

**BRIEFING ON MOROCCO FOR THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, PRE-SESSIONAL WORKING GROUP
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**This briefing describes the legality of corporal punishment of children in Morocco. In light of the obligation under international human rights law to prohibit all corporal punishment of children, the recommendations of the UN Secretary General’s Study on Violence against Children, the recommendations made to Morocco by the Committee on the Rights of the Child (in 2014, 2003 and 1996), the Committee Against Torture (in 2011) and during the Universal Periodic Review (in 2013), and Morocco’s commitment to prohibiting corporal punishment, we hope the Committee on Economic, Social and Cultural Rights will:**

* **in its List of Issues for Morocco, raise the issue of corporal punishment, in particular asking what steps are being taken to ensure that legislation is enacted which explicitly prohibits all corporal punishment of children, for example by including prohibition in the Domestic Violence Bill currently under consideration?**
* **in its concluding observations on Morocco’s fourth report, recommend that legislation is drafted – in the Domestic Violence Bill or other law – which prohibits all corporal punishment of children, including in the home.**

**1 Morocco’s report to the Committee on Economic, Social and Cultural Rights**

* 1. Morocco’s fourth report to the Committee on Economic, Social and Cultural Rights describes measures to address gender-based violence but it makes no reference to violence which may lawfully be inflicted on children in the domestic and other spheres in the guise of “discipline” in childrearing and education.
	2. We hope the Committee will raise the issue in its examination of Morocco, welcoming the Government’s acceptance of the UPR recommendations to prohibit all corporal punishment and emphasising the importance of protecting children from all violence in the home, including that inflicted in the guise of “discipline”. **We hope the Committee will recommend to Morocco that legislation is drafted – in the Domestic Violence Bill or other law – which prohibits all corporal punishment of children, including in the home.**

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

2.1 ***Summary:*** In Morocco, corporal punishment of children is unlawful in the penal system but it is not prohibited in the home, alternative care settings, day care and schools. The Government is committed to prohibiting all corporal punishment and the Domestic Violence Bill currently under consideration provides a key opportunity for achieving this.

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 were violently “disciplined” (through physical punishment and/or psychological aggression) in the home in the month prior to the survey; 24% were severely physically punished (hit or slapped on the face, head or ears or hit over and over with an implement).[[1]](#footnote-1)

2.3 The Government signalled its commitment to prohibition by clearly accepting recommendations to prohibit corporal punishment in all settings including the home made during the Universal Periodic Review of Morocco in 2012.[[2]](#footnote-2) A Domestic Violence Bill is under consideration: this provides a key opportunity to enact prohibition, to ensure that children are protected from punitive assault in the home just as adults are.

2.4 ***Alternative care settings (lawful):***There is no explicit prohibition of corporal punishment in alternative care settings, including in the law on foster care for abandoned children 2002. A study by the National Human Rights Council involved visits to 17 child protection centres: many children said physical violence was the “pedagogical tool” used to “discipline” them, with punishments including hitting children with pipes and sticks and slapping them.[[3]](#footnote-3)

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

2.6 ***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.

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

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

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

3.1 ***CRC:*** The Committee on the Rights of the Child has three times expressed concern at corporal punishment of children in Morocco and recommended it be explicitly prohibited in the home – in its concluding observations on the state party’s initial report in 1996,[[4]](#footnote-4) on the second report in 2003[[5]](#footnote-5) and on the third/fourth report in 2014.[[6]](#footnote-6)

3.2 ***CAT:*** In 2011, the Committee Against Torture recommended to Morocco that corporal punishment of children be prohibited by law in the home, schools and centres that provide child protection services.[[7]](#footnote-7)

3.3 ***UPR:*** During the Universal Periodic Review of Morocco in 2012, the Government accepted recommendations to prohibit corporal punishment in all settings, including the home and schools.[[8]](#footnote-8)

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

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1. UNICEF (2008), *Enquête Nationale à Indicateurs Multiples et Santé des Jeunes, ENIMSJ 2006-2007*, Rabat, Maroc: UNICEF [↑](#footnote-ref-1)
2. 6 July 2012, A/HRC/21/3, Report of the working group, paras. 129(62) and 129(65) [↑](#footnote-ref-2)
3. Conseil national des droits des homes (2013), *Enfants dans les centres de sauvegarde: une enfance en danger - pour une politique de protection intégrée de l’enfant*, Rabat: CNDH [↑](#footnote-ref-3)
4. 30 October 1996, CRC/C/15/Add.60, Concluding observations on initial report, paras. 15 and 27 [↑](#footnote-ref-4)
5. 10 July 2003, CRC/C/15/Add.211, Concluding observations on second report, paras. 42 and 43 [↑](#footnote-ref-5)
6. 19 September 2014, CRC/C/MAR/CO/3-4 Advance Unedited Version, Concluding observations on third/fourth report, paras. 36 and 37 [↑](#footnote-ref-6)
7. 21 December 2011, CAT/C/MAR/CO/4, Concluding observations on fourth report, para. 24 [↑](#footnote-ref-7)
8. 6 July 2012, A/HRC/21/3, Report of the working group, paras. 129(62) and 129(65) [↑](#footnote-ref-8)