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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on Economic,
Social and Cultural Rights**

MOROCCO

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of Morocco on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.29) at its 16th, 17th and 18th meetings, held on 10 and 11 May 2006 (E/C.12/2006/SR.16 to 18), and made public, at its 29th meeting, held on 19 May 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of the State party, which was prepared in conformity with the Committee's guidelines. It notes with satisfaction the written replies to the list of issues (E/C.12/Q/MAR/2). It regrets, however, that one section of the written replies was not transmitted in time to be translated into the Committee's other working languages.

3. The Committee welcomes the constructive dialogue with the delegation of the State party.

B. Positive aspects

4. The Committee acknowledges Morocco's efforts to protect human rights and welcomes the legislative reforms to improve the status of women, particularly certain provisions of the new Family Code of 2004.

5. The Committee notes with satisfaction the restructuring of the Consultative Council on Human Rights (CCDH) and the establishment of the *Diwan Al Madhalim*, the Royal Institute of Amazigh Culture (IRCAM), and the Equity and Reconciliation Commission.
6. The Committee notes with appreciation the National Disability Survey undertaken by the State party in 2004 with support from the European Union and the National Programme for Community-based Rehabilitation 2006-2008, intended to help disabled persons, which was developed with assistance from the United Nations Development Programme (UNDP).
7. The Committee notes with satisfaction that the age of consent to marriage has been set at 18 for men and women alike, and is interested to note that the State party has developed a national plan of action for children for the decade 2005-2015.
8. The Committee takes note with satisfaction of the adoption of the new Labour Code in 2003.
9. The Committee is pleased that human rights are taught to students at all stages of the school system, and that members of the national legal service and public officials, including law-enforcement officers, receive human rights training.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee notes that certain traditions, customs and cultural practices in Morocco continue to prevent women from fully exercising their rights under the Covenant.
11. The Committee notes the disastrous effects of earthquakes in some regions of the State party, such as Al-Hoceima, on the rights enshrined in the Covenant, particularly the right to housing, a problem which affects women and children in particular.
12. The Committee notes that the Moroccan national human rights institution is connected to the Ministry of Justice, which could impede its independence.

D. Principal subjects of concern

13. The Committee notes with regret that important points raised in its concluding observations in 1994 (E/C.12/1994/5) and in 2000 (E/C.12/1/Add.55) have not been taken into consideration, and that the State party has not effectively addressed the main concerns raised during the consideration of its initial report and its second periodic report, which still need to be addressed, namely:

(a) The lack of data and statistics on the homeless, evictions, access to drinking water and electricity, women's employment and the status of the Amazigh people;

(b) The fact that no clear solution has yet been found to the question of self-determination for the people of Western Sahara. The Committee notes with concern reports of the straitened circumstances endured by people displaced by the conflict in Western Sahara, particularly women and children, who apparently suffer multiple violations of their rights under the Covenant;

- (c) Obstacles to the enjoyment of the rights enshrined in article 8 of the Covenant, such as the cumbersome administrative formalities for setting up trade unions;
 - (d) The continued restrictions on the right to strike stemming from article 288 of the Criminal Code, which contravene article 8 of the Covenant;
 - (e) The large number of children living in the street;
 - (f) The persistently high rate of maternal mortality, despite the State party's efforts.
14. The Committee is concerned at the lack of legal remedies available to victims of violations of the rights enshrined in the Covenant.
15. The Committee notes with regret that polygamy, despite the restrictions placed on it by the new Family Code, continues to be practised in Morocco. The Committee recalls that polygamy is a violation of a woman's dignity and constitutes discrimination against women.
16. The Committee continues to be concerned that, despite the progress made in the new Family Code, particularly with regard to the procedure for divorce by mutual consent, the abolition of compulsory matrimonial guardianship for women and restrictions on one-sided divorce, Moroccan legislation still contains some discriminatory provisions, particularly with regard to inheritance and criminal matters.
17. The Committee notes with concern that domestic servants and agricultural workers are not protected by the 2003 Labour Code and are thus exposed to exploitation.
18. While acknowledging the measures taken by the State party to promote employment, the Committee remains concerned at the alarmingly and persistently high level of unemployment in Morocco, particularly among the young. In this respect, it notes with concern that scant employment opportunities and low salaries lead to the emigration of individuals of working age.
19. The Committee is concerned at the lack of effective remedies for workers in cases of unfair dismissal and at the refusal by employers to pay termination indemnities.
20. The Committee is concerned at the inadequate provision of occupational medical care in private companies in Morocco and at the lack of statistics on conditions of employment and occupational health and safety in such companies.
21. The Committee notes with concern that coverage under the social security system in Morocco remains inadequate and unequally distributed between rural and urban areas and among the regions.
22. The Committee notes with concern that the minimum retirement pension of 500 dirhams paid by the National Social Security Fund (CNSS) does not guarantee an adequate standard of living for retirees and their families.
23. The Committee acknowledges the efforts made by the State party to combat domestic violence, but notes with concern that the State party's Criminal Code contains no specific provision making domestic violence a punishable offence.

24. The Committee observes that sexual harassment in the workplace is regarded as serious misconduct under the State party's Labour Code, but remains concerned that such conduct is not an offence under the Criminal Code.

25. The Committee takes note with concern of the situation of unaccompanied migrant children who are repatriated.

26. The Committee takes note with concern of the privatization of public services such as water and electricity in urban centres in Morocco, the effect of which is to impose an additional economic burden on families living in shantytowns and thus aggravate their poverty.

27. The Committee is particularly concerned at reports of poor housing conditions in Morocco for displaced persons, minorities and, particularly, people dwelling in shantytowns, where the population density is said to hamper the effective enjoyment of economic, social and cultural rights. The Committee notes with concern that the State party has not done enough to counter the adverse effects of earthquakes in regions such as Al-Hoceima on the right to housing.

28. The Committee reiterates its concern at the fact that, despite the State party's efforts to reduce poverty, 17 per cent of the population is still living in poverty and 70 per cent of the poor live in rural areas.

29. The Committee is concerned at the possible adverse effects of free-trade agreements which entered into force in 2006. It appears that these agreements, which raise the costs of medical supplies and drugs, could impinge on the rights enshrined in the Covenant, particularly the right to health.

30. The Committee notes with concern that the State party has a two-speed education system with a striking difference in level between public and private education which denies equal opportunities to low-income sectors of society. It is also concerned at the disparities in school enrolment rates between girls and boys and between rural and urban areas. It is also concerned that primary and secondary education is given in Arabic whereas higher education in scientific subjects is available only in French, making it difficult for pupils from the public sector to enrol.

31. The Committee takes note of the State party's efforts to implement literacy programmes. It regrets, however, that such programmes are conducted only in Arabic, thereby preventing adult, non-Arabic-speaking Amazigh people from becoming literate in their mother tongue.

32. The Committee takes note of the action taken by the State party to promote Amazigh culture. It is nevertheless concerned that Amazigh names are not accepted by municipal registry offices. It also observes that, since Arabic is the only official language in the State party, the Amazigh population, which makes up a large part of the Moroccan population, is denied the right to use its mother tongue in official business, and that the right of the Amazigh people to their cultural identity is not fully respected.

E. Suggestions and recommendations

33. The Committee recommends that the State party follow up the specific concerns raised in connection with its initial report and its second periodic report, and urges it to act on the Committee's suggestions and recommendations in that regard.

34. The Committee recommends that the State party establish a reliable database so that it can monitor, over time, the realization of each of the rights enshrined in the Covenant, and extract information for the Committee about the exercise of those rights.
35. The Committee again encourages the State party to make every effort to find a clear and definitive solution to the issue of self-determination for the people of Western Sahara. The Committee calls on the State party to take steps to protect the rights of persons displaced by the conflict in Western Sahara and to ensure their safety.
36. The Committee reiterates its recommendation that the State party should take legislative and other measures to give effect to all the provisions of the Covenant.
37. The Committee urges the State party to provide in its fourth periodic report accurate and detailed information on, and real-life examples of, the legal remedies available to victims of violations of the rights enshrined in the Covenant.
38. The Committee encourages the State party to step up its efforts to respect and protect the rights of women, and recommends that it abolish polygamy once and for all.
39. The Committee encourages the State party to bring its national legislation fully into line with the Covenant, by abolishing any discriminatory provisions and guaranteeing equal treatment for men and women in the effective enjoyment of their economic, social and cultural rights.
40. The Committee reiterates its recommendation that the State party should take legislative and other measures to regulate the working and employment conditions of domestic servants in order to guarantee enjoyment of their rights and social protection.
41. The Committee recommends that the State party implement a plan of action specifically to combat youth unemployment, based on vocational training, apprenticeships and any other measure that could facilitate young people's access to employment.
42. The Committee urges the State party to establish effective remedies for workers who have been unfairly dismissed and to launch publicity campaigns to make workers aware of their rights under the Covenant.
43. The Committee requests the State party to take steps to ensure that private companies actually have occupational medical officers available and to provide information and statistics on conditions of employment and occupational health and safety in such companies.
44. The Committee again urges the State party to bring its labour legislation into line with article 8 of the Covenant by amending article 288 of the Criminal Code.
45. The Committee encourages the State party to remove the administrative obstacles to the exercise of the right to organize, including through the prompt issuance of an acknowledgement of receipt for an application to form a trade union. It also invites the State party to expedite ratification of the International Labour Organization (ILO) Convention concerning Freedom of Association and Protection of the Right to Organize (No. 87, of 1948).

46. The Committee recommends that the State party redouble its efforts to ensure that coverage under the social security system, including unemployment, sickness, maternity and family benefits, is equally distributed between rural and urban areas and among the regions. In this connection, the Committee recommends that the State party consider ratifying the ILO Convention concerning Minimum Standards of Social Security (No. 102, of 1952) and the ILO Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security (No. 118, of 1962).

47. The Committee encourages the State party to ensure that the national plan of action for children for the decade 2005-2015 emphasizes the reintegration of street children in society, to take tougher action against child abandonment, and to ensure that neglected or abandoned children receive appropriate care and rehabilitation. The State party should take effective steps to address the underlying causes of the neglect and abandonment of children by, in particular, making greater assistance available to families with children.

48. The Committee recommends that the State party ensure that unaccompanied migrant children who are repatriated are adequately assisted, rehabilitated and protected.

49. The Committee recommends that the State party increase the minimum retirement pension to enable retirees and their families to enjoy an adequate standard of living.

50. The Committee invites the State party to step up its efforts to combat domestic violence by making such violence an offence under the Criminal Code and by providing law-enforcement personnel and judges with training on the criminal nature of domestic violence.

51. The Committee urges the State party to take such action as is necessary to improve housing conditions in shantytowns and elsewhere. It exhorts the State party to provide assistance to earthquake victims, particularly women and children, and to take preventive action to ensure that housing is built in accordance with the rules applicable to earthquake-prone areas. The State party should redouble its efforts to rehouse the disaster-struck population of Al-Hoceima.

52. The Committee invites the State party to take the necessary legislative measures to make sexual harassment in the workplace an offence under the Criminal Code.

53. The Committee urges the State party to take all necessary measures to ensure that families living in poverty in shantytowns have access to public services. It recommends that the State party take due account of its general comments No. 3 (1990), on the nature of States parties' obligations (art. 2, para. 1, of the Covenant), No. 7 (1997), on the right to adequate housing (art. 11, para. 1, of the Covenant) and forced evictions, and No. 15 (2002), on the right to water (arts. 11 and 12 of the Covenant).

54. The Committee encourages the State party to pursue its efforts to combat maternal mortality and redouble its efforts to improve the effectiveness of programmes addressing this problem.

55. The Committee reiterates its recommendation that the State party should step up its efforts to reduce poverty, including in rural areas, and improve its social development strategies, which should cover economic, social and cultural rights. In this respect, the Committee refers

the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights, adopted by the Committee on 4 May 2001 (E/2002/22-E/C.12/2001/17, annex VII). The Committee requests the State party to include in its next periodic report disaggregated comparative data on the number of people living in poverty and on the progress made in combating poverty.

56. The Committee strongly recommends that the State party take into account, in negotiations and bilateral agreements, all the obligations incumbent upon it under the Covenant, so as not to impinge upon economic, social and cultural rights. It recommends that the State party evaluate the impact of the free-trade agreements that entered into force in 2006 on the economic, social and cultural rights of the people of Morocco, especially the most vulnerable sectors of the population.

57. The Committee recommends that the State party take the necessary steps to bolster the public schooling system and achieve equality in education between girls and boys and between rural and urban areas. The Committee encourages the State party to take the necessary steps to ensure that higher education in scientific subjects is also available in Arabic.

58. The Committee recommends that the State party set up literacy programmes in the Amazigh language. It also invites the State party to provide free schooling in Amazigh at all levels.

59. The Committee invites the State party to consider making Amazigh an official language under the Constitution. It encourages the State party to take the necessary steps to enable parents to give their children an Amazigh name. It also urges the State party to take the necessary steps to guarantee fully the right of the Amazigh community to exercise its own cultural identity, in accordance with article 15, paragraph 1 (a), of the Covenant, which establishes the right to take part in cultural life.

60. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and, in particular, among State officials and the judiciary, and to inform the Committee in its fourth periodic report about all steps taken to implement them. It invites the State party to involve non-governmental organizations in the formulation of that report.

61. Lastly, the Committee requests the State party to submit its fourth periodic report by 2009, and to provide therein detailed information on all action it has taken in response to the recommendations made in these concluding observations.
