



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

## **MOROCCO**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 1<sup>st</sup> session, 2007**

*From Peter Newell, Coordinator, Global Initiative*

[info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

**Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General’s Study on Violence against Children, as a highly significant issue, both for asserting children’s status as rights holders and for the prevention of all forms of violence.**

**The Global Initiative to End All Corporal Punishment of Children has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.**

**In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies and also regional human rights mechanisms have condemned all corporal punishment. In October 2006, the report of the UN Secretary General’s Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.**

**This briefing describes the gaps in prohibition in Morocco, despite repeated recommendations to introduce prohibition by the Committee on the Rights of the Child.**

**We hope the Review will highlight with concern Morocco’s failure to respond to treaty body recommendations and strongly recommend that Morocco introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including in the home.**

## **I: Legality of corporal punishment in Morocco**

### **The home**

Corporal punishment is lawful in the **home**.

Children have limited protection from violence and abuse under the Criminal Code and the Family Code (2004).

### **Schools and other settings**

Corporal punishment in **schools** was prohibited by Ministerial direction in 2000, but there is no explicit prohibition in law.

In the **penal system**, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in penal institutions.

In **alternative care settings**, there is no prohibition of corporal punishment in foster care. We have been unable to ascertain the legality of corporal punishment in other institutions and forms of childcare.

## **II: Recommendations by human rights treaty monitoring bodies**

The **Committee on the Rights of the Child** first made recommendations concerning the elimination of corporal punishment of children in Morocco in 1996, following examination of the state party's initial report (CRC/C/15/Add.60, para. 27). In 2003, in its concluding observations on Morocco's second report, the Committee again expressed concern about corporal punishment and recommended that the state party (CRC/C/15/Add.211, para. 43):

- “... 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; ...
- 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....”