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تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

تقرير المقرر الخاص المعني بالحق في التعليم، السيد فارنور مونيوز

إضافة*

البعثة التي قام بها إلى المغرب

(٢٧ تشرين الثاني/نوفمبر - ٥ كانون الأول/ديسمبر ٢٠٠٦)

* يُعمم موجز تقرير هذه البعثة بجميع اللغات الرسمية. أما التقرير نفسه فيرد في مرفق هذا الموجز ويُعمم باللغة التي قُدم بها وبالإنكليزية. وقُدم بعد الموعد المحدد بسبب المشاورات.

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موجز

قام المقرر الخاص المعني بالحق في التعليم بزيارة إلى المغرب في الفترة الممتدة من ٢٧ تشرين الثاني/نوفمبر إلى ٥ كانون الأول/ديسمبر ٢٠٠٦ قصد تقييم مدى إعمال الحق في التعليم. وتركزت البعثة على جمع المعلومات على أرض الواقع بشأن السياسات المعتمدة لإعمال هذا الحق، والعقبات التي تحول دون ذلك، وحالة الحق في التعليم في المناطق الريفية، ومدى إعمال الحق في التعليم لصالح فئات الأطفال الأشد ضعفاً.

ولاحظ المقرر الخاص أن تقدماً كبيراً قد تحقق في مجال التعليم بفضل الإصلاحات التي أجراها المغرب والجهود التي بذلها في العقود المنصرمة في الميدان المؤسسي والتشريعي والميزني. فقد بلغت نسبة الالتحاق بالمدارس الابتدائية ٩٣ في المائة عام ٢٠٠٦ مقابل ٤٠ في المائة في الستينات، ولوحظ حدوث اتساع كبير في نطاق تغطية التعليم في المرحلة الابتدائية، وتراجع الأمية، وبناء هياكل أساسية سهلت الالتحاق بالتعليم، وتحسين سير العمل في المدارس. ويرحب المقرر الخاص أيضاً بعزم المغرب السياسي الذي تجسد في الميثاق الوطني للتربية والتكوين (الميثاق)، والتدرج في استخدام اللغة والثقافة الأمازيغيتين في المدارس وإدراج التثقيف في مجال حقوق الإنسان في المناهج الدراسية. ويشير المقرر الخاص إلى أن المبادئ الأساسية للتعليم في المغرب، كما ينص الميثاق على ذلك، هي القيم الإسلامية ومفهوم المواطنة، إضافة إلى التفاعل بين التراث الثقافي المغربي والمبادئ العالمية لحقوق الإنسان.

ويرمي الميثاق، الذي أعدته لجنة مشتركة متعددة التخصصات، إلى تكييف التعليم المغربي مع المعايير الدولية. وتوفير الخدمات الأساسية للسكان، مثل الإمداد بالماء الصالح للشرب والكهرباء والإصحاح، إنما يشكل تحدياً كبيراً يتعين على المغرب مواجهته، لا سيما في المناطق الريفية، لأن لهذه الخدمات آثاراً على إعمال الحق في التعليم، مثلها مثل مكافحة ترك المدرسة والأمية وإدماج الأطفال المعاقين وأطفال الشوارع والأطفال العاملين في النظام التعليمي.

وفي رأي المقرر الخاص أنه ينبغي لحكومة المغرب أن تضاعف جهودها لتعميم التعليم المجاني كيلا يواجه أطفال الأسر المستضعفة اقتصادياً صعوبات في تحصيل التعليم الجيد والملائم ثقافياً.

ومما يعكس مع ذلك زيادة تعهد البلد بحماية الحق في التعليم حماية فعالة الاعتمادات المخصصة في الميزانية زيادة كبيرة وتعزيز حماية حقوق الإنسان في السنوات العشرين الماضية.

Annex

**REPORT OF THE SPECIAL RAPPORTEUR ON THE RIGHT
TO EDUCATION ON HIS MISSION TO MOROCCO
(27 NOVEMBER-5 DECEMBER 2006)**

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Introduction

1. The Special Rapporteur on the right to education visited Morocco from 27 November to 5 December 2006 at the invitation of the Government, to study measures taken to implement and guarantee the right to education and the obstacles encountered. During his visit the Special Rapporteur was particularly concerned to determine the degree of enjoyment of the right to education by disabled children, rural children, socially and economically vulnerable children, street children and child workers.

2. In the course of his visits to Casablanca, Marrakech and Rabat, the Special Rapporteur met with the Minister of Education and the Minister of Religious Endowment and Islamic Affairs, as well as with high-level officials of both Ministries and of the Office of the Secretary of State for the Family, Child Welfare and Persons with Disabilities, the Ministry of Foreign Affairs and the Ministry of Finance. The Special Rapporteur also met with members of the Ombudsman's Office, the Advisory Council on Human Rights and the National Observatory on the Rights of the Child, and with representatives of the regional education and training authorities. He also met with non-governmental organizations (NGOs) working with human rights, women's and children's rights and the rights of persons with disabilities; teachers' unions; academics; and members of the Royal Institute of Amazigh Culture; as well as with United Nations bodies. The Special Rapporteur also visited primary, junior high and high schools in urban and rural areas and was thus able to speak to students, teachers and parents.

3. The Special Rapporteur wishes to thank the Moroccan Government for its wholehearted cooperation throughout the mission, the Morocco Office of the United Nations Development Programme (UNDP) for its valuable assistance, and civil society for its invaluable contribution.

I. HISTORIC, SOCIO-CULTURAL AND ECONOMIC CONTEXT

A. General

4. The Kingdom of Morocco is a State established as a democratic, social constitutional monarchy where the religion is Islam and the King is a dominant figure, being Head of State and Commander of the Faithful (Amir al-Mu'minin).¹ The King appoints the Prime Minister and, on the Prime Minister's proposal, appoints (and removes) the other members of the Government. The King chairs the Higher Council of the Judiciary and the Higher Council of Education. Following the 1996 constitutional reform, Parliament now comprises a House of Representatives, whose members are directly elected, and a House of Councillors, whose members are elected by an electoral college. The right to table legislation rests with the Prime Minister and members of Parliament and the King may ask either House to undertake a further reading of any draft legislation. The judiciary is independent of the legislature and the executive, and judges are appointed by dahir (Act of Parliament) on a proposal of the Higher Council of the Judiciary, which is chaired by the King.

¹ Constitution of the Kingdom of Morocco, preamble and titles I and II.

B. Demographic and economic characteristics

5. According to the latest census, Morocco had 29,891,708 inhabitants in 2004,² of whom 50.7 per cent were women, 31 per cent were children under 15 and 55 per cent lived in rural areas.³

6. The 2005 UNDP report on human development in Morocco indicates that Morocco's human development index is average, with 25 per cent of its inhabitants living in conditions of economic vulnerability. Both relative and absolute poverty have declined in urban areas but progress is slow in rural areas. Some 4.2 million people live in relative poverty and 2.5 million in absolute poverty, three quarters of these in rural areas; the poorest regions are: Souss-Massa-Draâ, Meknes-Tafilalet, Gharb-Chrarda-Beni Hssen and Marrakech-Tensift-Al Haouz.⁴

7. It is in this economic context that Morocco has brought its public external debt down from US\$ 22.6 billion (1995) to US\$ 12.4 billion (2005).⁵ Morocco has clearly made great efforts with the education budget, as evidenced by trends in public expenditure on education, which has increased from 4.4 per cent of GDP (1999) to 6 per cent of GDP (2006), higher than the recommended level.

C. Multilingualism

8. Morocco's linguistic landscape is a rich and complex one. Arabic is the only official language of the State recognized in the Constitution, but Arabic and French are the most widely used languages for institutional purposes, and three dialects of Amazigh, Tarifit, Tamazight and Tashelhit,⁶ are mother tongues used in everyday speech, along with Moroccan Arabic.⁷

9. Amazigh and Moroccan Arabic are historically spoken languages and have no political or legal status, even though it is recognized that both are in much more widespread use than classical Arabic or French. According to official data collected during the 2004 census, 41 per cent of Moroccans speak Amazigh or one of its dialects as their mother tongue, and the proportion could be as high as 50 or 80 per cent according to information from civil society.

² According to the United Nations Children's Fund (UNICEF), Morocco now has 31,478,000 inhabitants. *State of the World's Children*, 2007, p. 103.

³ See official information contained in the report on the 2004 census available on the website of the Office of the High Commissioner for Planning.

⁴ Some 12.8 per cent of the rural population and 3.5 per cent of the urban population live in relative poverty, while 22 per cent of the rural population and 7.9 per cent of the urban population live in absolute poverty. UNDP, Maroc, *Rapport de développement humain 2005*, p. 34.

⁵ Document E/C.12/MAR/Q/2/Add.1, reply to question 2.

⁶ Tarifit is spoken mainly in the north-east, Tamazigh in the Middle Atlas, the northern part of the High Atlas and the south-east, and Tashelhit in the southern part of the High Atlas and in the south-west.

⁷ This dialect of Arabic has four variants: an urban dialect, Mdini, spoken mainly in older cities such as Fez, Rabat, Salé and Tetouan; a mountain dialect, Yebli, which is used in the north-east and has its origins in Amazigh; a rural dialect, Aroubi, which is used in the Atlantic plains communities (Gharb, Chaouïa, Doukkala, etc.) and in inland plains communities such as Haouz, in Marrakesh, Tadla and Souss; the Hassani dialect is spoken in some Saharan regions.

D. Legal and institutional framework for the protection of human rights

10. Over the past 20 years, Morocco has managed to significantly strengthen the protection of human rights. It has a constitution open to all democratic principles and has ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women,⁸ the Convention on the Rights of the Child⁹ and its optional protocols,¹⁰ and the International Convention on the Rights of All Migrant Workers and Members of Their Families.

11. The preamble to the 1992 Moroccan Constitution states that the Kingdom of Morocco “subscribes to the principles, rights and obligations stemming from the charters of international bodies and reaffirms its attachment to human rights as universally recognized”; establishes the principle of the equality of all Moroccans before the law (art. 5), men’s and women’s equal enjoyment of political rights (art. 8) and the right of all citizens to education (art. 13); and proclaims that Islam is the religion of the State, which guarantees everyone the freedom of worship (art. 6).

12. Among the institutional measures implemented in recent years, it is worth mentioning the restructuring of the Advisory Council on Human Rights in 2004; the establishment of the Office of the Ombudsman (Diwan al-Madhalim) to look into violations of the human rights under its jurisdiction and submit proposals and recommendations to the relevant authorities; the establishment of the National Observatory on the Rights of the Child (1995) to facilitate dialogue between public and private bodies dealing with children and with a mission to monitor the implementation of the Convention on the Rights of the Child; the creation of the Children’s Parliament; and the establishment of the Office of the Secretary of State for the Family, Child Welfare and Persons with Disabilities, which is responsible for coordinating the drafting and implementation of Morocco’s policy on minors and disabled persons.

13. The mandate of the Office of the Ombudsman is to receive complaints, ensure the promotion and dissemination of human rights and provide training, but it is not empowered to investigate complaints concerning civil and political rights, which is the task of the Advisory Council on Human Rights. The majority of complaints to the Ombudsman concern the education sector, but as the Office is not

⁸ Morocco has submitted declarations on articles 2 and 16, as well as reservations on article 9, paragraph 2, and articles 16 and 29. In March 2006 the Ministry of Justice announced that Morocco would be reviewing these. In its third and fourth periodic reports to the Committee on the Elimination of All Forms of Discrimination against Women, Morocco stated that it had withdrawn its reservations on article 9, paragraph 2, and article 16, paragraph 2, but the United Nations official website makes it appear as though the Government has not yet withdrawn them (<http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty10.asp>). In its concluding observations of 1997 and 2003, the Committee mentioned its concern over the number and nature of Morocco’s reservations and declarations relating to the Convention, in particular those on article 2, which are considered contrary to the aims of the Convention.

⁹ Morocco has formulated the following reservation to article 14 of the Convention on the Rights of the Child: “The Kingdom of Morocco, whose Constitution guarantees to all the freedom to pursue his religious affairs, makes a reservation to the provisions of article 14, which accords children freedom of religion, in view of the fact that Islam is the State religion.”

¹⁰ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

empowered to act *ex officio*, it has little scope for pre-emptive action on the right to education, where it might otherwise play a more important role.

14. In recent years, Morocco has launched the National Human Development Initiative (NHDI), which envisages an inter-agency plan. Morocco also now has a national human rights plan, a national plan of action for children and a revised Family Code.

II. REFORM OF THE MOROCCAN EDUCATION SYSTEM

A. History of the education system

15. On achieving independence in 1956, Morocco embarked on an ambitious project to develop its education system, the objectives being the universalization of education and the unification, arabization and moroccanization of the country. To that end it invested considerable amounts and initiated policies and programmes that yielded impressive results in terms of universalization of primary education, where the enrolment rate increased from 18 per cent to 53 per cent between independence and 1965. It also ran effective literacy campaigns to reduce the illiteracy rate, which stood at 87 per cent in the 1960 electoral census. In the mid-1960s Morocco started to prioritize access to secondary education. Structural adjustment policies applied during the 1980s led to a decline in social expenditure, worsening poverty and a crisis in the education system. Though enrolment rates in secondary education continued to rise, they fell in primary education, with rural children the hardest hit, only to recover starting in 1992, boosted by a better, more stable economic situation and renewed interest in policies favouring universal education.

16. Since the coronation of His Majesty King Mohammed VI in 1999, education has once more become a key component of State policy and a reform of the education system has begun, though this is not yet complete. In November 1999 the King adopted the National Education and Training Charter, a basic text establishing the framework for reform of the Moroccan education system in the medium and long term, setting forth a raft of measures for modernization, laying down the basic principles of education in Morocco and proclaiming 2000 to 2010 the Decade of Education and Training. The Charter was drafted by a committee of 32 people, including trade unionists, parents, school pupils, experts, politicians and representatives of civil society. It aims to bring the Moroccan education system in line with international standards.

B. National Education and Training Charter

17. As indicated in the first part of the Charter, which deals with basic principles, the Moroccan education system is based on (a) the principles and values of the Islamic faith;¹¹ (b) the traditional notion of the nation (faith in God, love of country and commitment to the constitutional monarchy), civic values¹² and mastery of Arabic, together with openness to the use of the other languages most commonly spoken worldwide; (c) immersion in Morocco's cultural heritage and respect for regional cultures; (d) interaction between Morocco's cultural heritage and the major universal principles of human rights; and (e) achievements in science and mastery of advanced technology.

¹¹ "The education system of the Kingdom of Morocco is based on the principles and values of the Islamic faith. It aims to create a virtuous citizen, a model of rectitude, moderation and tolerance ..."

¹² Education builds on these foundations to nurture civic values that enable everyone to participate fully in public and private affairs in full awareness of the rights and duties of all.

18. The Charter makes children the focus of the education reform and attempts to provide the conditions children need to learn in a new kind of school, one that is open to society and takes an approach based on active learning.¹³ The Charter also takes a broad view of education, as an activity that continues throughout our lives. It sets the following main goals for the education reform: universalization of compulsory education (primary and secondary from age 6 to age 15); improving the quality of education; narrowing the gap in access to education between rural and urban areas and between the sexes; developing post-compulsory secondary education; establishing and promoting private education; and combating illiteracy among adults and young people aged 8 to 16 who are not in school or have dropped out of school.¹⁴

19. One priority of the education reform is decentralization to the regional and local levels of education management and the structures and functions of the Ministry of Education, Higher Education, Executive Training and Scientific Research.¹⁵ As a result, the Ministry of Education headquarters have been reorganized and, more recently (2003), 16 regional education and training authorities were created, with financial autonomy and the task of implementing education policies in their jurisdiction. The education authorities are responsible for drafting the regional school and education charters and interim multi-year investment programmes, and are required to set aside 30 per cent of the curriculum to reflect local and regional conditions.¹⁶ Another important function of these education authorities is to help assess young people's vocational training needs and determine what construction, expansion or renovation work is required, as well as issuing authorizations for nursery schools and private schools in accordance with the law.

C. Characteristics of the education system

20. State and private education exist side by side in Morocco and the Charter applies to private education too. Private schools currently cater for 6.2 per cent of children but the Government aims to increase this figure to 20 per cent. The Charter brought the school starting age down to 6 and raised the school leaving age to 15. The Moroccan education system is structured as follows:

(a) Two years of non-compulsory preschool for children aged 2 to 6, who may follow either a traditional education (86.6 per cent of children) under the Ministry of Religious Endowment (Habous),¹⁷ or a modern education under the Ministry of Education and Youth;

(b) Nine years of compulsory basic education for children aged 6 to 15, including six years of compulsory primary education for children aged 6 to 12 years, leading to the Certificate of Primary Education, and three years of compulsory secondary education for children aged 12 to 15 (junior high school);

(c) Three years of non-compulsory education (high school) for children aged 15 to 18 (diploma course) leading to the baccalaureate, which gives access to higher education.

¹³ National Education and Training Charter, arts. 6 and 8.

¹⁴ Ibid., art. 36.

¹⁵ Ibid., arts. 143 and 144.

¹⁶ Document E/C.12/MAR/Q/2/Add.1, 2 March 2006, reply to question 23.

¹⁷ Ministry of Habous and Islamic foundations.

21. Books and materials are published exclusively by the Ministry of Education and must be purchased by parents, who may apply for a grant from the State in accordance with the law. The number of students per class varies greatly depending on neighbourhood and area, but ranges between 20 and 40 or 42.

22. As provided in the National Education and Training Charter, classical Arabic is the language of instruction in primary and secondary school and in post-compulsory high school. French as a foreign language is taught from the third year of primary school and there are plans to introduce English as a compulsory subject in primary schools from 2005. French continues to be used in higher education and science faculties. The Charter provides for Amazigh to be gradually phased in to the education system and the aim is for Amazigh to be taught in all schools by 2010. Amazigh teaching was launched in 319 schools in 2003, using the Tifinagh alphabet and, according to official figures, was being taught in 350 out of Morocco's 6,587 primary schools in 2006.

23. The use of corporal punishment is banned in schools and anyone using it is liable to the penalties provided by law.

III. PROGRESS MADE AND OBSTACLES ENCOUNTERED IN REALIZING THE RIGHT TO EDUCATION

24. The Special Rapporteur acknowledges the Kingdom of Morocco's strong political commitment and its efforts to promote the right to education for its citizens and notes that the education reform is one of the Government's principal concerns. The work of the National Education Council, where students are also represented, clearly testifies to Morocco's innovative drive.

25. In this section the Special Rapporteur analyses some of Morocco's achievements as well as the obstacles to be overcome in order to realize the right to education. His analysis is based on specific aspects of the right to education, namely availability, accessibility, acceptability and adaptability.

A. Availability

26. One of the chief obligations of any State party in realizing the right to education is to ensure that educational institutions and programmes are available in sufficient quantity within its jurisdiction and that they are equipped with sanitation facilities for both sexes, drinking water, trained teachers receiving domestically competitive salaries, and teaching materials and other facilities.¹⁸

1. Schools, infrastructure and minimum services

27. In 2006/07 Morocco opened 44 new primary schools, 177 school units, mostly in rural areas, and 49 additional canteens, making a total of 6,857 primary schools, 13,237 school units in rural areas (satellite schools), 1,298 junior high schools and 663 high schools. Morocco also has 599 school canteens in urban areas and 555 in rural areas, catering for 1,023,000 students in all, most of them in rural areas. Despite efforts to provide the necessary infrastructure, especially in rural areas, representatives of both Government and civil society interviewed by the Special Rapporteur said it was important to continue investing in the construction of primary, junior high and high schools in rural areas and to build more canteens and boarding facilities. He was also informed that urgent efforts were needed to provide school

¹⁸ Committee on Economic, Social and Cultural Rights, general comment No. 13 on the right to education (International Covenant on Economic, Social and Cultural Rights, art. 13), in Economic and Social Council, Official Records 2000, Supplement No. 2, E/2000/22-E/C.12/1999/11 and Corr.1, annex VI; and the annual report of the Special Rapporteur on the right to education, Katarina Tomaševski, E/CN.4/1999/49.

transport in rural areas, which would require closer cooperation and coordination between schools and local authorities.

28. Providing the population with basic services such as drinking water, electricity and sanitation is another major challenge, one that impacts greatly on the realization of the right to education and which Morocco must address, in particular in rural areas. The lack of infrastructure is an impediment to children's school enrolment because it means either that they are expected to work harder on the family farm or in domestic chores or collecting water and wood, or that there is no drinking water or toilets in schools and canteens.

29. There are 220,996 teachers in the public sector, 42 per cent of them in rural areas. The Government considers teachers' pay to be adequate, although some teachers' union representatives complain that travel allowances and the pay differentials between the levels of education are insufficient.

B. Accessibility

30. Another major obligation of States parties in terms of realizing the right to education is to make education accessible to all, particularly the most disadvantaged groups, without discrimination. Education should be physically and financially accessible and primary education should be free of charge.¹⁹

31. In this context the Special Rapporteur notes with great satisfaction the legislation, political will and efforts made by the State party to make the right to education a reality for all Moroccans, men and women, children and adults. The Special Rapporteur also commends the State party's political will to achieve universal primary and secondary education, its efforts to gradually universalize post-compulsory education (high school) and preschool, and its implementation of literacy and non-formal education programmes. The Special Rapporteur notes with satisfaction that basic State education is free in Morocco, although according to some local associations the cost of education per child, which includes fees, books and school supplies, is between 300 and 600 dirhams (US\$ 33 to US\$ 55), which may hinder children's access to education in economically vulnerable and poor families.

32. The Special Rapporteur identified a number of problems to be addressed as a matter of urgency if education is to become a reality for all: the dropout and illiteracy rates and the fact that certain groups such as disabled children, street children and working children are excluded from education.

1. Universalization of education in order to address exclusion and dropping out

33. The Charter sets deadlines and concrete medium- and long-term targets for some of the fundamental objectives of educational reform, but several of these have had to be reviewed and their implementation delayed.

34. The Charter envisaged 90 per cent of children completing the five years of primary schooling and moving on to secondary education by 2005 and 80 per cent completing junior high school by 2008.²⁰

35. The school starting age has been raised to 6 but preschool education is still optional and enrolment rates have not been as predicted (60.4 per cent in 2006/07). Some 92 per cent of 6-year-olds enrolled in the first year, while the primary school (6-11) enrolment rate is 93 per cent and the junior high

¹⁹ International Covenant on Economic, Social and Cultural Rights, art. 13, para. 2.

²⁰ National Education and Training Charter, art. 28.

school rate is 89 per cent. This is remarkable progress from 1990/91, when the primary school enrolment rates stood at 52.4 per cent. Morocco has also made considerable strides in girls' access to education. In 2006/07 girls accounted for 42 per cent of primary school pupils, 44 per cent of junior high pupils and 47 per cent of non-compulsory secondary school (high school) students.²¹ Efforts are still needed to achieve parity in access to education and genuine equality.

36. To properly appreciate this progress, it must be put in context. Firstly, according to the most conservative estimates, 7 per cent of children, or about 1.5 million girls and boys, have no access to education. Moreover, despite relatively high enrolment in both primary and secondary education, it is nevertheless a fact that 40 per cent of 6 to 11-year-olds enrolled in primary school drop out before the end of the fifth year. In urban areas, 50 per cent of girls and boys aged 12 to 15, and in rural areas, 89 per cent, dropped out before completing compulsory secondary school. It is thus also important to pay attention to the differences between rural and urban areas. Rural children, i.e. 49.8 per cent of all children,²² make up 52 per cent of primary pupils (the Special Rapporteur cannot say what percentage of these children complete the first five years of school), 21 per cent of junior high school enrolments and 8 per cent of those in post-compulsory secondary education.

2. Literacy and non-formal education

37. The Charter set the objective of bringing the overall illiteracy rate down below 20 per cent by 2010 and the virtual elimination of illiteracy by 2015, as well as re-enrolling all dropouts, girls and boys, by 2010.²³

38. The Office of the Secretary of State for Literacy and Non-Formal Education was created in 1997 as part of the drive to universalize education, guarantee everyone's right to education and combat illiteracy. In 2003 the Office adopted a national strategy on literacy and non-formal education to gradually eradicate illiteracy and enrol or re-enrol girls and boys aged 8 to 16 who are not in school or have dropped out. Morocco has implemented an intervention strategy based on sponsorship and cooperation with local associations; establishment of separate structures at the central, regional and local levels to plan, coordinate and evaluate action taken in non-formal education and literacy; formulation or improvement of programmes and diversification of funding modalities; and the inclusion of such activities in all anti-poverty programmes.

39. In 2004 and 2005, 500,000 to 700,000 people benefited from the various literacy programmes, 80 per cent of them women and most of those in rural areas. The programmes were mostly carried out by NGOs (56 per cent) and the remainder by local offices of the Ministry of Education (27 per cent) or State operators (17 per cent).

40. There are three major types of non-formal education programmes: programmes to re-enrol girls and boys who have recently dropped out (Istidrak programme); national programmes established in 2005 to support girls and boys at risk of dropping out; and non-formal education programmes implemented by

²¹ Information provided by the Ministry of Education, based on updated statistics to 31 October 2006.

²² Website of the Office of the High Commissioner for Planning.

²³ National Education and Training Charter, art. 31.

local associations and funded either by the State or by private partners. Some 35,000 students benefited from non-formal education programmes in 2005.²⁴

41. According to recent information provided by the Government, 38.45 per cent of people aged over 10 (around 10 million) cannot read or write, 54.39 per cent of illiterates live in rural areas and 46.8 per cent of Moroccan women are illiterate.²⁵ The persistence of illiteracy is primarily attributable to a combination of (a) the fact that children drop out and fail to complete primary or junior high school and (b) the limited coverage of non-formal education arrangements.

42. The Special Rapporteur wishes to draw the attention of the Government of Morocco to the risk of an over-utilitarian approach to non-formal education that would tie it to success or failure in school without taking account of learners' needs and characteristics.

3. Inclusion of children and adolescents with disabilities in mainstream education

43. The right to education of persons with disabilities is established in the Constitution and is the subject of laws and regulations.²⁶ In Morocco, children with disabilities are integrated into regular schools. Under the National Education and Training Charter (arts. 142 and 143), schools are required to install amenities to enable children with disabilities to get around, as well as suitable premises, programmes and supervision, and special institutes and schools are to be opened.

44. Education for people with disabilities is the responsibility of the Ministry of Education, in cooperation with the Office of the Secretary of State for the Family, Child Welfare and Persons with Disabilities, and other relevant ministries. On 1 April 2006 the Ministry of Education, the Office of the Secretary of State, the Ministry of Health and the Mohammed V Solidarity Foundation signed a collaboration agreement on the education of disabled children, setting out 10 basic measures for improvement: upgrading or introducing integrated classes; training those involved to deal with children with disabilities; health measures; rehabilitation; development of coordination and partnership mechanisms; development of a regulatory and organizational framework for the integration of disabled children in schools; and social support for the education of children with disabilities. In this regard it is important to recall that, as the Special Rapporteur pointed out in his report on the right to education of persons with disabilities, their inclusion in the education system must always be accompanied by real structural changes, in organization, in the curriculum and in teaching and learning strategies, so that their "integration" is truly inclusive and does not simply lead to the exclusion of persons with disabilities in ordinary schools.²⁷

45. According to the most recent government statistics (2004), 5.12 per cent of Moroccans are disabled. There are around 230,000 disabled children aged 4 to 15, who present different types of disability and of whom 74,730 are in school. Official figures indicate that 32.4 per cent of Moroccan 4 to

²⁴ In late 2005, as part of its non-formal education programmes, Morocco signed cooperation agreements with 157 associations, which have benefited 34,950 girls and boys.

²⁵ Ministry of Education, Higher Education, Executive Training and Scientific Research, Office of the Secretary of State for Literacy and Non-Formal Education, National survey on literacy, non-enrolment and dropout rates in Morocco.

²⁶ Act No. 7-92 on the welfare of disabled persons, Decree No. 05-81 on the welfare of the blind and visually impaired and Decree No. 10-03 on accessibility.

²⁷ A/HRC/4/29, para. 12.

15-year-olds with disabilities are in school and that their enrolment rate is twice as high in urban as in rural areas.²⁸ At the same time, the enrolment rate for children with disabilities is only one third of the rate for able-bodied children. According to information provided by the Office of the Secretary of State for the Family, Child Welfare and Persons with Disabilities, an agreement has been signed with the Ministry of Education to set up 240 integrated classes per year. In 2005 there were 153 integrated classes,²⁹ 33 special education centres for the whole country,³⁰ including 7 for hearing-impaired children and 26 for children with intellectual or mental disabilities.

46. Local associations involved in the care of children with disabilities, and other NGOs, have emphasized the problems of under-enrolment of these children and of segregation in school, whereby they are relegated to separate classes with teachers with little or no training and with no teaching materials suited to their special needs. These associations report that schools are physically inaccessible and that some head teachers and parents have a prejudiced view of the integration of disabled children in regular schools, the law notwithstanding. They also highlight the inadequacy of the social and financial support given to families to help them cope with the high costs of schooling and other outgoings specifically related to disabled children's health, due to the fact that the Office of the Secretary of State responsible for persons with disabilities does not have a budget big enough to cover their needs. Lastly, the Special Rapporteur has been informed that the care of persons with disabilities, including their education, was largely assured by local associations and not by the State.

47. The Special Rapporteur welcomes the political will shown by the Government to ensure the integration of disabled children in schools, as confirmed by its signature on 30 March 2007 of the recently adopted Convention on the Rights of Persons with Disabilities. The Special Rapporteur notes nevertheless that the low enrolment rate of disabled children and the need to introduce an inclusive education system, pursuant to the relevant provisions of the Convention and general comment No. 9 on the rights of children with disabilities,³¹ pose major challenges for Morocco. Inclusive education is supposed to replace the current system where special education is provided in a separate centre or else in an ordinary school in what are known as integrated classes, but which more often than not consist of disabled children only.

4. Child labour

48. In Morocco, 11 per cent of children aged between 7 and 14 (around 600,000) work; 372,000 of these are aged between 7 and 11, and 45 per cent of them are girls, according to official child labour statistics.³² However, these statistics do not include domestic chores in the category of work (economic activity), even though half the children and most of the girls aged 7 to 14 spend at least four hours a day doing such chores. Girls employed as domestic workers outside their own homes are not counted either, owing to the absence of reliable data.

²⁸ Information provided by the Office of the Secretary of State for the Family, Child Welfare and Persons with Disabilities and the Permanent Mission of the Kingdom of Morocco to the United Nations Office at Geneva.

²⁹ National Plan of Action for Children, 2006-2015, *Maroc digne de ses enfants*, p. 43.

³⁰ Reply by the Office of the Secretary of State for the Family, Child Welfare and Persons with Disabilities to the questionnaire of the Special Rapporteur on the right to education, Mr. Muñoz Villalobos.

³¹ Committee on the Rights of the Child, general comment No. 9, on the rights of children with disabilities (CRC/C/GC/9).

³² See the 2000 National Employment Survey and the 1998/99 National Household Survey. In 2000, less than 8 per cent of children in the 5-14 age group had a job, compared with 15.9 per cent in 1987.

49. According to various official surveys and as confirmed by several Government spokespersons, 84 per cent of children who work are employed in family farming and livestock breeding in rural areas.³³ In urban areas, child workers are employed in the following sectors: carpet-weaving, clothing and textiles; domestic service outside their own homes; crafts and ceramics; car repairs; garage work; wood, leather and ceramics. Other activities include selling cigarettes, car washing and shoe shining.³⁴

50. In most cases children who work are deprived of their right to education and the mere fact of holding a job is contrary to the Convention on the Rights of the Child. Child workers are exposed to abuse, working conditions that are dangerous and harmful to their health, and sexual abuse.³⁵ More than half the child workers aged below 15 have never been to school, and only 41 per cent of the remainder have completed the cycle of basic schooling.

51. The Moroccan Government has informed the Special Rapporteur of its firm political will to tackle the question of child labour with a view to its elimination. To this end, Morocco has ratified the ILO Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138), and the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182); it is also signatory to the ILO Convention concerning the Restriction of Night Work of Children and Young Persons in Non-Industrial Occupations, 1946 (No. 79). At the national level, Morocco amended its Labour Code in 2003 to prohibit children under 15 from working and children under 18 from being assigned hazardous tasks as well as to introduce certain other protection measures.³⁶

52. The Special Rapporteur considers that integrating child workers under the age of 15 into the education system should be an immediate priority for the Government. He underlines the importance of strictly observing the prohibition against child labour among children under 15, which entails amending the law, since it applies to the formal sector only and not to the household or the informal sectors, where most child workers are employed, in particular the agricultural sector (and family livestock breeding) and the domestic services sector. The labour inspectors responsible for the enforcement of this prohibition are few in number, and do not have the necessary resources to conduct inquiries, as a result of which they cannot investigate child labour among children under 15 in households or families. Moreover, State measures need to be comprehensive and aimed at remedying poverty and economic vulnerability, above all in rural areas.

5. Street children

53. There are no official statistics concerning the number of street children, but according to some estimates there are between 30,000 and 40,000.³⁷ At present, it is mainly NGOs that provide them with shelter and assistance, since State measures are apparently inadequate. The absence of official statistics that would help to shape essential public policies for dealing with street children is one of the

³³ See ILO, UNICEF and the World Bank, *Understanding children's work in Morocco*, March 2003, pp. 23-33 and 36.

³⁴ *Ibid.*, pp. 22-25 and document CRC/C/OPSA/MAR/1.

³⁵ Commission on Human Rights, Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her mission to the Kingdom of Morocco (28 February-3 March 2000), E/CN.4/2001/178/Add.1, pp. 6, 7, 9, 18 and 23 (November 2000).

³⁶ Labour Code, arts. 143, 144, 147, 151, 180 and 181.

³⁷ Estimate provided by BAYTI, an NGO based in Casablanca.

shortcomings noted by the NGOs. The stigmatization of these children is reflected in the strong hostility shown by school heads, teachers and parents to their reintegration into schools.

54. Under the National Plan of Action for Children 2006-2015, the Office of the Secretary of State for the Family, Child Welfare and Persons with Disabilities is responsible for dealing with the situation of street children. The Plan notes that the most common causes of children ending up on the streets are family conflicts, parental neglect, sexual abuse within the family, economic exploitation, school violence and the rural exodus.³⁸ Measures to be taken under the Plan between 2006 and 2015 include the decriminalization of vagrancy, the establishment of transit centres for the rehabilitation and reintegration of street children into society and sociological studies on the impact of poverty on large families.

55. The Special Rapporteur considers it essential for the State to provide better safeguards and protection for these children's rights in practice. It has a duty to do so; it should not delegate the task to local associations, but should adopt policies and measures to ensure the immediate reintegration of these children into school.

C. Acceptability and adaptability

56. The Special Rapporteur notes with satisfaction that improving quality is one of the main objectives of the educational reform under way in Morocco. As the Minister of Education explained, improving the quality of teaching is a far-reaching and complex process, which includes making teaching more democratic, reforming school curricula, training teachers, bringing teaching tools up to date and introducing new technology to the classroom.³⁹

57. Acceptability refers to the standard of teaching as well as to its relevance and cultural acceptability.⁴⁰

58. The right to education also entails the obligation for the State to guarantee the adaptability of education, which means devising, and providing resources for, curricula geared to the current needs, not only of societies and communities, but also of students, within their diverse social and cultural settings, in a changing world.⁴¹ In this connection the Special Rapporteur welcomes the revision of textbooks and schoolbooks on different subjects undertaken by the national commission in charge of assessing school textbooks, and its subcommissions, with a view to assuring quality, removing sexist stereotypes and analysing content to ensure respect for human rights. He also welcomes the billions of dirhams invested to launch the three-year programme to include communication technologies as a subject in the education system.

59. The Special Rapporteur wishes to stress four major challenges stemming from Morocco's obligation to guarantee the acceptability and adaptability of education: introducing the teaching of Amazigh; teacher training; introducing human rights education; and introducing the gender perspective and the principle of gender equality in the education system and school life.

³⁸ National Plan of Action for Children 2006-2015, p. 39.

³⁹ Conversation with the Special Rapporteur, 4 December 2006.

⁴⁰ Committee on Economic, Social and Cultural Rights, general comment No. 13 (note 18 above).

⁴¹ *Ibid.*

1. Introducing the teaching of Amazigh

60. As a result of the various changes that have taken place in Morocco's language policy since the coronation of King Mohammed VI, Amazigh is now recognized as an essential part of Moroccan culture, although this has not brought about its official legal recognition or its elevation to the status of official language.

61. Educational reform has played a fundamental role, in that the Charter has recognized the importance of Amazigh as an integral part of national culture, and has provided for its gradual introduction in schools. The Charter gives the regional education authorities the freedom to include Amazigh in that part of the curriculum that is left to the discretion of every regional education and training authority, and requires the national education authorities, gradually and to the extent possible, to provide the regions with the necessary support in terms of educators, teachers and teaching aids.⁴² The Charter also provides for facilities for Amazigh linguistic and cultural research and development, as well as for teacher training and the development of school programmes and curricula. The Royal Institute of Amazigh Culture, established in 2001, is responsible for standardization of the Amazigh language, studies and research on Amazigh literature, culture and civilization, helping universities to set up centres for research and development in Amazigh language and culture, and teacher training. In 2003 Amazigh was introduced in 313 schools, with a commitment to universalize it by 2010.

62. During his mission the Special Rapporteur heard strong criticism of the shortage of teachers with the training and qualifications to teach Amazigh, and of the lack of recognition or compensation for the extra work the teaching of Amazigh involves for teachers. Comments were also made on the shortage of Amazigh textbooks and teaching aids; the frequent suspension of classes; the failure to provide the three hours per week stipulated for Amazigh teaching; and an unwillingness to introduce it in many schools. In the Special Rapporteur's view it is very important to reinforce the measures adopted in order to ensure that Amazigh is in practice gradually introduced in schools.

2. Appropriate teacher training

63. Teachers have to follow several different types of training in order to obtain the qualifications required to teach; their basic training is supplemented by further training in seminars and courses in Morocco and abroad. Training for primary school teachers is provided by primary school training centres and for junior high school and high school teachers by regional teacher training centres. Several of the associations and teachers the Special Rapporteur met said it was true that the reform introduced a more active, child-centred form of teaching, but teachers did not have the teaching skills and methodology required for such an approach. He was also told on several occasions that a voluntary retirement scheme had resulted in the early departure of a large number of experienced teachers.

64. The Special Rapporteur notes the difficulties teacher training centres have in acquiring appropriate, up-to-date teaching methods. If Morocco intends to introduce the type of reform envisaged and described in the Charter, teacher training must be geared towards the human rights culture, the principles of gender equality and respect for cultural and religious diversity, while drawing on participatory teaching methods that are suited to the particular needs of students of differing abilities as well as on the requisite knowledge of new technologies and the Amazigh language and culture.

⁴² National Education and Training Charter, art. 115.

3. Human rights education

65. During his mission the Special Rapporteur was informed that the National Education Department was putting the final touches to its human rights education strategy under the National Platform for the promotion of human rights culture, adopted on 26 February 2007. The Platform should result in the drafting of a three-pronged national human rights plan of action covering human rights education; awareness-raising for the general public; and specialist training. The Department has adopted various measures with a view to the introduction of human rights education, in particular the establishment of a national human rights and citizenship commission to guide, coordinate, evaluate and monitor action plans on human rights and citizenship education, with the participation of the relevant social sectors, national institutions, international bodies and NGOs. The Department has set up a commission to assess whether the contents of school textbooks reflect human rights principles and values, and has decided to establish regional commissions to monitor and evaluate the universalization of human rights education in primary and secondary schools. Various measures have been adopted to encourage activities that bring human rights into school life, such as human rights clubs or forums for the pupils.

66. The Special Rapporteur wishes to stress that human rights education must promote the establishment of a universal culture conducive to the protection and development of human dignity, encourage schoolchildren to acquire the necessary skills to make human rights part of their daily lives, and foster diversity, equality, non-discrimination and the inclusion of all.⁴³

67. The inclusion of human rights as a basic principle of education, as recommended in the Charter, must become a reality in schools, where corporal punishment continues to be inflicted despite its prohibition. The Special Rapporteur notes that there are already some obstacles to human rights education, including the fact that teachers do not receive sufficient training and that support is limited to references to textbooks. Furthermore, lessons often focus on the notion of citizenship and not on the content of international human rights instruments.

68. Several local associations informed the Special Rapporteur that the human rights education programme amounted in practice to handing out leaflets from the Ministry of Education and organizing human rights clubs, as mentioned above. However, the Special Rapporteur noted that some of the textbooks he consulted contained information on several international human rights instruments, although he was unable to ascertain whether this was part of a systematic human rights education programme that went beyond references to civic education or human rights activities conducted by local associations, the reform of school curricula, and the removal of sexist stereotypes from textbooks.

⁴³ Plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education, adopted by United Nations General Assembly resolution 59/113B, on 14 July 2005.

4. Introduction of the gender perspective and the principle of equality in the education system and school life

69. Pursuant to the Charter, Morocco has made great strides with the adoption of legislation⁴⁴ and policies aimed at ensuring gender parity in access to education. As indicated above, in the school year 2006/07, girls accounted for 42 per cent of pupils enrolled in primary education, 44 per cent of pupils enrolled in compulsory secondary education and 47 per cent of pupils enrolled in non-compulsory secondary education (high school). This represents considerable progress, but given that girls make up slightly more than 50 per cent of all children in Morocco, the State must pursue its efforts to ensure full gender parity in access to education and pay special attention to girls' access to schools in rural areas. It is also important to have disaggregated statistics on dropout and absenteeism rates, in order both to bring these down and to establish a scientific basis for public policies to ensure that all schoolchildren complete their studies, regardless of their sex.

70. However, to reduce the gender perspective and the principle of equality in education to a matter of mere parity between the sexes in access to education is to interpret these two concepts too narrowly, in the Special Rapporteur's view. Morocco should therefore define them more broadly and tie them in with human rights education, with a view to promoting an education system that encourages the continuous participation and inclusion of girls and the development of egalitarian forms of citizenship in which the roles and skills traditionally ascribed to boys and girls are superseded.

IV. CONCLUSIONS AND RECOMMENDATIONS

71. **The progress that Morocco has made in the education sector in recent decades attests to its growing commitment to human rights and the political will of the State and society. It has not benefited all sectors of the population, however, despite the strengthening of the legislative framework for protection over the years and the increase in the education budget.**

72. **This situation clearly shows how important it is to ground public policies firmly in human rights so as to redress social imbalances and disparities in the enjoyment and exercise of rights by means of positive action to meet the needs of the most disadvantaged social groups.**

73. **Despite this significant progress, the Special Rapporteur concludes that Morocco has a considerable way to go before it can guarantee all its inhabitants the effective enjoyment of the right to education. He considers that the main challenges facing Morocco in order to realize the right to education are the following:**

(a) **To apply the National Education and Training Charter and other legal instruments, including the Convention on the Rights of the Child, and to pursue public policies on education coverage and quality;**

⁴⁴ See for example Act No. 05-00 on the status of preschool education (open to children aged 4 to 6) intended to guarantee all Moroccan children maximum equality of opportunity in access to education; Act No. 04-00, according to which "basic education constitutes a right and obligation for all Moroccan children of both sexes who have reached the age of 6": the State undertakes to provide this education free of charge in the school closest to their place of residence, while parents and guardians are obliged to ensure that their children attend school until they reach the age of 15; and Act No. 01-00 on the organization of higher education, which provides that higher education is open to all citizens who meet the conditions required on the basis of equal opportunities.

(b) To take bold and speedy action to bring broad sectors of the child population into formal and non-formal education, above all disabled children, particularly in rural areas, street children and working children. The Special Rapporteur has observed that these children have benefited less than others from the advance towards universal compulsory primary education. In Morocco, approximately 7 per cent of children, in other words 1.5 million children, do not attend school;

(c) To reduce the high school-dropout rate, which official figures put at 4 out of 10 children in compulsory primary education, 5 out of 10 in urban secondary education and 8 out of 10 in rural secondary education;

(d) To extend the coverage of literacy programmes and broaden their content beyond simply learning to read and write;

(e) To make up for lost time in achieving the objectives set in the National Education and Training Charter with regard to the teaching of the Amazigh language and culture and introduce Amazigh gradually in schools countrywide;

(f) To make human rights a real part of school life and one of the basic principles of education, as recommended in the National Education and Training Charter, and end corporal punishment in schools;

(g) To set up as soon as possible the national and regional commissions to monitor and evaluate measures adopted under the national human rights education programme so as to ensure that content is geared to meet the needs of national communities and is based on international human rights instruments;

(h) To strengthen the gender perspective in the education system and the principle of gender equality so as to do away with the current mindset that seeks merely to achieve gender parity in access to education and eliminate sexist stereotypes from textbooks.

74. In addition, the Special Rapporteur recommends that the Moroccan Government should:

(a) Urgently collect detailed information on the situation of street children and identify practical measures to ensure their inclusion in the education system;

(b) Follow the recommendations of the Children's Parliament and take account of its comments and proposals when devising national and regional education policies;

(c) Broaden the mandate of the Ombudsman's Office (*Diwan al-Madhalim*) so that it can act *ex officio* to promote the realization of economic, social and cultural rights, including the right to education;

(d) Establish an inter-agency team to devise and take the necessary steps to introduce school canteens nationwide within a reasonable time frame;

(e) Assess the coverage and scope of family allowance schemes with a view to reforming them as required in the very near future to ensure that schooling does not constitute an economic burden for families;

(f) Reinforce the supervision of schools so that the responsible officials can check that the National Education and Training Charter and the various national and international human rights protection instruments are being properly applied. For this purpose, the requisite specialist training should be encouraged;

(g) Bring human rights education activities into line with the World Programme for Human Rights Education adopted by the United Nations General Assembly and the plan of action for its first phase;

(h) Establish a system of legal protection against sexual harassment and sexual abuse for girls and young women;

(i) With a view to promoting girls' education, devise and establish a system of indicators showing the consequences of domestic labour for girls;

(j) Draw up a suitable plan for training teachers to teach Amazigh, one that, in the short term, extends the length of training (currently between 3 and 15 days), in particular for teachers whose mother tongue is not Amazigh, and, in the longer term, sets the same standards of university training for the teaching of Amazigh as for other languages such as Arabic, French or English;

(k) Sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol and adopt a transition plan towards an inclusive education system;

(l) Allocate funds to provide, or grants to purchase, wheelchairs, artificial limbs and other means of enabling disadvantaged children and adolescents - male and female - to go to school;

(m) Establish a network of centres and shelters for rural girls who are the victims of violence;

(n) Work for an amendment to the law to enable children - male and female - to enrol in the education system even without parental consent;

(o) Develop disaggregated indicators on the school dropout rate and absenteeism by sex, social situation, ethnic origin and other variables, not only to help curb these problems but also to ensure that all schoolchildren complete their education, regardless of their sex.
