



Convention on the Rights of the Child

Distr.: General
13 November 2014

Original: English

Committee on the Rights of the Child

Concluding observations on the report submitted by Morocco under article 8, paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

1. The Committee considered the initial report of Morocco (CRC/C/OPAC/MAR/1) at its 1908th meeting (see CRC/C/SR.1908), held on 4 September 2014, and adopted, at its 1929th meeting, held on 19 September 2014, the concluding observations below.

I. Introduction

2. The Committee welcomes the submission by the State party of its initial report and written replies to the list of issues (CRC/C/OPAC/MAR/Q/1/Add.1). The Committee expresses its appreciation for the constructive dialogue with the high-level and multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined third and fourth periodic reports of the State party under the Convention (CRC/C/MAR/CO/3-4), adopted on 19 September 2014.

II. General observations

Positive aspects

4. The Committee welcomes the positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular:

(a) The endorsement of the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups, as well as the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups;

(b) The major demining efforts made by the State party in Western Sahara;

* Adopted by the Committee at its sixty-seventh session (1–19 September 2014).



(c) The support expressed to the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict.

III. General measures of implementation

Coordination

5. The Committee is concerned at the absence of a body mandated to coordinate the comprehensive and effective implementation of the Optional Protocol throughout the State.

6. **The Committee urges the State party to designate the governmental entity with overall responsibility for the implementation of the Optional Protocol, and to put in place an institutional mechanism for the effective coordination among ministries and other government entities and partners of implementation activities.**

Allocation of resources

7. The Committee is concerned at the absence of information on the budgetary allocation for the implementation of the Optional Protocol.

8. **The Committee recommends that the State party earmark specifically sufficient budgetary resources for the implementation of the Optional Protocol.**

Dissemination and awareness-raising

9. While noting that the Optional Protocol was published in the Official Gazette and that the Ministry of National Education has worked to integrate the Optional Protocol into educational programmes, the Committee regrets that these measures have remained insufficient to raise awareness of the principles and provisions of the Optional Protocol.

10. **The Committee recommends that the State party ensure that the principles and provisions of the Optional Protocol are widely disseminated among the general public, and children and their families.**

Training

11. The Committee welcomes the measures taken to develop training programmes on international humanitarian law for its armed forces, including those involved in peacekeeping operations. It is, however, concerned that the provisions of the Optional Protocol are not included in the training programmes and that other relevant professional categories do not receive adequate training on the Optional Protocol.

12. **The Committee recommends that training on the provisions of the Optional Protocol be provided for professionals dealing with children, in particular teachers, migration authorities, members of international peacekeeping forces, police, lawyers, judges, medical professionals, social workers and journalists.**

Data

13. Given the presence of child refugees in the State party coming from States affected by armed conflict, the Committee is concerned at the absence of a system that promptly identifies and registers children who may have been enrolled in armed conflicts abroad or are at risk of such recruitment.

14. **The Committee recommends that the State party establish a central data collection system to identify and register all children within its jurisdiction who may have been recruited or used in hostilities abroad. The Committee also recommends that the State party ensure that data on refugee and asylum-seeking children who**

have been victims of such practices are properly collected. All data should be disaggregated by, *inter alia*, sex, age, nationality, ethnic origin and socioeconomic background, as well as the time frame of the use of the child.

IV. Prohibition and related matters

Criminal legislation and regulations in force

15. While noting that since the abolition of compulsory recruitment in 2007 the recruitment into the armed forces has been voluntary, with a minimum enlistment age at 18 years, the Committee is, however, concerned that the recruitment and use of children in hostilities by armed forces and non-State armed groups, as well as the recruitment and use of children by private security companies, have still not been explicitly prohibited and criminalized. The Committee is also concerned that the recruitment of children below the age of 15 has not been defined as a war crime in the State party's legislation.

16. **The Committee recommends that the State party undertake a comprehensive review of its legislation in order to bring it into compliance with the principles and provisions of the Optional Protocol, and in particular that the State party:**

(a) **Explicitly prohibit and criminalize the recruitment and use of children under 18 years of age in hostilities by armed forces, non-State armed groups and security companies;**

(b) **Define and punish the recruitment of children under the age of 15 as a war crime, and consider ratifying the Rome Statute of the International Criminal Court.**

Extraterritorial jurisdiction

17. The Committee welcomes the information provided during the dialogue with the delegation of the State party that a draft law establishing, *inter alia*, extraterritorial jurisdiction over the offences covered by the Optional Protocol is currently being adopted.

18. **The Committee recommends that the State party establish extraterritorial jurisdiction over acts prohibited under the Optional Protocol, including the conscription or enlistment of children into the armed forces or armed groups, or their use to participate actively in hostilities, if such crimes are committed by or against a Moroccan national or a person who otherwise has a close link with the State party.**

V. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

19. The Committee expresses serious concern at the numerous cases of refoulement of refugee and asylum-seeking children and at the absence of information on the measures in place to protect the rights of child victims of recruitment and against the use of children in armed conflicts abroad.

20. **The Committee urges the State party to ensure the full respect for the fundamental principle of non refoulement, including non-rejection at frontiers.**

Assistance for physical and psychological recovery and social reintegration

21. The Committee is concerned that insufficient attention has been paid to the early identification of refugee and asylum-seeking children who may have been involved in

conflict or subject to conflict-related trauma. It is also concerned that children suffering from profound distress as well as sensory, intellectual or mental health disability after experiencing and witnessing war-related violence and affliction have had limited access to assistance for their physical and psychological recovery.

22. **The Committee recommends that the State party:**

(a) **Provide systematic training on the early identification of children who may have been involved in conflict or affected by it to all professionals working with or for children, particularly border control and immigration personnel, the military and education professionals, and ensure that immigration personnel secure the support of medical professionals, including psychologists, when dealing with such children;**

(b) **Strengthen assistance and support provided to refugee and asylum-seeking children who may have been involved in conflict or subject to conflict-related trauma and displacement;**

(c) **Seek in this regard assistance from international partners and agencies, including the Office of the United Nations High Commissioner for Refugees, in establishing programmes for their physical and psychological recovery.**

VI. International cooperation and assistance

Child abuse by peacekeepers

23. While noting the information provided by the delegation of the State party that thorough investigations were conducted in collaboration with the United Nations Office of Internal Oversight Services into the cases of child sexual abuse committed by Moroccan peacekeepers in Côte d'Ivoire in 2007, the Committee is, however, deeply concerned about the lack of measures taken to prevent such abuse, the weak sanctions received by those who were found guilty of committing them and the absence of information on the compensation paid to victims.

24. **The Committee reminds the State party that children involved in armed conflict are entitled to special protection under international humanitarian law, including from sexual abuse. It therefore urges the State party to take as a matter of priority all the measures necessary to prevent its military personnel deployed as peacekeepers from abusing children and to ensure that those recognized guilty are given penalties commensurate with the gravity of their crimes. The Committee also urges the State party to provide precise information in its next periodic report under the Convention on the compensation paid to victims.**

VII. Follow-up and dissemination

25. **The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia, transmitting them to the Parliament, relevant ministries, including the Ministry of Defence, the Supreme Court and to local authorities, for appropriate consideration and further action.**

26. **The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available, including through (but not exclusively) the Internet, to the public at large, civil society organizations, youth groups, professional**

groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

VIII. Next report

27. In accordance with article 8, paragraph 2 of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.
