



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

MOROCCO – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, schools, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

??? – We have been unable to establish whether or not legislation confirms a parental right to punish or correct children, but corporal punishment is widely socially accepted and legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment of children. The near universal acceptance of a certain degree of violence in childrearing necessitates clarity in law that no degree of corporal punishment is acceptable or lawful. All legal defences for the use of corporal punishment should be repealed and explicit prohibition of all corporal punishment should be enacted in relation to parents and all those with parental authority.

Other legislative measures necessary

Schools – Explicit prohibition should be enacted in legislation applicable to all education settings, public and private.

Alternative care settings – Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc, All laws authorising or regulating corporal punishment in these settings should be repealed.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is lawful in the home. Provisions against violence and abuse in the Criminal Code (amended 2003 and 2006) and the Family Code (2004) are not interpreted as prohibiting corporal punishment of children. In 2008, a domestic violence bill was being drafted but we have no further information.

Schools

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

Penal system

Corporal punishment is unlawful as a **sentence for crime** under the Code of Criminal Procedure (2002).

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions. It is not among the permitted disciplinary penalties in the Prisons Act No. 23-98, adopted in 1999.

Alternative care

Corporal punishment is lawful in alternative care settings. There is no explicit prohibition of corporal punishment in the law on foster care for abandoned children (2002).

Prevalence research

At least 1,000 cases of violence in schools were recorded in 2009, according to the Centre for People's Rights, including 400 cases of physical violence, 350 psychological violence and 126 sexual violence. The physical violence mostly consisted of corporal punishment, including slapping, kicking and hitting with sticks, iron rulers and electrical cables. (Reported in *Algeria News*, 8 October 2010)

According to a report by the Moroccan Ministry of Justice, widespread violence against children is reported in government run orphanages and care institutions, with physical punishment being the most prevalent disciplinary measure. (Cited in Abdul-Hamid, Y. (2011), *Child Rights Situation Analysis: Middle East and North Africa*, Save the Children Sweden)

According to UN statistics, in 2003-2004 significant proportions of women believed that a husband is justified in hitting or beating his wife for specific reasons: 24% for burning the food, 51% for arguing with him, 50% for going out without telling him, 49% for neglecting the children and 43% for refusing to have sex. (United Nations (2010), *The World's Women 2010: Trends and Statistics*, New York: Department of Economic and Social Affairs)

A Multiple Indicators Cluster Survey (MICS) commissioned by UNICEF, UNFPA and the Arab Family Health Project in 2008, revealed the magnitude of corporal punishment of children in Morocco. In interviews with 5,078 children, 24% reported experiencing severe physical punishment (including being hit on the face or the head with a hard object), 67% minor physical punishment (e.g. being shaken, or slapped). Children are more likely to be physically punished in rural zones (30%) than in urban zones (20%); educated mothers are less likely to use corporal punishment than uneducated mothers; and wealthy families are less likely to use corporal punishment (12%) than poorer parents

(32%). (UNICEF (2008), *Enquête Nationale à Indicateurs Multiples et Santé des Jeunes, ENIMSJ 2006-2007*, Rabat, Maroc: UNICEF)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

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

“The Committee notes the establishment of a committee of experts to draft a national strategy to fight child abuse and the exploitation of children and the various initiatives undertaken to raise awareness on this issue, such as the note sent in 2000 by the Ministry of Education to all education professionals directing them to refrain from administering corporal punishment. However, the Committee remains concerned at the apparently ongoing, and rather common use of corporal punishment in schools; the lack of awareness of and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children; and the insufficient financial and human resources allocated to programmes to combat the abuse of children. Moreover, the Committee is concerned at the age-limit set in the legislation regarding certain types of violence against children as children over 12 do not benefit from the same protection as younger children (report, para. 183).

“In light of article 19 of the Convention, the Committee recommends that the State party:

- a) conduct a study to assess the root causes, nature and extent of ill-treatment and abuse of children, and design policies and programmes to prevent and combat it;
- b) take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and in institutions;
- c) amend its legislation regarding the existing age-limit for special protection against violence;
- d) carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment....”

Committee on the Rights of the Child

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

“The Committee is concerned that appropriate measures have not yet been taken to prevent and combat ill-treatment of children within the family and at the lack of information on this matter. The problems of the exploitation of child labour, in particular the use of young girls as domestic workers, and child prostitution also require special attention.

“The Committee encourages the Government of Morocco to take all measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children. It recommends that comprehensive studies be initiated with regard to those important issues to make possible a better understanding of those phenomena and facilitate the elaboration of policies and programmes to combat them effectively. In this perspective, the Government should pursue its efforts in close cooperation with community leaders and with non-governmental organizations, with a view to promoting change in persisting negative attitudes towards children belonging to the most vulnerable groups.”

Committee Against Torture

([November 2011], Advance Unedited Version, Concluding observations on fourth report, para. 23; as at 5 December 2011, available only in French)

« Le Comité note avec préoccupation l'absence de disposition dans la législation marocaine prohibant le recours aux châtiments corporels dans le cadre de la famille, de l'école et des institutions de protection de l'enfance. (art. 16)

L'Etat partie devrait modifier sa législation afin d'interdire les recours aux châtiments corporels dans l'éducation des enfants, dans les familles et dans les centres de protection de l'enfance. Il devrait aussi sensibiliser le public à des formes positives, participatives et non violentes de discipline. »

Universal Periodic Review

Morocco was examined in the first cycle of the Universal Periodic Review in 2008. No recommendations were made concerning corporal punishment of children. Examination in the second cycle is scheduled for 2012.

Report prepared by the Global Initiative to End All Corporal Punishment of Children

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