



National Human Rights Council Kingdom of Morocco

Summary of the Report submitted to The Committee on Economic, Social and Cultural Rights

February 2015

Introduction

1. The National Human Rights Council (CNDH) has the honor to report to the Committee on Economic, Social and Cultural Rights on the implementation of the International Covenant on Economic, Social and Cultural Rights (Covenant) in Morocco. The CNDH has submitted a detailed report in French¹ and this summary in English.
2. ESCR are explicitly enshrined in Article 31 of the Constitution of Morocco, which stipulates that the State, public institutions and local authorities shall work to mobilize all available means to facilitate equal access of citizens to the conditions allowing them to enjoy ESCR.
3. The CNDH welcomes the establishment in 2010 of the Economic, Social and Environmental Council² who performs advisory missions to the Government and the Parliament.
4. The CNDH welcomes the submission of the fourth national periodic report in January 2013, which, overall, has been developed based on a participatory approach, as directed on the form and content of periodic reports.
5. In accordance with its mandate for the protection and promotion of human rights, the CNDH conducted investigative missions, field visits and thematic studies, made advisory opinions and memoranda, and organized a series of debates and awareness-raising activities. The CNDH welcomes, in the context of these missions, the cooperation of the government, which led to the completion of its work in the best conditions.
6. The recommendations contained in this report have been formulated based on an analysis of the national context with reference to the provisions of the Covenant. They focus on the situation of ESCR in Morocco since the review of the last periodic report submitted by Morocco in 2009.
7. The CNDH hopes that this submission will provide additional information for the Committee and will be subject of a constructive and fruitful dialogue with the government.

I. Right to Education

8. Despite the adoption of the new constitution, which provides explicitly for the equal access to the right to education, and the reforms underway, the education system still faces a number of challenges.
9. These challenges are highlighted in the memorandum prepared by the CNDH in September 2014 entitled : *For a fair and equal right to education and training*³. They include unequal access to education, delayed pre-school education, persistent illiteracy, low school

¹ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetailsI.aspx?SessionID=968&Lang=en

² <http://www.ces.ma/Pages/Accueil.aspx>

³ http://www.cndh.ma/sites/default/files/pour_un_droit_egal_a_leducation_2_0.pdf

retention, chronic deficits in higher education, a scientific research in its infancy and a lack of a quality education.

10. The CNDH organized in cooperation with national partners a seminar on the right of access to education and the fight against school dropout (December 2014). It also signed partnerships with the Ministry of Education and Vocational Training to disseminate the human rights culture, to support the establishment of school human rights clubs, whose number reached 5,501 in June 2014, and to mainstream the human rights perspective in school curricula.
11. The CNDH also published in February 2015 its advisory opinion on the draft framework law on the protection and promotion of the rights of persons with disabilities⁴, including the rights to education.
12. The CNDH also developed thematic reports on prisons⁵, child protection centers⁶ and foreigners⁷, in which it addressed the rights to education for prisoners, children in conflict with law and irregular migrants.

Hence, the CNDH formulates the following recommendations :

- Adopt equity and quality as two fundamental principles that should guide the reforms of the national education system. Non-discrimination must be included as an operational and cross-cutting principle applied to all components of education management and programming;
- Adopt an inclusive education that should constitute the common base between all educational stakeholders. This approach should take into account the specific situations of children who are the most vulnerable to discrimination and exclusion, including girls in rural areas, children with disabilities, children from disadvantaged urban neighborhoods, street children or children of immigrants. As for quality, a special effort should be exerted to train and raise the awareness of stakeholders (educational staff, professional organizations, corporations, trade unions, etc.) and disseminate the human rights culture;
- Implement the right of access by all to initial and continuous quality education, through developing a standardized educational offer targeting young children, and integrating it into the module of compulsory education (4/5 years - 15 years);
- Conceive and implement initiatives to support girls in rural areas, especially at the crucial moment of transition from primary school to preparatory one;
- Monitor and report school dropout data in order to analyze the performances and effectiveness of the system and to elaborate relevant education policies and strategies;

⁴ http://www.cndh.ma/sites/default/files/avis_du_cndh_loi_cadre_handicap_fr.pdf

⁵ http://cndh.ma/sites/default/files/crisis_in_the_prisons-_summary.pdf

⁶ http://cndh.ma/sites/default/files/childhooh_at_risk_0.pdf

⁷ http://cndh.ma/sites/default/files/foreigners_and_human_rights-_conclusions_and_recommendations_0.pdf

- Institutionalize the human rights approach in the implementation of education projects and programs and include relevant stakeholders in the definition, management and implementation of educational policies (pupils, students, parents, educational and administrative bodies);
- Promote access to knowledge by the wider sections of the population in order to provide them with scientific, intellectual and artistic resources to fully exercise their role as responsible and active citizens;
- Fight against all forms of corruption, violation of the rights and dignity of children and adolescents, abuse of power and misuse of public property in the educational sector;
- Strengthen cooperation between all stakeholders to enforce the right of vulnerable groups, such as detainees and migrant children, to education without any condition whatsoever, and organize awareness campaigns for prisoners on the importance of education and vocational training;
- Incorporate in the draft framework law No. 97-13 on the protection and promotion of the rights of persons with disabilities provisions committing the government to make reasonable arrangements based on the needs of each learner with disabilities. This law should also include provisions containing the main guidelines for integrated education and prohibiting exclusion of children with disabilities from the general education system.

II. Right to Employment

13. The right to employment is entrenched in the Constitution and the Labor Law. The quality of employment remains a major challenge in Morocco, mainly for youngsters, women, persons with disabilities, rural workers and those without a diploma. Particularly, the CNDH notes the limited access of women to national labor market.
14. The CNDH elaborated a thematic report on foreigners in Morocco⁸, in which it assessed the situation of migrants and asylum seekers, including their right to employment, and formulated relevant recommendations (see below).
15. The CNDH also developed a strategy on business and human rights based on three UN guiding principles: protect, respect and remedy. Based on this strategy, the CNDH developed an advisory opinion on the law on domestic workers⁹ in November 2013 and launched two studies in 2014 on the conditions of women working in agriculture and employability of persons with disabilities. It also concluded a partnership with RAM, Morocco's airliner, through which it provided a training to the RAM staff on non-discrimination. In addition, the CNDH signed a partnership with national business partners to mainstream human rights in the management of human resources in corporations.

⁸ http://cndh.ma/sites/default/files/foreigners_and_human_rights-_conclusions_and_recommendations_0.pdf

⁹ http://www.cndh.org.ma/sites/default/files/cndh_-_vf_travailleurs_domestique_17x24_-_0.pdf

In terms of the right to employment, the CNDH formulates the following recommendations:

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, Convention No. 189 concerning Decent Work for Domestic Workers and Convention No. 87 on Freedom of Association and Protection of the Right to Organize;
- Institutionalize and strengthen social dialogue between the government, trade unions and employers' organization, as it is a key mechanism to ensure respect for the rights and obligations of all parties in relation to labor matters;
- With regard to redress and the justiciability of economic rights, reinforce the capacities of labor inspectors in the field of business and human rights, provide the labor inspection mechanism with sufficient human and financial resources, assign legal status to the reports of labor inspectors and set up a competent court in the field of labor disputes (social justice);
- Adopt and implement dissuasive measures against employers who exploit irregular migrants and guarantee opportunities for those migrants to access the labor inspectorate without fear;
- Review Article 416 of Law No. 65.99 forming labor code in a way to enable migrant workers to access positions of administration and management of trade unions with which they are affiliated;
- Enact the law establishing the conditions of employment of domestic workers, while setting 18 years as the minimum working age;
- Ensure the effective enjoyment by women and young people of their rights to employment on the basis of equality and without discrimination;
- Spread the Corporate Social Responsibility label to the activities of all corporations and all sectors and prepare a guide in the area of respect for workers' rights, intended to workers, businesses and trade unions.

III. Right to Health

16. The CNDH and the Ministry of Health have launched, in May 2014, the National Strategy on HIV/AIDS. This strategy aims to achieve four key objectives, namely reducing discrimination and stigmatization against persons living with HIV, reinforcing the legal protection of human rights in relation to HIV/AIDS, reinforcing the role of NGOs in the promotion and protection of human rights in relation to HIV/AIDS and mainstreaming human rights and gender-based approaches.

17. The CNDH also conducted a study on forensic medicine in July 2013. The study found a number of malfunctions, including lack of training, obsolescence of infrastructure and work tools, and governance deficiencies.
18. Following its investigative missions to prisons¹⁰ and child protection centers¹¹, the CNDH also found several problems, including difficult access to health services, spreading of contagious diseases, lack of medical human resources and equipment.
19. The CNDH prepared in September 2012 a thematic report on mental health¹², which revealed certain structural factors, which negatively affect the right to a human treatment of the users of psychiatric institutions. The law of 1959 on the prevention and treatment of mental illnesses has become obsolete. In addition, the CNDH found disequilibrium in the geographic allocation of such institutions and a number of other deficiencies related to the equipment, infrastructure and human resources.
20. The CNDH also notes the positive interaction of the Ministry of Health with its recommendations, who integrated the human rights-based approach in the national strategy on mental health.

Regarding the right to health, the CNDH formulates the following recommendations:

- Accelerate the adoption of the new legal framework for psychiatric hospitals and implement the National Strategy on HIV/AIDS;
- Set up a national legal and institutional framework for forensics and a central structure to design and implement a master plan on forensics;
- Support financially and legally unaccompanied migrant children and women migrants, by supporting psychologically and medically the victims of violence;
- Improve health services in places of detention, especially by allocating the responsibility for medical care in prisons to the Ministry of Health, establishing rehabilitation programs and ensuring psychiatric services in all places of detention, organizing medical caravans and campaigns against communicable diseases, especially dermatological morbidities, and providing places of detention with sufficient medical equipment and supply of drugs.

IV. Family and Marriage Rights

21. The CNDH prepared an advisory opinion¹³ on the establishment of the advisory council on family and childhood. In this opinion, it highlighted the normative foundations, Morocco's international commitments and social and familial changes in Morocco. It also

¹⁰ http://cndh.ma/sites/default/files/crisis_in_the_prisons-_summary.pdf

¹¹ http://cndh.ma/sites/default/files/childhooh_at_risk_0.pdf

¹² http://www.cndh.ma/sites/default/files/sante_mentale_-_rapport_integral_.pdf.pdf

¹³ http://cndh.ma/sites/default/files/le_conseil_consultatif_de_la_famille_et_de_lenfance.pdf

gave a perspective about the future council in terms of mandate, structure, composition and functions, etc. Furthermore, the CNDH organized in January 2012, in Rabat, an international conference on international experiences and best practices regarding this type of councils.

22. Concerning the issue of early/forced marriages, the CNDH contributed significantly to the advocacy that resulted in May 2014 in the repeal of paragraph 2 of Article 475 of the Penal Code, which allowed rapists to avoid punishment if they marry their victims. The CNDH is currently working on a project for the revision of all discriminatory provisions of the Family Code, in particular Articles 20 and 21, which allow courts to authorize the marriage of a minor before the legal age of 18.

Concerning family and marriage rights, the CNDH formulates the following recommendations:

- Set up a new public policy for the Moroccan family based on the principles of the guarantee of the rights and freedoms of individuals in the family, the co-responsibility of spouses, the best interests of the child and equal legal protection and social and moral consideration to all children, regardless of their family situation, recognition of the contribution of each member (paid and unpaid) and intergenerational solidarity;
- Review Articles 20 and 21 of the Family Code in accordance with the provisions of CEDAW and the CRC and include in the law binding sanctions in case of violation by the parents/guardians of such provision;
- Accelerate the development and adoption of laws establishing the “Authority for parity and fight against all forms of discrimination” and the “Council for Family and Children” and to provide them with the powers and resources to enable them to discharge the powers vested in them by the Constitution, in accordance with the advisory opinion submitted by the CNDH in this area.

V. Right to Housing

23. In partnership with UNDP, the Advisory Council on Human Rights (now CNDH) conducted a study in 2010 on the right to development. It underscored that undeniable effort has been made regarding access to adequate housing for low-income populations, but delays and gaps between regions, communities, neighborhoods, etc. persist.

On the right to housing, the CNDH formulates the following recommendations:

- Enact legal texts taking into account the specific housing needs of certain social categories (the elderly, persons with disabilities) and regulate the rental relationship;
- Establish a permanent assessment system to support the implementation of housing programs;
- Improve the targeting of low-income households to benefit from public programs of adequate housing.

- Improve coordination between all government departments and conduct local consultations regarding the implementation of housing programs.

VI. Cultural Rights

24. The access of Moroccans to culture remains weak, despite the efforts made by the supervising authorities.
25. Law of 2002 on civil status, mainly Article 21, the circular of the Ministry of Interior on 9 April 2010 and Morocco's treaty practice are able to ban all prohibitions concerning Amazigh names to children. The CNDH held advocacy sessions with the government to eradicate all barriers that prevent parents from giving Amazigh names to their children and organize meetings with civil society associations on the formalization of the Amazigh language.
26. Regarding the archives, history and preservation of the memory, the CNDH contributed to the establishment of *Archives du Maroc* institution, following the adoption of the law on archives. It also organized four conferences on museology and heritage, and supported the creation of a Master on the history of the present time and another Master on Saharan studies. The CNDH gave the kickoff to the setting up of Rif Museum in Al Hoceima, Sahara Museum in Dakhla, Oasis Museum in Ouarzazate and the House of History in Casablanca.
27. The CNDH supported the organization of Tan Tan Festival, declared immaterial heritage by the UNESCO in 2005, and the festivals of the Hassani theater. It also set up in 2012, in cooperation with national partners, the Saharan Studies Center and organized in 2014 a national seminar on rock-art sites. Furthermore, It organized a national seminar in 2013 on cultural and linguistic pluralism.

In the field of cultural rights, the CNDH formulates the following recommendations:

- Accelerate the adoption of organic laws relating to the implementation of the official character of the Amazigh language and the establishment of the national council of languages and Moroccan culture;
- Ensure equal access to cultural institutions and ensure that proper cultural offerings be provided across regions and for all age groups and persons;
- Adopt measures to stop the deterioration of archaeological sites and implement a preservation and conservation policy in this regard;
- Positively apply the provisions of existing laws by the civil status officers, while respecting cultural and linguistic diversity of Moroccan society and ruling out erroneous interpretations of the texts in force.