prohibited.

## **II. General information on the implementation of the Optional Protocol**

5. Morocco ratified the International Convention on the Rights of the Child (hereinafter "the Convention") on 21 June 1993 and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 22 May 2002.
6. To this end, Morocco adopted a law (Dahir No. 1-01-253 of 3 December 2003) publishing the Optional Protocol in the Official Gazette (Official Gazette, 4 March 2004). In addition, the Arabic text of the Optional Protocol was published in the general edition of the Official Gazette No. 5191 of 1 March 2004.
7. The Government of Morocco has committed itself to applying the provisions of the Convention and those of the Optional Protocol and to harmonizing Moroccan legislation with their principles.
8. This harmonization effort has strong political support and has resulted in numerous legislative reforms in the juvenile justice system, Labour Code, Family Code and Nationality Code, which uphold the fundamental principles of the best interests of the child, non-discrimination, the right to life, to survival and to development, as well as respect for the views of the child.
9. The Government of Morocco has also established several mechanisms and instruments to protect children against all forms of abuse, exploitation, violence and

organized crime. These bodies include the National Observatory for the Rights of the Child created in 1995, the three Child Protection Units established in Casablanca, Marrakech and Tangiers by the Ministry of Social Development, the Family and Solidarity, units for counselling and providing care for children who are the victims of violence established in courts and hospitals and upgraded monitoring units in schools. In addition, programmes and projects have been introduced within the framework of the National Action Plan for Children 2006–2015 entitled “A Morocco worthy of its children” as well as the Strategic Plan 2008–2012 of the Ministry of Social Development, the Family and Solidarity.

10. Since Morocco ratified the Optional Protocol, the Protocol itself has been one of the international legal instruments included in various awareness-raising and training programmes.

11. The Ministry of National Education, Higher Education, Executive Training and Scientific Research, has worked hard to integrate the principles of the Convention, the Optional Protocols and national legislation into educational programmes.

12. Although it is inconceivable for children to be involved in armed conflict, the education system enlists the various components of civil society in prevention efforts, and it does so with official programmes and messages disseminated through school textbooks that help to instil a culture of peace, tolerance and non-violence.

#### **A. Article 1: direct participation in hostilities**

##### **Measures taken including of a legislative, administrative or other nature, to ensure that members of the armed forces who have not attained the age of 18 years do not take a direct part in hostilities**

13. The notion of the active or direct participation of minors in hostilities is not mentioned in Moroccan law because minors are prohibited from participating in any way in the army if they are under 20 years old, as stipulated in article 5 of Act No. 4-99 on military service enacted by Dahir 1-99-194 of 25 August 1999 (Official Gazette, 2 September 1999, p. 687), which states: “The conscription age for persons liable for military service is 20 years. The length of active service is 12 months. Military service is compulsory until the age of 40”. Moreover, it should be noted that the notion of “direct participation in hostilities”, mentioned in common article 3 of the Geneva Conventions of 1949, has not been clearly defined in international humanitarian law.

14. All persons over the age of 20, who had completed at least the second cycle of basic education (ninth grade) used to be liable for conscription. Young women could also volunteer for military service provided they were aged between 20 and 27 years, were single and had no dependent children. According to Act No. 4-99 on military service, all persons who proved that they were the principal providers for their families were exempted from compulsory military service.

15. Pursuant to Act<sup>1</sup> No. 48-06 promulgated by Dahir 1-06233 of 17 April 2007 (Official Gazette No. 5522 of 3 May 2007, p. 581), military service was abolished. As a result, all the provisions related to compulsory military service contained in many laws such as Act No. 4-99 establishing the military service, the Public Service Statute (arts. 37 and 63*bis*), and even the Labour Code (arts. 32 and 256) were also repealed.

<sup>1</sup> See annex.

**Measures taken to prevent a member of the armed forces who has not attained the age of 18, from being deployed or maintained in an area where hostilities are taking place**

16. Morocco has not taken such measures because of the fact that its legislation and administrative regulations expressly and strictly prohibit the recruitment of young persons under the age of 18 in the Armed Forces.

**Members of the armed forces under the age of 18 who have been taken prisoner**

17. This situation does not arise, since, in addition to the fact that there are no members of the Armed Forces under the age of 18, Morocco enjoys political stability and is not involved in any armed conflict.

**B. Article 2: compulsory recruitment**

**Measures taken to ensure that persons who have not yet attained the age of 18 are not compulsorily recruited into the armed forces**

18. Act No. 48-06<sup>2</sup> which abolished military service as of 17 April 2007, put an end to conscription in Morocco. Thus, the census of persons liable for military service for 2007, and the establishment of the thirty-sixth contingent, which should have taken place at the beginning of March 2006, had to be abandoned. As for the conscripts who were already doing their military service, they remained subject to the legislation in force until the end of their statutory service.

**C. Article 3: voluntary recruitment**

**Minimum age**

19. According to the regulations governing the Royal Moroccan Armed Forces, the minimum age for joining the armed forces in Morocco is 18 years, authenticated by a birth certificate and national identity card.

20. Minors under 18 years of age cannot, under any circumstances, take part in activities other than those within the scope of general and vocational training.

21. As has been made clear in the paragraph above, the minimum age in Morocco for enlistment in the armed forces is 18 years. Since the armed forces are fully professional and compulsory military service has been abolished, only persons who volunteer and are over 18 years of age can be recruited. There is therefore no need for the right to special protection, stipulated in article 3, paragraph 1, of the Optional Protocol.

22. In accordance with article 3, paragraph 2 of the Optional Protocol, at the time of ratification, the adoption of the binding declaration provided for under article 3 (paras. 1 and 2) did not pose any problem owing to the fact that Moroccan legislation was already in conformity with the principles set forth in the instrument.

23. Since the legislation and the administrative regulations of Morocco strictly prohibit the participation of children under 18 years in the armed forces, special protective measures for recruits under the age of 18 did not need to be adopted.

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<sup>2</sup> See annex.

### **Military schools**

24. Several schools which are under the direct supervision of the National Defence Administration offer secondary level education to minors: the Military Academy, military upper secondary schools and teaching centres, the Royal Air School, the Royal Navy School, the Royal Cavalry School, the Royal Gendarmerie School and the Royal School for Military Health Services. However, these schools are not considered military schools insofar as they do not provide military training.

25. The Royal Military Academy (Decree<sup>3</sup> No. 2-97-514 of 5 November 1997, Official Gazette No. 4548 of 1 January 1998) is a military university and institute of higher education situated in Meknès. Its mission is to provide full training for serving officers of the regular army and for fusiliers destined for the Royal Air Force and the Royal Navy. It includes a school that prepares student officer cadets for their secondary school baccalaureate exams.

26. Admission to the Royal Military Academy is open to:

(a) Royal Military Academy upper secondary school students who have passed their secondary school baccalaureate exams with distinction and have also passed the entrance exams;

(b) Secondary school diploma-holders who meet the conditions set out in article 15 of the above-mentioned decree and who are selected on a competitive basis. Application is open to candidates aged between 18 and 22 until 31 December of the year of selection. A dispensation may be given by the Chief of General Staff of the Royal Armed Forces to selected students under the age of 18.

27. Candidates admitted to the Royal Military Academy as officer cadets commit to enlistment in the Royal Armed Forces in accordance with the provisions set out in article 37 of Dahir No. 1-58-011 of 27 May 1958. They are enlisted with the rank of sergeant, which they retain throughout their training, and receive the corresponding salary.

28. The royal military upper secondary schools<sup>4</sup> (Decree No. 2-96-01 on royal upper secondary schools, Official Gazette No. 4454 of 6 February 1997) are basic secondary level institutes of education under the supervision of National Defence Administration. These upper secondary schools are open to the children of serving and former professional soldiers, wards of the State, and children of administrative personnel of the National Defence Administration who wish to obtain a baccalaureate diploma.

29. The Royal Navy schools<sup>5</sup> (Decree No. 2-98-15 of 26 February 1999, Official Gazette No. 4696 of 3 June 1999), Royal Air schools (Decree No. 2-98-16 of 26 February 1999, Official Gazette No. 4696 of 3 June 1999), Royal Cavalry schools (Decree No. 2-95-716 of 28 November 1996), and Royal Gendarmerie schools (Decree No. 2-95-29 of 26 February 1999) are open to candidates aged 18 years and over who meet the participation requirements after they are selected on a competitive basis.

### **Auxiliary forces**

30. The Moroccan Auxiliary Forces<sup>6</sup> (Dahir containing Act No. 1-72-533 of 4 April 1973 on the special status of auxiliary force personnel) is a paramilitary force, which provides reinforcements and support to the Royal Armed Forces, the gendarmerie, the

<sup>3</sup> Decree attached.

<sup>4</sup> Decree attached.

<sup>5</sup> Decree attached.

<sup>6</sup> Dahir attached.

police, the water and forest brigade, the customs service and the General Affairs Department. They have military status, but come under the Moroccan Ministry of the Interior and not the National Defence Administration. As set out in the first article of the aforementioned Dahir, candidates aged 18 and over may apply to join the Auxiliary Forces.

#### **D. Article 4: armed groups distinct from armed forces**

31. The Moroccan Government does not have any particular information to communicate concerning article 4 of the Optional Protocol as there are no active armed groups in Morocco apart from the Royal Armed Forces.

#### **E. Article 5: other international instruments and international humanitarian law**

32. Morocco is one of the countries which have acceded to other international instruments of international humanitarian law that are more conducive to the realization of the rights of the child. These instruments include:

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified on 21 June 1993
- Convention against Discrimination in Education, ratified on 30 August 1968
- International Labour Organization (ILO) Minimum Age for Admission to Employment Convention, 1973 (No. 138), ratified on 6 January 2000
- ILO Worst Forms of Child Labour Convention, 1999 (No. 182), ratified on 26 January 2000
- The four Geneva Conventions of 12 August 1949 on the treatment of prisoners of war, which entered into force on 4 November 1957, and were ratified on 26 July 1956; Morocco has also signed the Rome Statute of the International Criminal Court
- Convention on the Rights of the Child, ratified on 21 June 1993
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 2 October 2001

33. At the national level, national legislation (Criminal Code, Code of Criminal Procedure, Family Code, Nationality Code, Labour Code), defines the child as “any human being under the age of 18”; it guarantees the child the right to benefit from various preventive measures of a social, educational or medical nature and from other provisions and procedures intended to protect the child against all forms of violence, injury, physical or mental harm, sexual assault, neglect, or negligence which might lead to maltreatment or exploitation.

#### **F. Article 6, paragraphs 1 and 2: effective implementation and enforcement of the provisions of the Optional Protocol**

##### **Measures adopted to ensure the effective implementation and enforcement of the provisions of the Optional Protocol**

34. No review of national legislation has been undertaken since it guarantees the same principles as those set forth in the Optional Protocol.

35. The independence of the Moroccan judiciary, as a constitutional principle, ensures the proper implementation of the provisions of the Optional Protocol.
36. It is worth noting that, since Morocco has ratified the Optional Protocol, it has become one of the international legal instruments that are incorporated into military and police training programmes.
37. The National Defence Administration has introduced a course on international humanitarian law and human rights into the Military Academy syllabus. Information days and international humanitarian law seminars are organized for staff participating in peacekeeping missions.
38. Consequently, the dissemination of the Optional Protocol to those in charge of military recruitment is guaranteed.
39. In addition, as part of the World Programme for Human Rights Education, in November 2004, Morocco set up a Central Commission for Human Rights and Citizenship. The Commission is responsible for coordinating the implementation of the national human rights education strategy and action plan (2005–2007).
40. With the support of the United Nations High Commissioner for Human Rights, Morocco has established the Human Rights Documentation, Training and Information Centre, which produces material and organizes training sessions on human rights (including children's rights) for officials from the prison system, judiciary, police force and NGOs.
41. The Documentation Centre is also responsible for coordinating and monitoring the implementation of the national action plan for the promotion of a culture of human rights.
42. In 2008, the Kingdom of Morocco started the process of drafting a national action plan for democracy and human rights, in conformity with the Vienna World Conference on Human Rights (1993).
43. In 2008, Morocco also established a National Commission for International Humanitarian Law tasked with disseminating the principles of international humanitarian law and overseeing the implementation of international treaties ratified by Morocco, in particular the four Geneva Conventions of 12 August 1949.

## **G. Paragraph 3**

### **Measures adopted concerning disarmament and demobilization**

44. These questions do not apply to Morocco. Moroccan legislation prohibits the recruitment of persons of either sex under the age of 18.

## **H. Article 7: financial assistance and technological cooperation of States**

### **Cooperation with a view to implementing the Optional Protocol**

45. The commitments and positions undertaken by Morocco, both at the national and international levels, as well as its judicial system, are perfectly consistent with the international standards that it has ratified, including the Optional Protocol.

### **Morocco supports the actions of the United Nations**

46. Morocco fully supports the United Nations in the fight against the illicit recruitment of children by armed forces and groups, and is in favour of a global approach in which the various actors (Security Council, United Nations specialized agencies, States, NGOs, etc.)

play complementary and mutually supportive roles to prevent and to fight against the recruitment of children in armed conflict.

47. In this connection, Morocco has followed with interest the commitment of the Security Council which has adopted six thematic resolutions dealing with the situation of children in armed conflict.

48. In particular, Morocco welcomed Security Council resolution 1612 (2005), on the establishment of a monitoring and reporting mechanism on six types of violations of the rights of the child (recruitment or use of child soldiers, killing or maiming, abduction, rape or other sexual violence, attacks against schools or hospitals, denial of humanitarian access to children).

49. Furthermore, Morocco supports the efforts of Ms. Radhika Coomaraswamy, the Special Representative of the Secretary-General for Children in Armed Conflicts. Ms. Coomaraswamy plays a key role in the protection of children affected by conflict and in the promotion of their rights.

#### **Morocco supports the Paris Commitments and Principles on children associated with armed forces or armed groups**

50. During the first ministerial follow-up meeting held on 1 October 2007 as part of the sixty-second session of the General Assembly to promote the Paris Commitments and Principles, adopted in February 2007, Morocco lent its support to both documents. They complement existing judicial and operational mechanisms, inter alia, providing for a broad range of measures to protect children from recruitment and use in armed conflict, to ensure their release and to facilitate their reintegration into civilian life.

51. In addition, during the second ministerial meeting, now known as the Follow-up Forum on the Paris Commitments and Paris Principles, held in New York on 26 September 2008, in which Morocco took part, it reiterated its appeal to the United Nations to pay particular attention to the situation of children in conflicts in Africa.

52. On that occasion, Morocco welcomed the statement on children and armed conflicts issued by the Security Council in July 2008, and its recommendations that all parties concerned should ensure the availability of financial resources for the long-term sustainability of strategies or national action plans on child protection, as well as community-based initiatives aimed at the release, rehabilitation and reintegration of children associated with armed forces or groups.

53. The Kingdom of Morocco has, in every international forum, always condemned the tragic situation of children in military camps in Tindouf, Algeria, where their basic rights are flouted in violation of the relevant international conventions.

54. The Kingdom of Morocco fully adheres to the “zero tolerance” policy on abuses committed by United Nations peacekeeping personnel. In this respect, it recognizes the essential role played by the child protection advisers in such operations.

#### **Cooperation with international partners**

55. Cooperation with international partners in areas related to the rights of the child, notably the office of the United Nations Children’s Fund (UNICEF) in Morocco, includes the implementation of the Optional Protocol and its broad dissemination, even though the question of the involvement of children in armed conflict does not arise.



## Annexes

- Legislation regulating the Royal Armed Forces, the Gendarmerie and the Auxiliary Forces
  - Legislation regulating access to the Military Academy and military high schools
  - Legislation abrogating military service
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