

UN CRC	Ratification Date	Care-Related Concluding Observations
CRC/C/MAR/CO/3-4	21 June 1993	<p>CRC/C/MAR/CO/3-4 14 October 2014 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMAR%2fCO%2f3-4&Lang=en</p> <p>C. General principles (arts. 2, 3, 6 and 12 of the Convention) Non-discrimination 24. The Committee welcomes the statement by the State party's delegation that measures will promptly be taken in order for children not to be identified as born out of wedlock in their identity documents. The Committee is, however, concerned about: (a) De jure and de facto discrimination against girls and children born out of wedlock, including in areas relating to personal status (e.g. family name, inheritance); (b) The persistent disparities between different regions and between rural and urban areas; (c) Reports that the richest 20 per cent of families account for 30 per cent of the national income, while the poorest 20 per cent account for only 2 per cent of it; (d) The persistent discrimination against children with disabilities.</p> <p>25. The Committee urges the State party to:</p> <p>(a) Expedite the amendment, without delay, of article 16, paragraph 7, of Law No. 37-99 and remove from identity documents any mention that leads to the identification of children as born out of wedlock; (b) Repeal all legal provisions especially those contained in the Family Code that discriminate against girls and children born out of wedlock; and (c) Ensure that the Integrated Policy on Children currently being elaborated addresses as a matter of priority the situation of children in the most marginalized or disadvantaged situations, and especially the various types of discrimination suffered</p> <p>Best interests of the child 26. While appreciating the inclusion in the Family Code of the right of the child to have his or her best interests taken as a primary consideration, the Committee regrets that the practice of early and forced child</p>

		<p>marriages, the placement of children in residential institutions, and the recourse to custodial measures for children in conflict with the law still contradict the best interests of many children. The Committee is also concerned that this right has not been incorporated in legislation concerning children and is therefore neither applied in all administrative and judicial proceedings, nor in policies and programmes relating to children.</p> <p>27. The Committee draws the State party's attention to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration and recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration.</p> <p>D. Civil rights and freedoms (arts. 7, 8 and 13–17)</p> <p>Right to know and be cared for by parents</p> <p>32. The Committee is concerned that although thousands of children are born outside of wedlock every year, the legislation of the State party does not allow mothers and children to take action to establish paternity on the basis of DNA testing.</p> <p>33. The Committee urges the State party to allow, by law, women and children to initiate action to establish paternity on the basis of DNA testing.</p> <p>F. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20, 21, 25 and 27 (4))</p> <p>Family environment</p> <p>44. The Committee welcomes the provisions of the 2004 Family Code, which has placed the family under the joint responsibility of both spouses and has rescinded the wife's so-called "duty of obedience" to her husband. The Committee also welcomes the recognition by the delegation of the State party of the negative effects of polygamy on children. The Committee is, however, concerned that:</p> <p>(a) Despite certain restrictions introduced in the law and in spite of the low number of polygamous unions, polygamy remains permissible, a situation which is contrary to the dignity of women and girls entering these marriages and which negatively affects children;</p>
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		<p>(b) Although the State party ensures equal legal protection as well as social and moral consideration for all children, regardless of their family status, children born of a marriage between a Muslim woman and a non-Muslim man might not be legally recognized, a situation which may prevent them from enjoying all their rights in conditions of equality with other children.</p> <p>45. The Committee urges the State party to revise the Interim Status Code Act and ensure that all provisions that discriminate against women and girls and negatively impact their children are repealed, such as those which authorize polygamy. It also urges the State party to eliminate any form of discrimination against children born of a marriage between a Muslim woman and a non-Muslim man, in line with its Constitution.</p> <p>Children deprived of a family environment</p> <p>46. The Committee is concerned about the consequences of the criminalization of sexual relations outside of marriages (art. 490 of the Criminal Code), which reportedly results in the abandonment of dozens of babies every day in the State party. The Committee is also deeply concerned at the social rejection and stigmatization of single mothers in the State party, one third of whom are adolescents, and at the serious consequences of their social rejection on their children.</p> <p>47. The Committee urges the State party to repeal article 490 of the Criminal Code, to provide unmarried mothers with the necessary support to enable them to take care of their children, and to develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat and eliminate the stigma attached to out-of-wedlock pregnancy. Active measures should also be taken to foster responsible parenthood and sexual behaviour, with particular attention to awareness-raising among boys and men.</p> <p>Alternative care</p> <p>48. The Committee, while noting as positive the adoption of Act No. 14-05 of 2006 on the opening and administration of social welfare institutions, is concerned that this law has not been effectively implemented, as recognized by the State party itself. The Committee is particularly concerned that:</p> <p>(a) The number of children deprived of a family environment is growing, as is evident from the number of institutions, which is reported to have doubled since 2005;</p> <p>(b) Two thirds of children are placed in institutions on the sole basis of poverty;</p>
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		<p>(c) The financial resources provided by the National Mutual to the social protection establishments do not even cover the basic needs of the beneficiaries, and two thirds of abandoned children are being taken care of by associations;</p> <p>(d) The insufficient number of well-trained personnel and the absence of monitoring in these institutions leads to limited supervision of the situation of children, who are increasingly subjected to violence and abuse;</p> <p>(e) Children are moved from one centre to another every three to four years as these institutions are organized by age groups, exposing them to reliving the break repeatedly, aggravating attachment disorders and separating them from their siblings;</p> <p>(f) Some abandoned children live in hospitals in extremely precarious situations.</p> <p>49. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee urges the State party to:</p> <p>(a) Ensure that financial and material poverty or conditions directly and uniquely attributable to such poverty are never the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration;</p> <p>(b) Finalize the process of adoption of the bill on alternative care, giving priority to alternatives to institutions and notably to kinship care, foster care and family-strengthening programmes to prevent out-of-home placement;</p> <p>(c) Reinforce mechanisms for the early detection of children in difficult circumstances and establish support programmes for parents and single mothers as well as community-based programmes with a view to promptly reducing the institutionalization of children;</p> <p>(d) Support <i>Entraide Nationale</i>, entrusted with the implementation of Law No. 14-05, and allocate the necessary resources for the project to reform social protection institutions that was launched in 2012 in order to improve the living conditions of children placed in institutions;</p> <p>(e) Ensure that all personnel working in institutions receive adequate training on children's rights, including on how to report cases of mistreatment, and provide all the human, technical and financial resources required for improving the situation of children;</p> <p>(f) Thoroughly and periodically review placements of children in care institutions and establish mechanisms to receive and address complaints from the children;</p> <p>(g) Take all necessary measures to reduce the length of children's stay in institutions, and to ensure that they are no longer separated from their siblings and moved from one centre to another and that they are</p>
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		<p>provided with care in a stable environment that favours the creation and maintenance of positive relationships with adults and children;</p> <p>(h) Where it is in the best interests of the child, facilitate contact between the child and her/his biological family to encourage and support reunification wherever possible;</p> <p>(i) Urgently remove abandoned children from hospitals and ensure that they can benefit from family-type placement.</p> <p>Adoption/Kafalah</p> <p>50. While noting the adoption of Act No. 15-01 of June 2002 on abandoned children, the Committee is concerned that the legal situation of children in Kafalah remains precarious. In particular, the Committee notes with concern that this law does not prescribe a psychological evaluation of applicants before Kafalah is granted, does not give priority to the extended family and does not entail any follow-up to the placement in Kafalah. The Committee is also concerned about information that, in some instances, the Kafalah system is used to exploit girls in domestic labour or to place children from poor families. The Committee is further concerned about circular 40S/2 of 2012, which contradicts the best interests of the child by prohibiting non-residents from adopting children.</p> <p>51. The Committee recommends that the State party:</p> <p>(a) Amend its legislation regulating the Kafalah system in order to bring it into full compliance with the Convention;</p> <p>(b) Prevent the automatic placement of children born out of wedlock and children in poverty into Kafalah, by providing single mothers and/or parents with the necessary support to care for their children;</p> <p>(c) Ensure proper follow-up of children placed in Kafalah;</p> <p>(d) Take all the necessary measures to prevent and punish cases of exploitation of children via the Kafalah system; and</p> <p>(e) Repeal circular 40S/2 of 2012.</p> <p>I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b-d), 38, 39 and 40)</p> <p>Migrant, asylum-seeking and refugee children</p> <p>62. The Committee welcomes the development of a new law on asylum, the reopening of the <i>Bureau des Réfugiés et des Apatrides</i> in 2013, and the instructions given in October 2013 by the Ministry of Education to facilitate the enrolment of all migrant, refugee and asylum-seeking children in public and private schools. Nevertheless, in view of the growing number of unaccompanied children and child asylum seekers in the State party, the Committee is concerned that procedural safeguards to identify and determine the best</p>
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		<p>interests of these children have not been developed, and that the State party does not provide these children with any type of assistance and protection from violence, exploitation or trafficking. The Committee is particularly concerned about:</p> <ul style="list-style-type: none">(a) The deportation of unaccompanied children, which takes place in spite of the provisions of the Migration Act (Law No. 02-03) which provide for the protection of children from expulsion (art. 26) and deportation (art. 29), five children having been deported at the risk of their life in the desert between Morocco and Algeria in 2013;(b) The arrest and detention of refugee and asylum-seeking children;(c) The deteriorating health conditions of children present in the Migrant Reception Centre;(d) The obstacles that migrant, refugee and asylum-seeking children face to accessing health services;(e) The situation of an unaccompanied girl who was placed, in 2012, at the age of 6, in a specialized centre, without monitoring of her situation by the State authorities since then. <p>63. The Committee recommends that the State party accelerate the adoption of a legal and institutional framework that ensures that the rights of non-accompanied migrant, asylum-seeking and refugee children are respected at all times, in accordance with international refugee and human rights law. The State party should ensure that:</p> <ul style="list-style-type: none">(a) Refugee and asylum-seeking children are not arrested, arbitrarily detained and deported back in breach of the law;(b) An inquiry to determine the responsibilities in the deportation of five children in the desert in 2013 is conducted, sanctions are taken against those responsible and measures are adopted to prevent the recurrence of such a situation;(c) Prompt measures are taken to ensure improved access by asylum-seeking, refugee and migrant children to protection units located in hospitals, and to improve the health status in the Migrant Reception Centre. <p>Children in street situations</p> <p>66. The Committee notes that, despite the absence of precise data on the number of children living and working on the streets, this number is reportedly on the rise in the State party.</p> <p>67. The Committee recommends that the State party establish cross-sectoral coordination and multidisciplinary interventions involving many actors at different levels to ensure that children in street</p>
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		<p>situations are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development.</p> <p>Sale, trafficking and abduction 68. The Committee notes the development of a law on human trafficking. The Committee is, however, concerned that the State party remains a source, destination and transit country for children, primarily from sub-Saharan Africa and south Asia, who are subjected to forced labour, including as domestic workers, and to sex trafficking and forced begging, two thirds of victims of trafficking being children. The Committee is also concerned that insufficient measures have been taken to investigate, prosecute, convict and adequately punish child trafficking offenders.</p> <p>69. The Committee urges the State party to adopt its legislation on trafficking and ensure that it fully addresses and responds to the specificities of child trafficking. The State party should also take firm measures to end impunity for child traffickers.</p>
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<p>CRC/C/MAR/CO/3-4 14 October 2014 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMAR%2fCO%2f3-4&Lang=en</p>		
OPSC to CRC	Ratification Date	Care-Related Concluding Observations
	2 Oct 2001	
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	22 May 2002	

ICCPR	Ratification Date	Care-Related Concluding Observations
	3 May 1979	
ICESCR	Ratification Date	Care-Related Concluding Observations
	3 May 1979	
CEDAW	Ratification Date	Care-Related Concluding Observations
	21 Jun 1993	
CRPD	Ratification Date	Care-Related Concluding Observations
CRPD/C/MAR/CO/1	8 April 2009	<p>25 September 2017</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMAR%2fCO%2f1&Lang=en</p> <p>III. Principal areas of concern and recommendations</p> <p>B. Specific rights (arts. 5-30)</p> <p>Women with disabilities (art. 6)</p> <p>14.The Committee is concerned about:</p> <ul style="list-style-type: none"> (a)The multiple and intersectional forms of discrimination against, and marginalization of, women and girls with disabilities, in the absence of programmes to promote their rights on an equal basis with men; (b)The discrimination by association experienced by women with children with disabilities; (c)The information received on cases of violence and abuse against women and girls with disabilities;

		<p>(d)The absence of measures to prevent gender-based violence against women and girls with disabilities in all settings and to provide health, psychosocial and legal services for those who have been affected by such violence.</p> <p>15. The Committee recommends that the State party, in line with general comment No. 3 (2016) on women and girls with disabilities and target 5.2 of the Sustainable Development Goals, eliminate all forms of violence against women and girls with disabilities in the public and private spheres, including trafficking and sexual and other forms of exploitation. It also recommends that the State party:</p> <ul style="list-style-type: none">(a) Mainstream the rights of women and girls with disabilities in gender-equality legislation and in disability-related legislation and policies, and conduct public awareness-raising campaigns to combat stereotypes, prejudices and myths about them;(b) Raise awareness about all forms of discrimination against women, and include the perspectives of women who are caregivers for children with disabilities in policies on tackling gender-based discrimination;(c) Revise bill 103-13 on combating violence against women, so as to include the disability perspective and address the specific risks of gender-based violence and the barriers to protection faced by women and girls with disabilities, in particular women with psychosocial and/or intellectual disabilities;(d) Put in place effective mechanisms to ensure that women and girls with disabilities who are victims of violence and abuse are protected and that they have access to medical, psychological and legal services on an equal basis with others. <p>Children with disabilities (art. 7)</p> <p>16.The Committee is concerned about reported violence against, abuse of and use of corporal punishment on children with disabilities, including abandoned children with disabilities, in the home, in alternative care and day-care settings and in schools.</p> <p>17. The Committee recommends that the State party adopt legislation and concrete measures to ensure that children with disabilities, including abandoned children with disabilities, are adequately protected</p>
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		<p>from violence, exploitation and abuse, including corporal punishment, and that perpetrators are sanctioned.</p> <p>Liberty and security of the person (art. 14)</p> <p>30.The Committee is concerned about the deprivation of liberty, on the basis of impairment and alleged dangerousness, of persons with disabilities, including children, and in particular persons with psychosocial and/or intellectual disabilities.</p> <p>31. The Committee recommends that the State party repeal provisions and practices that allow for the deprivation of liberty of adults with disabilities and children with disabilities on the basis of impairment, and introduce legal recourse for persons with disabilities at risk of being deprived of their liberty, including through institutionalization or internment, and to that end be guided by, inter alia, the Committee ' s guidelines on article 14 of the Convention.</p> <p>Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)</p> <p>32.The Committee is concerned about the absence of measures to prevent, in practice, abuse of, violence against and cruel, inhuman or degrading treatment or punishment of persons with disabilities, including the conduct of medical procedures and experimentation on a person without his or her free and informed consent, and corporal punishment in the home and in alternative care and day-care settings.</p> <p>33. The Committee recommends that the State party:</p> <ul style="list-style-type: none">(a) Adopt legal provisions and concrete administrative measures to protect persons with disabilities, in particular women with intellectual and/or psychosocial disabilities, from torture and other cruel, inhuman or degrading treatment or punishment, and adopt measures aimed at supporting such victims through the provision of legal advice, counselling, compensation and redress;(b) Adopt concrete measures to ensure in practice that persons with disabilities are not subjected to medical procedures and experimentation without their free and informed consent;(c) Empower the National Human Rights Council, as the national preventive mechanism, to monitor all settings in which persons with disabilities may be deprived of their liberty, in line with
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		<p>the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.</p> <p>Freedom from exploitation, violence and abuse (art. 16)</p> <p>34. The Committee is concerned about:</p> <ul style="list-style-type: none">(a) Violence against and abuse of persons with disabilities, including the forcible use of children with disabilities in begging, and the rape of women, girls and children with disabilities in institutions, and about the absence of effective measures for compensation for and rehabilitation and social reintegration of victims of violence, particularly women and girls with disabilities;(b) The absence of training for families, caregivers, health personnel and law enforcement officials on recognizing all forms of exploitation, violence and abuse, especially involving orphans, including in the labour market;(c) The absence of concrete data, disaggregated by sex and age, on cases of violence and abuse committed in hospitals, particularly psychiatric hospitals, and places of detention, including on budgetary allocations aimed at making those institutions functional. <p>35. The Committee recommends that the State party:</p> <ul style="list-style-type: none">(a) Adopt concrete and effective measures to ensure that persons with disabilities, especially women and girls with disabilities who are victims of gender-based violence and children with disabilities who are victims of ill-treatment, have access to services and information, including hotlines, shelters, victim support services, consultation and counselling, and to complaint mechanisms that have a mandate to, among other things, provide compensation and impose sanctions against perpetrators;(b) Provide training for families, caregivers, health personnel and law enforcement officials on recognizing all forms of exploitation, violence and abuse, and communicate and work effectively with persons with disabilities who are victims of violence;(c) Set up an independent mechanism to prevent violence against and abuse of persons with disabilities; monitor, in line with article 16 (3) of the Convention, facilities and programmes designed to serve persons with disabilities; and provide requisite budgetary allocations to ensure that such facilities and programmes are functional and effective.
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		<p>Living independently and being included in the community (art. 19)</p> <p>38. The Committee notes with concern:</p> <ul style="list-style-type: none"> (a) The high number of persons with disabilities, including children, living in institutions; (b) The absence of community support services that provide for inclusion of persons with disabilities in the community; (c) The marginalization of persons with disabilities, especially persons with psychosocial and/or intellectual disabilities, from participation in the activities of daily life owing to a lack of accessible essential services; (d) The absence of a policy on deinstitutionalization and independent living. <p>39. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Recognize in its legislation the subjective right of persons with disabilities to live independently and be included in the community; (b) Set up a strategy for the deinstitutionalization of persons with disabilities that includes provisions for collecting data, particularly of abandoned children with disabilities in institutions, a clear time frame and indicators; (c) Adopt a plan at the national and regional levels to develop community support services in urban and rural areas, including personal assistance, grants and support for families of children with disabilities and parents with disabilities, including support for the provision of assistive devices, guides and sign language interpreters; (d) Adopt measures at the national and local levels to ensure the accessibility of community services and facilities for all persons with disabilities in all areas of life.
UPR	Date of Consideration	Link to Page
	22 May 2012	http://www.ohchr.org/EN/HRBodies/UPR/Pages/MASession13.aspx
Hague Inter-country Adoption	Accession Date	Link to Country Profile
		NA

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review