



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

**BRIEFING ON MOROCCO FOR THE  
COMMITTEE ON THE RIGHTS OF THE CHILD,  
PRESESSIONAL WORKING GROUP – February 2014**

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**This briefing describes the legality of corporal punishment of children in Morocco. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, its previous recommendations to Morocco on the issue, the recommendations made during the UPR in 2012 (accepted by the Government) and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will:**

- **in its List of Issues for Morocco, raise the issue of corporal punishment of children, in particular asking what steps are being taken to ensure that all corporal punishment, without exception, is explicitly prohibited in the home and other settings?**
- **in its concluding observations on Morocco’s third/fourth report, recommend that legislation is enacted to explicitly prohibit all corporal punishment in all settings, including the home and in all schools, as a matter of priority, and that prohibition is enforced through appropriate public education and professional training on positive, participatory and non-violent forms of education and childrearing.**

## 1 Morocco's report to the Committee on the Rights of the Child

1.1 The third/fourth state party report to the Committee on the Rights of the Child is not available at the time of drafting this briefing.<sup>1</sup>

## 2 The legality and practice of corporal punishment of children in Morocco

2.1 *Summary*: Corporal punishment in Morocco is unlawful in the penal system but it is not prohibited in the home, alternative care settings, day care and schools.

2.2 *Home (lawful)*: Provisions against violence and abuse in the Criminal Code and the Family Code 2004 are not interpreted as prohibiting corporal punishment of children. According to statistics collected in 2006-2007 under round 3 of the UNICEF Multiple Indicator Cluster Survey programme (MICS3), 91% of 2-14 year olds experienced violent "discipline" (physical punishment and/or psychological aggression) in the home in the past month; 24% experienced severe physical punishment (being hit or slapped on the face, head or ears or being hit over and over with an implement).<sup>2</sup> The Government accepted recommendations to prohibit corporal punishment in all settings including the home made during the Universal Periodic Review of Morocco in 2012 (see para. 3.2).

2.3 *Alternative care settings (lawful)*: Corporal punishment is lawful in alternative care settings as for parents. 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.<sup>3</sup>

2.4 *Day care (lawful)*: There is no explicit prohibition of corporal punishment in early childhood care or in day care for older children.

2.5 *Schools (lawful)*: A Ministerial directive in 2000 stated that corporal punishment should not be used in schools, but there is no explicit prohibition in law. A qualitative study on violence in schools in Morocco conducted by the Ministry of National Education, Higher Education, Executives Training and Scientific Research (MNE) and UNICEF in collaboration with the School of Psychology, found a very high prevalence of violence in Moroccan schools, with corporal punishment the most commonly used method of "discipline", including blows with iron rulers, tying children's legs together with a rope, blows to the hands and fingertips, slapping, electrocution (on the chest, legs and hands), kicking, and making children raise their feet for two hours; corporal punishment was used by 73% of teachers and 33% of administrators.<sup>4</sup>

2.6 *Penal institutions (unlawful)*: Corporal punishment is not among the permitted disciplinary penalties in the Prisons Act No. 23-98, adopted in 1999.

2.7 *Sentence for crime (unlawful)*: There is no provision for judicial corporal punishment in criminal law.

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<sup>1</sup> Not available at <http://www2.ohchr.org/english/bodies/crc/crcs67.htm>, accessed 23-10-13

<sup>2</sup> UNICEF (2008), *Enquête Nationale à Indicateurs Multiples et Santé des Jeunes, ENIMSJ 2006-2007*, Rabat, Maroc: UNICEF

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

<sup>4</sup> Ministry of National Education, Higher Education, Executive Trainings and Scientific Research & UNICEF (2005), *Violence in Schools*, School of Psychology of Casablanca, cited in Manara Network for Child Rights (2011), *Violence Against Children in Schools: A Regional Analysis of Lebanon, Morocco and Yemen*, Beirut: Save the Children Sweden

### **3 Recommendations by human rights treaty bodies and during the UPR**

- 3.1 *CRC*: The Committee on the Rights of the Child first raised the issue of corporal punishment of children in Morocco in 1996, recommending that all measures be taken to prevent and combat it.<sup>5</sup> In 2003, the Committee again expressed concerns and recommended to Morocco that all corporal punishment, including in the family, schools and institutions, be prohibited by law.<sup>6</sup>
- 3.2 *UPR*: During the UPR of Morocco in 2012 (session 13), recommendations were made to “enact legislative provisions prohibiting corporal punishment of girls and boys in the home and schools” and to “prohibit all forms of violence against children, including corporal punishment, in all settings”.<sup>7</sup> The Government accepted the recommendations.

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
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October 2013

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<sup>5</sup> 30 October 1996, CRC/C/15/Add.60, Concluding observations on initial report, paras. 15 and 27

<sup>6</sup> 10 July 2003, CRC/C/15/Add.211, Concluding observations on second report, paras. 42 and 43

<sup>7</sup> 6 July 2012, A/HRC/21/3, Report of the working group, paras. 129(62) and 129(65)