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Canberra*



سفارة المملكة المغربية
كانبرا

Inquiry into the rights of women and children

Embassy of the Kingdom of Morocco

Submission sent to the Human Rights Subcommittee of the JSCFADT
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INTRODUCTION

Morocco has made significant strides within the last twenty years, under the leadership of His Majesty King Mohammed VI to improve the quality of life, rights, support services, education as well as social inclusion for women and children. Faithful to its irreversible choice to build a democratic State of law, the Kingdom of Morocco has resolved the process of consolidating and strengthening the institutions of a modern State, having as its foundations the principles of participation, pluralism and good governance. It develops a united society where everyone enjoys security, freedom, equal opportunities, respect for their dignity and social justice.

In the last two decades, Morocco has made significant progress in the rights of women and children showing a resolute determination to step up the principle of equality between men and women and to advance the rights and interests of children in Morocco. The rich cultural and religious heritage that has inhabited Morocco for millennia is a testament to the progress that has already been made, and continues to develop throughout the nation.

Morocco's active commitment to human rights is embodied at the national level by the momentum of the process of reform as well as bold innovative initiatives aimed at consolidating fundamental rights and freedom. This has been actioned through building a democratic, modernist society that respects human rights, equality, pluralism and moderation. These important advances confirm the irreversible choice of Morocco in favour of human rights, materialised by being party to 14 of the 18 international instruments.

The 2011 Constitution affirms the prohibition and combating of all forms of discrimination on the basis of sex, colour, creed, culture, social or regional affiliation, language, disability or any other personal condition,¹ and the equal enjoyment by men and women of the civil, political, economic, social, cultural and environmental rights provided for in the Constitution, as well as in international conventions and instruments ratified by Morocco in accordance with the provisions of the Constitution and the foundational principles and laws of the Kingdom.²

Bearing in mind that Morocco acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and ratified the Convention on the Rights of the Child (CRC), in June 1993, as well as the Optional Protocol to the CRC, on May 2002, the 2011 Constitution also addresses the supremacy of international gender laws over national ones, paving the way for full implementation of the rights of women and children.

The dynamics of reinforcing the anchorage of the Kingdom of Morocco within the international system of Human Rights has been consolidated through the completion, in the year 2022, of all the constitutional procedures required for the accession to the Optional Protocol on Civil and Political Rights as well as the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women, which entered into force on July 2022.

In the same vein, Morocco adopted the "Marrakesh 2020 Declaration to Eliminate Violence against Women and Girls" in March 2020. The initiative, launched under the chairmanship of HRH Princess Lalla Meryem, was praised and recognized by the United Nations and has instilled a new dynamic in the prevention, protection and care of women victims of violence.

¹ Preamble to the 2011 Constitution of the Kingdom of Morocco.

² Article 19 of the Constitution of the Kingdom of Morocco.

Morocco's effort to protect displaced women and children from conflict-affected areas

Due to its geographical location linking Africa to Europe, Morocco is facing many socio-economic, demographic and legal challenges. In fact, while Morocco remains a country of transit, it has become in recent years a country of destination for economic immigrants, refugees and asylum seekers from conflict-affected areas, with the number of refugees and asylum-seekers having almost doubled since 2019³. As of September 2022, the UN Refugee Agency reported that Morocco was host to around 18,934 refugees and asylum-seekers from over 43 countries⁴, mainly from Sub-Saharan and Middle-Eastern countries and, to some extent, from crisis-affected countries in Europe. A significant number being unaccompanied minors and single mothers who have been victims of sexual violence⁵.

In response, Morocco has worked towards reducing the number of illegal departures from its coasts towards Europe and dismantling smuggling and human trafficking networks, particularly to combat the exploitation of women and girls. In 2013, Morocco drafted a new National Migration and Asylum Policy that has translated into practical measures in the context of an integration strategy involving 11 programmes and 83 processes aimed at facilitating the access of migrants and refugees to their basic rights.

Morocco acknowledges that in order to achieve progress and prosperity, women, who make up half of its population, should be guaranteed all their rights. In this spirit, the Kingdom implemented an extraordinary settlement of migrants in irregular administrative situations in two phases, with special attention towards women and children.

Following the establishment, in 2014, by the National Human Rights Council (CNDH)⁶ of a national appeals commission to settle rejected settlement requests, Morocco adopted a recommendation regarding the settlement of the status of all migrant women and their children who do not meet the required conditions. As a result, some 100 per cent of all applications, more than 10,000 women and children of 116 nationalities were accepted. The UN Committee on Migrant Workers (CMW) commended Morocco's open-door migration policy, particularly the operation of mass regularisation of more than 50,000 irregular migrants, including all irregular women migrants, decided by His Majesty Mohamed VI in 2017⁷.

Morocco's attachment to protect children and women's rights is reinforced by the adoption of a national strategy to combat human trafficking in 2007 and has taken legal and practical measures to punish perpetrators and protect victims. In 2011, it ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Hence, an anti-human-trafficking act was adopted, setting conditions for the employment of female and male domestic workers, which has had a major impact on the fight against the exploitation of foreign women.

The government launched a series of integrated national territorial mechanisms consisting of programs and services for minors aiming to protect children at risk, including the risk of neglect, abuse, violence, exploitation, torture, inhuman or degrading treatment or harmful practices or human

³ <https://reporting.unhcr.org/document/3368>

⁴ <https://reporting.unhcr.org/document/3368>

⁵ UNHCR

⁶ CNDH is a national, pluralistic and independent institution for the protection and promotion of human rights in Morocco

⁷ <https://www.ohchr.org/en/press-releases/2022/05/un-committee-migrant-workers-concludes-visit-morocco>

trafficking. This initiative target children in vulnerable situations due to their precarious economic and social situation, in particular children deprived of family protection, isolated families or unaccompanied migrants.

Further, the Moroccan government is acting to support associations that assist vulnerable migrant groups, such as the Moroccan Red Crescent, as well as other programmes, in cooperation with a number of international organizations to ensure that migrant and refugee women have access to their economic and social rights. With regard to managing waves of immigrants in search of employment, there were 6,405 work contracts for foreign wage workers in 2018. Some 28.6 per cent of those were for women (1834). Some 3,194 were renewed contracts, including 846 for women (13.7 per cent). Some 237 contracts were for foreign artists, of which 60.8% were for women.

In order to ensure the right to education for all, especially in rural areas and among vulnerable groups, several measures and initiatives have been taken. In fact, Since the introduction of the National Strategy for Immigration and Asylum in 2013, refugees, asylum seekers and migrants have been given free access to the public education system, regardless of their administrative status. In Morocco, 48% of refugee children enrolled in schools are girls⁸.

Response to the impact of COVID-19 on the accessibility of basic rights for women and children

Any pandemic amplifies existing inequalities, particularly of age, gender and background. The COVID-19 health crisis has totally disrupted all activities and social affairs and continues to affect access to Moroccan healthcare, particularly for women in different aspects, including maternal, reproductive, and child health⁹. The latest studies carried out around the world since the appearance of COVID-19 has once again revealed the disproportionate impact of the health emergency and confinement on women and on health workers.

The Moroccan independent government statistical institution, High Commission for Planning (HCP) has conducted a series of field research and studies to measure the economic, social and psychological impact of the pandemic on family life. The HCP published factsheets and reports with sex-disaggregated data to comprehend the magnitude of the effects of the pandemic on women in terms of widening gender inequalities in employment, domestic work and access to health and education.

The response to COVID-19 recalls the essential contribution of women at all levels, including as front-line workers, health professionals, community volunteers, scientists, doctors, etc. In Morocco, women represent 57% of medical staff, 66% of paramedical staff and 64% of civil servants in the social sector¹⁰. When health systems are overburdened, the burden of care at home is greater and falls largely on women, who spend more time on domestic work than men¹¹.

Furthermore, female-headed households, compared to male-headed households, face more challenges in accessing health services during the lockdown. The gap in access to reproductive health care

⁸ <https://reporting.unhcr.org/document/3368>

⁹ HCP report published on 2022 to mark the World Population Day

¹⁰ UN Women - Morocco

¹¹ HCP data

between these households is even more significant when they live in rural areas. Lack of financial resources is the main reason for access difficulties of health care during the sanitary isolation¹².

Since the outbreak of COVID-19, emerging data and reports from those on the front lines, have shown that all types of violence against women and girls, particularly domestic violence, has intensified¹³. In Morocco, violence against women in Morocco increased by 31.6% during the state of health emergency, which started in March 2020, compared to the same period in 2019 (47.9% of the recorded acts included psychological violence, 26.9% concerned economic violence, and 15.2% involved physical violence)¹⁴.

Following the declaration of a state of health emergency on March 20, 2022, the Government of Morocco has taken more than 400 health, economic and social special measures during the isolation period, as well as prevention and protection measures to mitigate the effects of the COVID-19 pandemic. A special fund of more than 4.5 billion AUD has been created for this purpose. The population of the Southern Provinces -the Moroccan Sahara- has also benefited from the special fund aimed at financing hospital equipment and supporting vulnerable populations.

The main measures taken in this context are:

- Launch of an online awareness campaign to combat violence against women and girls;
- In partnership with stakeholders, creation of listening and support platform, called “Kolonamaak” (All with you), operating 24 hours a day in coordination with 63 shelters for women victims of violence, through the establishment of a hotline, a free mobile application and a platform to report acts of violence and provide support to victims remotely;
- Provision of social services in parallel with the protection of victims, through the establishment of a duty and rotation system for social workers in the courts, and allocation of telephone and fax numbers;
- Remote court hearings: from April to December 2020, there were 12,016 court sessions, 212,698 cases, and 79,577 court decisions.
- In June 2020, care for the vulnerable population was provided to a total of 6,050 homeless people, including 549 women, in shelters.

In order to reduce the cost of violence against women, shelter services have been strengthened: 65 multifunctional centres have been created so that women are protected and accompanied on a case-by-case basis and reports are made. In 2019, there were 54 centres and 16,076 women had benefited from the services offered. Further a preventive health kit “Salama kit” was provided to the following: women victims of violence, pregnant women, health professionals, migrants, prisoners, people with disabilities, elderly people. These kits were made available to networks and associations.

To mitigate the socio-economic repercussions of the pandemic, particularly on the living condition of women, the Moroccan government provided monthly financial assistance to the population working in the formal sector of the economy that lost their jobs due to the pandemic; people working in the informal sector also received monthly financial assistance, proportionate to the size of the household. Similar assistance was also provided to the approximately 3.7 million most vulnerable families who

¹² HCP report in partnership with UN Women

¹³ <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

¹⁴ According to the NGO Moroccan Federation of Women’s Rights’ Leagues (FLDF)

do not benefit from the scheme. More than 20% of the beneficiaries of all assistance in all categories were women.

To ensure pedagogical continuity through all level of education, primary, secondary and higher education, distance learning has been made available to all children: 5,330 courses broadcast on television, 6,000 digital resources available on the “Telmid TICE” application, 725,000 virtual classrooms since March 16, 2020, and the distribution of millions of notebooks to rural children. The baccalaureate exams have been held in person and more than 120,000 distance learning sessions on vocational training and career opportunities have been organized for learners, without distinction.

In order to ensure a safe return to school during the pandemic of COVID-19, the Moroccan authorities have gradually extended the vaccination campaign -free- to students, and particularly to the 12-17 years age group (3 million students concerned). It is worth noting that Morocco’s national vaccination campaign against COVID-19 included refugees, migrants and asylum-seekers.

The issue of child soldiers: Morocco’s role in fighting and preventing its scourge

Thousands of children are recruited and used in armed conflicts across the world. Since 2005, when a United Nations mechanism for monitoring and reporting on the six grave violations against children was established, West and Central Africa has been the region in the world with the highest number of children verified as recruited and used by armed forces and non-state armed groups and the highest number of children verified as victims of sexual violence¹⁵.

Since 2016, West and Central Africa has been the first region in the world in terms of number of children verified as recruited and used by non-state armed groups (with more than 21,000 violations) and victims of sexual violence (with more than 2,200 violations), and the second region in terms of abduction (more than 3,500 violations)¹⁶.

Unfortunately, this violation of children’s rights is happening close to Morocco’s borders. Hundreds of minors, including those under the age of 13, sequestered in the Tindouf camps, are trained in weapons handling for assignment to military areas¹⁷. Children in the camps are sent to distant countries where they are indoctrinated instead of continuing their education¹⁸. This criminal phenomenon has reached such a level that a new contingent has been created, composed of minors.

Many NGOs reported that leaders of the “polisario” militia have targeted groups of children and youth who have been forcibly displaced to other countries, under the pretext of schooling. This period marked the beginning of an unprecedented family, identity and social rupture in the region, which deprived these children of family warmth and normal psychological development¹⁹.

The recruitment and indoctrination of child soldiers are considered war crimes under international law. In this wake, the French NGO “Alliance Internationale pour la Défense des Droits et des Libertés

¹⁵ <https://www.unicef.org/press-releases/west-and-central-africa-region-among-most-affected-grave-violations-against-children>

¹⁶ <https://www.unicef.org/wca/media/7401/file/Build-back-better-lives-advocacy-note-eng.pdf>

¹⁷ <https://www.moroccoworldnews.com/2021/02/335696/photos-polisario-front-exploits-children-in-military-parade>

¹⁸ Former members of the “polisario” have shared with the UN bodies, the story of their forced exile far from their families, imposed by the militias of the “polisario” when they were young, to a country in South-America to undergo ideological indoctrination, forced labor and military training.

¹⁹ <https://oipdhr-geneva.ch/press-release-of-iopdhr-geneva-in-the-occasion-of-the-international-day-against-child-labor/>

(AIDL)” issued on January 04, 2021, a statement²⁰ condemning the recruitment of child soldiers by the “polisario”. Further; some European Deputies publicly denounced this violation and have even questioned the European Commission on the practices of the “polisario”²¹.

In its resolution S/RES/2654²² regarding the Sahara dispute, the United Nations Security Council voiced concern about the dire situation in the Tindouf refugee camps and strongly reiterated its request for a refugee registration in the Tindouf refugee camps, a key first step in ensuring their protection²³.

Analyzing the perverse effects of the presence of armed elements in refugee camps, the UNHCR noted that “The presence of armed elements, whether in refugee flows or in camps, poses a serious threat to the civilian and humanitarian character of asylum...It is well established that when armed groups are among the refugees, humanitarian assistance is diverted from its intended recipients....armed elements may also prevent refugees from enjoying any of the durable solutions, particularly voluntary repatriation and integration in the host country”²⁴.

In fact, a report by the European Anti-Fraud Office (OLAF) published in 2015 uncovered large-scale embezzlement of EU humanitarian aid intended for the Tindouf camps. Between 1994 and 2004 the EU granted aid amounting to EUR 105 million to the inhabitants of the Tindouf camps and particularly the refugees from the Sahara conflict²⁵. In 2020, European Expert pointed out that embezzlement of humanitarian aid sent to Tindouf camps ‘continues’²⁶. In 2021, a news media stated that a new report highlights the dire situation in which the Sahrawis living in the Tindouf camps are experiencing, due to the embezzlement of medical aid and equipment²⁷.

Aware of the importance of the need to protect and promote the fundamental rights of all children, Morocco firmly supports the fight against this scourge, supported by a real political will that has resulted in many legislative reforms considering the best interest of the child as a fundamental principle, and has also established several mechanisms and instruments to protect children against all forms of abuse, exploitation, violence and organized crime.

In the same vein, Morocco has recently adopted the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers, which reinforce the Kingdom’s commitment. Thus, Morocco condemns all forms of violence against children, including their use as shields near weapons stockpiles or barracks, their taking as hostages, or their recruitment into armed militias.

Morocco advocates a holistic approach and strong coordination of the international community’s efforts to effectively address the issue of child recruitment in armed conflict, calling for urgent and

²⁰ <http://www.aidl.eu/fr/permalink/3138.html>

²¹ https://www.europarl.europa.eu/doceo/document/E-9-2020-004803_EN.html#def2

²² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/660/37/PDF/N2266037.pdf?OpenElement>

²³ <https://www.unhcr.org/en-au/registration.html>

²⁴ UNHCR “The State of the World’s Refugees. Human Displacement in the New Millennium”, Oxford University, 2006, p65.

²⁵ https://www.europarl.europa.eu/doceo/document/E-8-2016-006306_EN.html?redirect

²⁶ <https://www.mapnews.ma/en/actualites/politics/embezzlement-humanitarian-aid-sent-tindouf-camps-%E2%80%98continues%E2%80%99-european-expert>

²⁷ <https://www.moroccoworldnews.com/2021/10/345027/tindouf-camps-embezzlement-of-medical-supplies-stirs-severe-health-crisis>

firm action against those who continue to act in defiance of international law and child protection standards.

To better address the high vulnerability of children exploited and used in armed conflict, the Dakhla International Research Center for the Prevention of Child Soldiers, was inaugurated in March 2022, aiming to build a hub for the production and dissemination of the best research on child soldier prevention and to extend to all continents its research on the prevention of child exploitation in conflict zones in Africa and around world to broaden understanding of the issues involved²⁸. To this end, the Dakhla Center is partnering with UN agencies, international and regional organizations, international networks, and civil society to develop a joint research agenda.

To address gaps in preventing and responding to the phenomenon of child soldiers, the Center is launching a three-year pilot program. The initiative is a multidisciplinary effort that addresses the exploitation and use of child soldiers in armed conflict. The goal is to build a system that effectively, fairly, and efficiently addresses the recruitment of child soldiers, protects victims, and addresses the root causes of such exploitation. Finally, in order to disseminate data on a large scale, the Center will focus on research on the African continent.

CONCLUSION

There is still much progress to be made, however within the region, Morocco has become a leader for social change by mobilizing efforts of all actors of the Moroccan society to establish the values of human rights, to strengthen the levers of fair and sustainable development and to promote gender equality as a basis for a just, democratic and egalitarian society.

Morocco remains determined to continue to honor its international commitments to promote and protect the rights of women and children. In fact, gender equality and the political, economic and social participation of women are major challenges for modern Moroccan society. In this respect, HM King Mohammed VI stated: "The issue requires, without doubt, a global renewal, through a profound transformation of archaic mentalities and collective consciousness. It requires to leave to the woman the faculty to insert itself in all the wheels of nation's life."

Morocco believes that development cannot be sustainable if it is not inclusive; that peace cannot be achieved if it does not involve women; and that security cannot be complete if it does not take into account the needs of women and girls, especially the most vulnerable²⁹.

²⁸ <https://irc-childsoldiers.org/about-us/>

²⁹ <https://www.diplomatie.ma/en/mfa-nasser-bourita-chairs-launching-ceremony-morocco-first-national-action-plan-women-peace-security>