

Children's rights in Morocco and international agreements

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Abstract: I chose this research because it is of great importance in protecting children from homelessness, loss, and neglect, and for making adjustments for them the legal, social and legal framework to preserve their legitimate rights in accordance with international agreements signed by party to the Kingdom of Morocco, stipulated in its Constitution of 2011 and also the Family Code issued in the year. 2004, in which the legislator allocated provisions to protect Moroccan childhood familially, socially and legally. Moroccan childhood needs us as researchers and jurists to save it from all the oppression it faces and the difficulties within Moroccan society.

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Introduction

Since the research touched on the comparison between international agreements, the Constitution, and the Code, I tried, through its problems and hypotheses, to extract the locations of the challenges and constraints facing local laws that emanate from them. The religious authority, which is the basis of Moroccan culture, and the obstacles that stand in the way of implementing the agreements into reality, despite the state's efforts to protect this segment and save it from the difficult situation from which it suffers. As a researcher, I transcribed all the laws into a table to approach each agreement separately to answer the problem objectively.

Research objectives:

This research seeks to achieve several goals, including:

- Introducing childhood and its stages that an individual passes through until he becomes an adult relying on his mental and legal abilities.
- Familiarity with international and national children's rights in accordance with international agreements and the Constitution of the Kingdom of Morocco for the year 2011 and the extent of their implementation in the Family Code.
- Identifying the obstacles to implementing international agreements on the ground and their incompatibility with the religious orientation of Moroccan society, and finding solutions that ensure achieving the goals of international agreements.

Research problem:

Were the international agreements ratified by the Kingdom of Morocco through the 2011 Constitution able to protect the rights of children in Morocco?

Research questions:

- How did Morocco work to preserve children's civil rights based on compatibility between what is status and religion?
- What are the constraints that the Moroccan state faced in applying international agreements to the reality of the culturally diverse Moroccan society?
- What are the proposals that demonstrate the difficulties in applying international agreements to children, despite the obstacle of Moroccan culture?

Research hypotheses:

- Perhaps Moroccan culture was an obstacle to the proper implementation of international agreements on the ground.
- Perhaps it is due to the state's policy, the composition of its institutions, and its religious authority.
- Perhaps institutions do not bear actual responsibility for protecting children's rights.

Methodological procedures for research:

- *The study method is objective and critical*
- *Type of study: theoretical and procedural*
- *The first section: The path of children's rights in Morocco*

Chapter One: The comprehensive concept of children's rights

Because the child is a weak and minor human being who cannot defend himself from the dangers surrounding him and that loom around him due to his lack of awareness and comprehensive knowledge of the constraints of daily life, the United Nations has enacted conventions on the rights of the child to protect them in

accordance with international laws so that this segment is not exposed to breaches and violations of their rights, and it has defined the definition of a child who is under 18 years of age.

The adoption of the International Convention on the Rights of the Child in 1989 constituted a historic moment in the process of improving children's conditions at the international level. Thirty years after the conclusion of this agreement, during the year 2019 the world celebrates the progress achieved in the field of childhood. It is an appropriate occasion for our country to recognize the outcome of its achievements during thirty years of diligent work in a field full of challenges, and to renew its commitment to children's rights and give them a worthy place in the 2030 Sustainable Development Plan.

Morocco was among the first countries to take the initiative to join the Convention on the Rights of the Child, as His Majesty King Hassan II, may God have mercy on him, personally signed it in 1989 in New York City, USA. In 1992, he also signed the Universal Declaration for the Preservation, Care and Development of the Child.

Immediately after our country ratified this convention in 1993, the first National Conference on the Rights of the Child was held in 1994. The National Observatory for the Rights of the Child was established in 1995 under the effective presidency of Her Royal Highness Princess Lalla Meryem. The year 1999 was marked by the establishment of the Children's Parliament as a space to enhance children's participation and involvement in discussing and formulating measures and programs that concern them. (Social, 2019).

Special and renewed attention with His Majesty King Mohammed VI, may God protect him. Thanks to the special attention given by His Majesty King Mohammed VI, may God protect him, to improving childhood conditions, this agreement has become an essential reference for a set of national policies, plans and programs related to childhood. As His Majesty the King has always referred in his speeches to children's rights, the royal message on the occasion of the eighth session of the United African Cities and Local Governments Summit (Africity), November 24, 2018 in Marrakesh, included high directives in this context; Where His Majesty said: "Efforts to protect children must not be limited to preserving their physical, moral, and psychological integrity, but must also be accompanied by providing the conditions necessary to improve their economic, social, and cultural conditions. (...) Although this challenge is enormous in its scope, it is worthy of our undertaking in order to win the stakes associated with it" (Government, 2019).

Chapter Two: The development of children's rights according to the Moroccan Constitution.

The Constitution of the Kingdom of Morocco for the year 2011 allocated the second chapter on fundamental freedoms and rights in accordance with international agreements and charters as ratified by the Moroccan state. In this chapter, the rights of the child are ensured by the family, which protects and preserves them from all violations and preserves their privacy as well. Chapter 32 of the same section states: "...the state seeks to provide legal protection, and social and moral consideration, to all children in an equal manner, regardless of their family status."

- Basic education is a right for the child and a duty for the family and the state.
- A Family and Childhood Advisory Council is established.
- The Kingdom's constitution enshrines children's rights.

The 2011 Constitution constituted an additional historical turning point, elevating the child's right to protection and making it a constitutional right, as it stipulated in Chapter 32 that the state seeks "to provide legal protection, and social and moral consideration, to all children, in an equal manner, regardless of their family status." It also stipulated that "basic education is a right for the child and a duty for the family and the state," and created a Family and Childhood Advisory Council. Ladies and gentlemen. (Government, 2019).

Chapter Three: Children's rights based on the Family Code.

The Family Code, in the second section: Children, in Article 54, addresses all the rights of children inside and outside the institution of marriage in accordance with international agreements to protect their civil rights, including registration in the civil status, custody, alimony, education, and everything related to their legal framework that protects them within society. It also made the Public Prosecution responsible for implementing its requirements and the law.

At the conclusion of this demand regarding the protection of children within the framework of the Family Code and relevant international agreements, it confirms that the Code has tried as much as possible to respond to these agreements and has highlighted several rights that children enjoy vis-à-vis their parents, the most important of which are:

- Protecting their lives and health from pregnancy until they reach adulthood.
- Work to establish and preserve their identity, especially with regard to name, nationality, and civil status.
- Parentage, custody and alimony in accordance with the provisions of Book Three of this Code.
- The mother breastfeeds her children when possible.
- Taking all possible measures for the normal development of children by preserving their physical and psychological safety and taking care of their health for prevention and treatment.
- Religious guidance and education on good behavior and noble values that lead to honesty in words and deeds, avoiding violence that leads to physical and moral harm, and ensuring the prevention of any exploitation that harms the interests of the child.
- Education and training that prepares them for practical life and useful membership in society. Parents must provide their children, as much as possible, with appropriate conditions to pursue their studies in accordance with their intellectual and physical readiness (Article 54 of the Code).
- The same article considered the state responsible for taking the necessary measures to protect and care for children in accordance with the law. (Meknes, 2021).

Whereas, with reference to Article 85, which states: "The entitlements of the children he is obligated to support are determined in accordance with Articles 168 and 190 below, taking

into account the living and educational situation they were in before the divorce”.

Book Three: Childbirth and its consequences.

The first section: Sonship.

- Article 142: Filiation is achieved by the child’s descent from his parents, and it is legitimate and illegitimate.
- Article 143: Filiation for the father and mother is considered legitimate until proven otherwise.
- Article 145: When the filiation of a child of unknown parentage is proven by attachment or by a judge’s ruling, the child becomes legitimate, follows his father in lineage and religion, and is inherited, resulting in marriage impediments, and entailing the rights and duties of fatherhood and filiation.

The second topic: international agreements in the field of children’s rights in Morocco.

Chapter One: Children’s rights and their relationship to international agreements.

The United Nations worked to issue 42 agreements to protect the rights of children from violations, and included everything related to children and their protection from all forms and actions that pose a threat to their existence and existence. It worked to impose these agreements on countries, obligating them to abide by them, and to ensure respect for these universal agreements for childhood to live in a healthy and sound atmosphere and in an atmosphere that guarantees its normal development.

United Nations Convention on the Rights of the Child - Children's Version

Definition of the child

- A child is anyone under the age of 18.

Non-discrimination

- No matter who they are, where they live, what language they speak, what religion they believe, how they look, whether they are boys or girls, whether they have a disability, whether they are wealthy or poor, who their parents or families are, what they think or believe, or what they do, every child has these rights. For any reason, no kid shall be subjected to unfair treatment.

The best interests of the child

- Adults must consider the impact their choices will have on children while making decisions. Adults ought to act in children's best interests. Additionally, governments should make sure that these children are protected and cared for by their parents or other caregivers as needed. Governments should make sure that those in charge of child care provide quality care and that the facilities used for child care are suitable.

Implementing rights on the ground

- Governments are required to take all reasonable steps to guarantee that every child in their nation has access to all of the rights outlined in this Convention.

Family guidance during children’s development

- Governments should allow families and society to guide their children, so that they can use their rights in the best possible way so that as they grow older, the less guidance they need.

Life, survival and growth

- Every child has the right to life. Governments must ensure that children survive and grow up in the best way possible.

Name and nationality

- In addition to having a name and nationality (belonging to a nation), children must be registered at birth and have the right to know and receive parental care.

Identity

- Each child is entitled to their own identification, which is an official document that identifies them and contains their names, ethnicities, and family relationships. Children should never be stripped of their identity, and governments should assist them in regaining it as soon as possible.

Keeping the family together

- Children should not be separated from their parents unless they are not receiving appropriate and adequate care from them; (For example, if the parents hurt the child or do not take care of him). The child must be able to communicate continuously with his parents if they are separated and do not live together, except in cases where this communication causes harm to the child.

Communication with parents across countries

- If a child lives in a country other than the country where his or her parents live, governments should allow the child and parents to travel in order to communicate and be together.

Protection from kidnapping

- Governments should prevent children being removed from their countries illegally (for example, in the case of kidnapping or when a parent detains the child in another country without the consent of the other parent).

Respect children’s opinions

- Children are entitled to openly express their thoughts and emotions regarding matters that impact them. Adults ought to pay attention to them and respect their viewpoints.

Freedom to exchange ideas

- Children are entitled to freely express their thoughts, feelings, and opinions as well as to seek out and disseminate whatever information they may have with others, whether by writing, painting, or talking, unless doing so might endanger others.

Freedom of thought and religion

- As long as it doesn't interfere with others' ability to exercise their rights, children are free to develop their own beliefs and opinions. As they get older, parents can teach their kids how to properly exercise their rights.

Create or join groups

- Every child has the right to meet other children and be members of groups and organizations, as long as this does not harm other people.

Privacy protection

- All children are entitled to privacy. Children's privacy must be protected by the law, as must their homes, families, communications, and reputations.

Obtaining information

- Children are entitled to access information from a variety of sources, including books, newspapers, television, radio, and the Internet. It is the responsibility of adults to guarantee that children are not exposed to dangerous information. Governments should encourage the media to disseminate information from different sources, in languages that all children can understand.

Parental responsibility

- The primary individuals in charge of parenting a child are the parents. This duty is delegated to a different adult known as the "guardian" while the parents are not there. Governments must assist parents and guardians in constantly considering what is best for the child. When both parents are present, they must share responsibility for the child's upbringing.

Protection from violence

- Governments must protect children from violence, abuse, and neglect by anyone responsible for their care.

Children who lost their families

- Each child who cannot be cared for by his family has the right to be cared for appropriately by those who respect his culture, religion, language, and other facets of his existence.

Children who are adopted

- The most crucial thing to remember when adopting a child is to act in their best interests. A kid may be adopted into a different nation if proper care cannot be given to them in their home country (for instance, by living with another family).

Refugee children

- Children who flee their place of origin as refugees are entitled to the same rights as children in their new nation, as well as support and protection (should it become unsafe for them to stay in their home country).

Children with disabilities

- Every disabled child is entitled to the finest life possible in society. For children with impairments to become self-

sufficient and engage in society, governments must remove all barriers.

Health, water, food and environment

- Children are entitled to the highest quality medical treatment, safe and clean surroundings, and pure water to drink. To keep safe and healthy, all adults and children need to be informed.

Review the conditions of children placed outside their homes

- The situation (for example, health, psychological, etc.) of all children who live in places other than their homes must be continuously examined and reviewed (whether to provide care or protection or for health reasons) to ensure that everything is going well, and to ensure that the place where the children are located is the best place for them.

Social and economic assistance

- Governments should provide money and other support to help children in poor families.

Food, clothing and safe shelter

- Children have the right to food, clothing and a safe place to live in order to grow in the best way possible. Governments must help families and children who cannot afford these things.

Access to education

- Every child has the right to education. Basic education must be free and secondary and higher education must be available. Children should be encouraged to go to school to obtain the highest possible level of education. Schools must respect children's rights and not practice violence in any form.

Education objectives

- The education that children receive should help them fully develop their personalities, talents and abilities. It should teach them their rights, to respect the rights of others, their cultures and their differences, to live in peace and to protect the environment.

Minority culture, language and religion

- Children have the right to use their language, culture and practice their religion, even if it is different from the majority of people in the country in which they live.

Rest, play, culture and arts

- Every child has the right to rest, relax, play and participate in cultural and creative activities.

Protection from harmful work

- Children have the right to be shielded from dangerous jobs that endanger their health or development, or that keep them from receiving an education. A youngster who works has the right to be paid fairly for his labor as well as to be safe in his employment.

Protection from harmful drugs

- Governments must protect children from using, manufacturing, carrying, or selling harmful and prohibited narcotic substances.

Protection from sexual assault

- Governments must protect children from sexual exploitation and abuse, including from people who force children to have sex in exchange for money, or to make sexual films or images of them.

Preventing the sale and trafficking of children

- Governments must protect children and ensure that children are not kidnapped, sold or transferred to other countries or places for exploitation.

Protecting children from exploitation

- Children have the right to be protected from all types of exploitation, even if not mentioned in this Convention.

Children in places of detention

- Children accused of violating the law should not be subjected to death, torture, cruel treatment, life imprisonment, or be placed in prison with adults. Imprisonment should be the last option and for the shortest possible period. Imprisoned children have the right to receive legal assistance and to be able to maintain contact with their families.

Protection during wars

- Children have the right to protection during wars. Children under the age of 15 may not participate in the army or in wars.

Recovery and reintegration into society

- Children have the right to receive assistance if they have been harmed, neglected, ill-treated or affected by war, in order to restore their health and dignity.

Children in conflict with the law

- A child who breaks the law or is accused of doing so has the right to legal assistance (eg a lawyer) and a fair trial. Multiple solutions should be available to help these children become good members of their communities. Prison should be the last option.

Implementing the most appropriate law for children

- If a country's domestic laws protect children's rights better than this Convention, then that country's laws should be used.

Disseminating children's rights to everyone

- Governments must work seriously to familiarize children and adults with all provisions of the Convention on the Rights of the Child so that everyone knows about children's rights. (UNICEF, 1959)

Chapter Two: The constraints facing the implementation of international agreements in Morocco.

Despite Morocco's diligence in implementing these agreements through the country's highest document, which

regulates the state and society, and recording them in the Family Code, it still faces several constraints at the level of the culture of society and the religious authority of the state, as well as applying them linearly in an attempt by the legislator to create consensual laws between what is traditional and statutory, and these constraints contributed to delaying the establishment of the civil state.

It is the right and duty of our country, which continues its tireless efforts in the battle to build modern democracy and the state of law and institutions, based on consolidating the values of justice, equality, and human rights, to take a pause and re-read its major achievements, evaluate its path, evaluate it, develop it, and improve its performance, in a way that achieves the goals it has set for itself.

From this standpoint, I do not need to convince you of the importance of choosing the topic of this symposium, which falls within the context of the debate taking place in our country about the possibility of amending the Family Code, and for which the message addressed by His Majesty to the participants in the work of the Fifth Islamic Conference of Ministers in Charge of Childhood on February 21, 2018, formed a basic starting point for thinking about its implications, by recalling the shortcomings that accompanied the practical experience of implementing this text. And it didn't show it has no shortcomings, and full awareness of the constitutional gains approved by the 2011 Constitution, with regard to strengthening the institutional aspect related to strengthening the protection of the family in general, and women and children in particular. His Majesty expressed this proactive demand by saying:

"...We worked to strengthen family cohesion, by adopting an advanced family code that takes into account the best interest of the child and protects his rights, in all circumstances, calling for it to be accompanied by evaluation and evaluation, to address the shortcomings that the experience has revealed." The Mawlawi pronunciation has ended.

Distinguished ladies and gentlemen,

There is no doubt that you are aware of the major role that the Public Prosecution plays in family cases, both from the perspective of the Code, which made it an original party in all cases, which allows it to contribute to the effectiveness of justice and help the judiciary to issue rulings that respond to the aspirations of the litigants. Or the procedures assigned by the Civil Procedure Code or the Criminal Procedure Code to protect the family in general, and women and children in particular.

You are also aware of the important role played by the Public Prosecution in implementing international cooperation agreements in the field of family, custody, and child abduction, which makes it an essential mechanism for enhancing the effectiveness of justice at the international level. Therefore, we attend this forum to contribute to the discussion of the topics specified in its program, as well as to listen for your suggestions and comments regarding the roles that the Public Prosecution can play in order to develop the performance of justice in the field of family justice. (General, 2019).

Analysis and discussion:

After analyzing and discussing the two topics, it becomes clear to us whether the problem is true or not when we deal with

children's rights in Morocco and international agreements, and what these agreements play in building a healthy generation that respects itself and the other and coexists within a society in peace, love, harmony, solidarity and coexistence despite the difference in intellectual principles and religious references to fight extremism and racial discrimination and achieve social justice and equality.

We will discuss international agreements in comparison with the Constitution and the Family Code, to determine whether international agreements in the field of children's rights have actually been implemented in Morocco? I will list them in the following table:

Family blog	Constitution of the Kingdom of Morocco of 2011	International agreements	Numbers
Section Two: Children Article 54 The age of majority has not been determined	Chapter 32 Providing legal protection for children without specifying the age of majority	Definition of a child (under 18 years of age)	01
Article 142: Filiation is achieved by the child's descent from his parents, and it is legitimate and illegitimate. Article 148: Illegitimate paternity for the father does not have any of the effects of legitimate paternity	Chapter 32 The state seeks to provide legal protection and social and moral consideration to all children, in an equal manner, regardless of their family status.	Non-discrimination	02
Article 54: Protection of their lives and health from conception until reaching adulthood	Chapter 32, regardless of their family status	The best interests of the child	03
Article 54: The state is responsible for taking the necessary measures to protect children and guarantee care for their rights in accordance with the law.	There is a Family and Childhood Advisory Council	Implementing rights on the ground	04
Article 54: Religious guidance and education on good behavior and noble values that lead to honesty in word and deed, avoiding violence that leads to physical and moral harm, and ensuring the prevention of any exploitation that harms the interests of the child.	Not expressly guarant	Family guidance during children's development	05
Article 54: Taking all possible measures for the normal development of children by preserving their physical and psychological integrity and taking care of their health, prevention and treatment.	Not expressly guaranteed	Life, survival and growth	06
Article 54 regarding name, nationality and civil registration;	Not expressly guaranteed	Name and nationality	07
Article 54 Work to establish their identity and keep it private	Chapter 31: Education to adhere to Moroccan identity and established national constants	Identity	08
Issuing the Family Code on February 3, 2004 to preserve and preserve it	Chapter 32 The state shall work to ensure the legal, social and economic protection of the family	Keep the family together	09
Article 180: The non-custodial parent has the right to visit and consult the child in custody.	Not expressly guaranteed	Communicate with parents across countries	10
Article 54: Protection of their lives and health from conception until reaching adulthood	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection from kidnapping	11
Not expressly guaranteed	Not expressly guaranteed	Respect children's opinions	12
Not expressly guaranteed	Not expressly guaranteed	Freedom to exchange ideas	13

Not expressly guaranteed	Not expressly guaranteed	Freedom of thought and religion	14
Not expressly guaranteed	Not expressly guaranteed	Create or join groups	15
Not expressly guaranteed	Not expressly guaranteed	Privacy protection	16
Not expressly guaranteed	Not expressly guaranteed	Get information	17
Article 198: The father's maintenance on his children continues until they reach the age of majority, or the completion of twenty-five years for those who continue their studies. In all cases, the daughter's maintenance is not waived unless she is able to earn money or her husband is obligated to support her.	Not expressly guaranteed	Parental responsibility	18
Article 54: Avoiding violence that leads to physical and moral harm	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection from violence	19
Law No. 15.01 regarding sponsorship of neglected children	Chapter 34: Addressing and preventing the vulnerable situations of groups of women, mothers, children and elderly persons	Children who lost their families	20
Article 149: Adoption is considered invalid, and does not result in any of the effects of legal filiation.	Chapter 34: Addressing and preventing the vulnerable situations of groups of women, mothers, children and elderly persons	Children who are adopted	21
The Family Code, as amended, will enter into force on July 29, 2021 for refugees, including stateless persons, in accordance with the Geneva Convention of July 28, 1951 relating to the status of refugees.	Chapter 34: Addressing and preventing the vulnerable situations of groups of women, mothers, children and elderly persons	Refugee children	22
Article 54: A child with a disability enjoys, in addition to the rights mentioned above, the right to care specific to his condition	Chapter 34: Rehabilitation of people who suffer from physical, sensory-motor, or mental disabilities	Children with disabilities	23
Article 189: Alimony includes food, clothing, treatment, what is considered necessities, and education for children, taking into account the provisions of Article 168 above.	Chapter 31: Treatment and health care Chapter 31: Getting water and living in a healthy environment	Health, water, food and environment	24
Not expressly guaranteed	Not expressly guaranteed	Reviewing the conditions of children placed outside their homes	25
Article 54: The state is responsible for taking the necessary measures to protect children and guarantee and care for their rights in accordance with the law	Chapter 33: Providing assistance to those who have difficulty adapting school, social, or professionally	Social and economic assistance	26
Article 54: Parentage, custody and alimony in accordance with the provisions of Book Three of this Code. Article 189: Alimony includes food, clothing, treatment, what is considered necessities, and education for children, taking into	Chapter 31: Adequate housing	Food, clothing and safe shelter	27

account the provisions of Article 168 above.			
Article 54: Education and training that prepares them for practical life and useful membership in society	Chapter 32: Basic education is a right for the child and a duty for the family and the state	Access to education	28
Article 54: Education and training that prepares them for practical life and useful membership in society	Chapter 31: Obtaining a modern, accessible and quality education	Education objectives	29
Article 54: Religious guidance and education on right behavior and noble values that lead to honesty in word and deed	Chapter 31: Training to adhere to Moroccan identity and established national constants	Minority culture, language and religion	30
Not expressly guaranteed	Chapter 33: Facilitating young people's access to culture, science, technology, art, sports, and recreational activities, while providing favorable conditions for the development of their creative and creative energies in all of these fields.	Rest, play, culture and arts	31
Article 54 The state is responsible for taking the necessary measures to protect children and guarantee and care for their rights in accordance with the law.	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection from harmful work	32
Article 54: Taking all possible measures for the normal development of children by preserving their physical and psychological integrity and taking care of their health, prevention and treatment.	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection from harmful drugs	33
Not expressly guaranteed	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection from sexual assault	34
Not expressly guaranteed	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Preventing the sale and trafficking of children	35
Article 54: Ensuring the prevention of any exploitation that harms the interests of the child	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protecting children from exploitation	36
Not expressly guaranteed	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Children in places of detention	37
Not expressly guaranteed	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection during wars	38
Article 54: Education and training that prepares them for practical life and useful membership in society	Chapter 33: Helping young people to integrate into active and collective life, and providing assistance to those who face difficulty in school, social, or professional adaptation.	Recovery and reintegration into society	39

Filiation is achieved by the child's descent from his parents, and it is legitimate and illegitimate.	Chapter 34: Addressing fragile situations For groups of women, mothers, children and elderly persons and their prevention	Children in conflict with the law	40
Family Blog 2004 with reference to the Islamic religion and Moroccan identity	Not expressly guaranteed	Applying the most appropriate law for children	41
Family Blog 2004	Constitution of Morocco 2011	Promoting children's rights to everyone	42

The table discussed each international agreement in the field of children's rights in comparison with the Constitution of the

Kingdom of Morocco of 2011 and the updated Family Code of 2004:

Section Two: Children Article 54 The age of majority has not been determined	Chapter 32 Providing legal protection for children without specifying the age of majority	Definition of a child (under 18 years of age)	01
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As we deal with the definition of the child in the Convention, the Convention specifies every child whose age is less than 18 years, while in the Moroccan Constitution, it addresses the child with the concept of the age of majority without mentioning the age of 18, as in Article 32 of the Moroccan Constitution and Chapter 54 of the Family Code, only the age of majority is mentioned, while in Law

No. 15.01 related By sponsoring neglected children, the legislator has defined childhood up to 18 years of age, because the marriage of a minor is what makes childhood not explicitly defined, and the blogger acknowledges that she is a minor and needs permission and is married off even though she is a minor and has not yet reached the age of majority.

Chapter 142: Filiation is achieved by the child's descent from his parents, and it is legitimate and illegitimate. Chapter 148: Illegitimate paternity for the father does not have any of the effects of legitimate paternity.	Chapter 32 The state seeks to provide legal protection and social and moral consideration to all children, in an equal manner, regardless of their family status.	Non-discrimination	02
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Regarding non-discrimination in Chapter 32 of the Constitution and Articles 142 and 148 of the Family Code, there is an attempt by the legislator to achieve equality, but in the marriage of a minor and inheritance, the two nationalities are not equal, and therefore religion stands as an obstacle to achieving equality based on

positive law derived from international agreements, which applies. In which the legislator sets laws that are saturated with the Islamic religion to reconcile international agreements and religion, but falls into contradiction in achieving equality and non-discrimination.

Chapter 54: The state is responsible for taking the necessary measures to protect children and guarantee care for their rights in accordance with the law.	There is a Family and Childhood Advisory Council	Implementing rights on the ground	04
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An Advisory Council for Family and Childhood has been created, which ensures the protection of the family and children in accordance with the laws written by the legislator in the Family Code and derived from the Kingdom's Constitution of 2011, and

where in Chapter 54 the state bears full responsibility for protecting children and ensuring their rights and care in accordance with the law.

Chapter 54: Protecting their lives and health from conception until reaching adulthood	Chapter 32, regardless of their family status	The best interests of the child	03
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Moroccan laws have come to take into account primarily the best interest of the child, as Article 32 of the Constitution of the Kingdom of Morocco stipulates taking into account the status of children despite their family status, and Article 54 of the Family Code stipulates their protection from conception until they reach

the age of majority, and since the article did not state that the age of majority is a child under the age of 18 and therefore the age of majority in the Family Code remains not explicitly guaranteed, due to the legal status of Moroccan religion and culture.

Chapter 54: Religious guidance and education on right behavior and values of nobility that lead to honesty in word and deed, avoiding violence that leads to physical and moral harm, and ensuring the prevention of any exploitation that harms the	Not expressly guaranteed	التوجيه الأسري أثناء نمو الأطفال	05
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interests of the child.			
Article 54: Taking all possible measures for the normal development of children by preserving their physical and psychological integrity and taking care of their health, prevention and treatment.	Not expressly guaranteed	Life, survival and growth	06
Article 54 regarding name, nationality and civil registration;	Not expressly guaranteed	Name and nationality	07
Article 54 Work to establish their identity and keep it private	Chapter 31: Education to adhere to Moroccan identity and established national constants	Identity	08

Regarding family guidance during children's development, life, survival, and growth, name and nationality are not explicitly guaranteed in the 2011 Constitution of Morocco, while identity is explicitly guaranteed in separation. However, Article 54 of the Family Code addresses religious guidance and education on upright behavior and values of nobility that lead to honesty in word and deed, avoiding violence that leads to physical and moral harm, and ensuring the prevention of all exploitation. It harms the interests of the child, and also takes possible measures for the

normal development of children by preserving their physical and psychological safety and taking care of their health as prevention and treatment. It also stipulates that their identity is established and preserved privately. Here we conclude that religion and Moroccan identity are strongly present in the guidance and upbringing of children. He also obtains the name and nationality regardless of the type of marital relationship, whether legal or illegal, with the father's acknowledgment of his child.

Issuing the Family Code on February 3, 2004 to preserve and preserve it	Chapter 32 The state shall work to ensure the legal, social and economic protection of the family	Keep the family together	09
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In Chapter 32 of the Constitution of the Kingdom of Morocco 2011, the state is the guardian and guarantor of the social and economic rights of the family and protects it from fragility and disintegration, and on this basis the Family Code of 2004 was created, to enact effective laws to preserve and preserve the family because it is an essential component of Moroccan society according to the Constitution of the Kingdom, but in view of the

Family Code and also the Constitution of the Kingdom, the family is protected by an Islamic reference and the Moroccan culture emanating from religion, and here the Constitution and the Family Code fall under the restriction of religion to implement international conventions on the rights of the child based on freedom of opinion, expression and religion.

Article 180: The non-custodial parent has the right to visit and consult the child in custody.	Not expressly guaranteed	Communicate with parents across countries	10
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It is not explicitly guaranteed by the Constitution of the Kingdom of Morocco 2011, but in the Family Code in Article 180, the legislator gives the right to the parents to visit and consult the child, but between countries there is difficulty in implementing the ruling on visitation, or emergency permission, and the legislator

did not address the means of communication, whether in the event of a break-up of the marital relationship or it continues after a parent travels, and these cases are generally dealt with based on the best interest of the child and the understanding between the parties involved.

Article 54: Protection of their lives and health from conception until reaching adulthood	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection from kidnapping	11
Article 54: Avoiding violence that leads to physical and moral harm	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection from violence	19
Chapter 54 The state is responsible for taking the necessary measures to protect children and guarantee care for their rights in accordance with the law.	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection from harmful work	32
Article 54: Taking all possible measures for the normal development of children by preserving their physical and psychological integrity and taking	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection from harmful drugs	33

care of their health, prevention and treatment.			
Not expressly guaranteed	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection from sexual assault	34
Not expressly guaranteed	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Preventing the sale and trafficking of children	35
Article 54: Ensuring the prevention of any exploitation that harms the interests of the child	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protecting children from exploitation	36
Not expressly guaranteed	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Children in places of detention	37
Not expressly guaranteed	Chapter 32: The state seeks to provide equal legal protection, social and moral consideration for all children	Protection during wars	38

Chapter 32: The state's provision of legal and legal protection in an equal manner, but in a general manner in various forms, without precisely specifying that protection in accordance with the detailed international conventions on the rights of the child, as this wording may provide room for interpretation, but it leaves gaps in the application of rights more clearly, and it has not been done. Including clearer preventive measures in addition to providing robust legal mechanisms that guarantee immediate intervention in the event of kidnapping or exploitation of children. Effective

protection of children also requires cooperation with the international community and concerned parties to combat cross-border crimes such as human trafficking and the smuggling of children across borders, and in this way The application of protection faces the challenges of social and cultural factors that may affect the effectiveness of the implementation of child protection laws. The same applies to Article 54 of the Family Code regarding some of the harms and risks facing children.

Not expressly guaranteed	Not expressly guaranteed	Respect children's opinions	12
Not expressly guaranteed	Not expressly guaranteed	Freedom to exchange ideas	13
Not expressly guaranteed	Not expressly guaranteed	Freedom of thought and religion	14
Not expressly guaranteed	Not expressly guaranteed	Create or join groups	15
Not expressly guaranteed	Not expressly guaranteed	Privacy protection	16
Not expressly guaranteed	Not expressly guaranteed	Get information	17

As for Articles 12 to 17 of the international conventions on the rights of the child, they do not explicitly guarantee that the education that children receive in Morocco, according to Chapter 31 of the Moroccan Constitution of 2011 and Article 54 of the Family Code, is based on upbringing to adhere to the Moroccan identity, established national constants, and religious guidance. Therefore, Moroccan religion and culture will constitute an

obstacle to its explicit inclusion, as it contradicts the Islamic religion, as it is based in the first chapter of the 2011 Constitution of Morocco as follows: "The nation relies in its public life on universal constants, represented by the tolerant Islamic religion, multi-linked national unity, constitutional monarchy, and democratic choice."

Article 198: The father's maintenance on his children continues until they reach the age of majority, or the completion of twenty-five years for those who continue their studies. In all cases, the daughter's maintenance is not waived unless she is able to earn money or her husband is obligated to support her.	Not expressly guaranteed	Parental responsibility	18
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It is not explicitly guaranteed in the 2011 Constitution of Morocco, but Article 198 of the Family Code addresses the responsibility of the parents to continue maintenance until they reach the indefinite age of majority, and its types between the boy and the girl with an

Islamic religious reference, as well as those who continue their studies. The maintenance is not dropped on the girl unless she is able to earn or is required. Her maintenance is borne by her husband, given that the religious authority and Moroccan culture

are considered a barrier to the development of some laws related to children's rights.

Law No. 15.01 regarding sponsorship of neglected children	Chapter 34: Addressing and preventing the vulnerable situations of groups of women, mothers, children and elderly persons	Children who lost their families	20
Article 149: Adoption is considered invalid, and does not produce any of the effects of legal filiation.	Chapter 34: Addressing and preventing the vulnerable situations of groups of women, mothers, children and elderly persons	Children who are adopted	21
The Family Code, as amended, will enter into force on July 29, 2021 for refugees, including stateless persons, in accordance with the Geneva Convention of July 28, 1951 relating to the status of refugees.	Chapter 34: Addressing and preventing the vulnerable situations of groups of women, mothers, children and elderly persons	Refugee children	22
Article 54: A child with a disability enjoys, in addition to the rights mentioned above, the right to care specific to his condition	Chapter 34: Rehabilitation of people who suffer from physical, sensory-motor, or mental disabilities	Children with disabilities	23
Law No. 15.01 regarding sponsorship of neglected children	Not expressly guaranteed	Law No. 15.01 regarding sponsorship of neglected children	25

As for children in difficult situations, Chapter 34 of the Constitution of the Kingdom of Morocco included all of the above cases, but for those placed outside their homes, they are not explicitly guaranteed, and for children who have lost their families, Law No. 15.01 relating to sponsoring abandoned children, including those placed outside their homes, was allocated to them. Their homes, while adoption is invalid, and does not result in any effect of legal filiation, because it is forbidden in the Islamic religion, and it recognizes as a legal alternative to sponsorship as a

religious institution, while the updated formula in the Family Code of 2021 applies to refugees, including stateless people, in accordance with the Geneva Convention of July 28, 1951 relating to the status of Refugees, and therefore the international conventions on the rights of the child are in conflict with each other in the face of the Islamic religion, the basic structure of the Moroccan state, and therefore the conventions face challenges and difficulties in implementing them in Moroccan society.

Article 189: Alimony includes food, clothing, treatment, what is considered necessities, and education for children, taking into account the provisions of Article 168 above.	Chapter 31: Treatment and health care Chapter 31: Getting water and living in a healthy environment	Health, water, food and environment	24
Article 54: The state is responsible for taking the necessary measures to protect children and guarantee and care for their rights in accordance with the law	Chapter 33: Providing assistance to those who have difficulty adapting school, social, or professionally	Social and economic assistance	26
Article 54: Parentage, custody and alimony in accordance with the provisions of Book Three of this Code. Article 189: Alimony includes food, clothing, treatment, what is considered necessities, and education for children, taking into account the provisions of Article 168 above.	Chapter 31: Adequate housing	Food, clothing and safe shelter	27
Article 54: Education and training that prepares them for practical life and useful membership in society	Chapter 32: Basic education is a right for the child and a duty for the family and the state	Access to education	28
Article 54: Education and training that prepares them for practical	Chapter 31: Obtaining a modern, accessible and quality education	Education objectives	29

life and useful membership in society			
Article 54: Religious guidance and education on right behavior and noble values that lead to honesty in word and deed	Chapter 31: Training to adhere to Moroccan identity and established national constants	Minority culture, language and religion	30
Not expressly guaranteed	Chapter 33: Facilitating young people's access to culture, science, technology, art, sports, and recreational activities, while providing favorable conditions for the development of their creative and innovative energies in all of these fields.	Rest, play, culture and arts	31

Regarding what was mentioned above, the Moroccan Constitution of 2011 addressed it clearly in Chapters 31 to 33, and also in Article 54 of the Family Code of 2004, but based on upbringing that is attached to the Moroccan identity, established national

constants and religious guidance, while rest, play, culture and art are not explicitly included in the Family Code of 2004.

Article 54: Education and training that prepares them for practical life and useful membership in society	Chapter 33: Helping young people to integrate into active and collective life, and providing assistance to those who face difficulty in school, social, or professional adaptation.	Recovery and reintegration into society	39
Article 42: Filiation is achieved by the child's descent from his parents, and it is legitimate and illegitimate.	Chapter 34: Addressing and preventing the vulnerable situations of groups of women, mothers, children and elderly persons	Children in conflict with the law	40
Family Blog 2004 with reference to the Islamic religion and Moroccan identity	Not expressly guaranteed	Applying the most appropriate law for children	41
Family Blog 2004	Constitution of Morocco 2011	Promoting children's rights to everyone	42

From 39 to 41, the Constitution addresses their status in Chapters 33 and 34 of the Constitution of the Kingdom of Morocco, while the application of the law most appropriate to children is not explicitly guaranteed, while the Family Code addresses them in Articles 54 and 42. As for the application of the law most appropriate to children, the Family Code of 2004 was established by the legislator with a religious reference. Islamic and with the Moroccan identity, and he found it most appropriate, but compared to international agreements, it does not guarantee the rights of children in accordance with international agreements, but rather there are religious restrictions and challenges. As for Article 42, which concerns the dissemination of children's rights to all, the Kingdom's Constitution of 2011 and the Family Code of 2004 were published in a legal and general manner and are not specific to children, as are the international conventions on the rights of the child, which address all rights in particular for them.

Comment summary:

This research aims to study and analyze the rights guaranteed by international conventions on the rights of the child, with a focus on how these rights are implemented in the Moroccan Constitution and the Family Code. Through comparison between local legislation and international standards, it was found that Morocco has made important strides in the field of protecting children's rights, especially with regard to the rights to life, education and health, but there are some gaps and challenges that hinder the full implementation of these rights.

One of the most prominent points addressed in the research is the assertion that the 2011 Moroccan Constitution, although it guarantees children's rights within an initial framework of protection, some issues are still not explicitly guaranteed, especially with regard to the details of children's rights in areas such as adoption, dealing with children who have lost their families, in addition to Some other social rights. Comparison with international agreements, such as the Convention on the Rights of the Child, also showed that although Morocco has signed these agreements, their implementation on the ground continues to face cultural and religious challenges that affect local laws.

The research emphasized the need to strengthen the efforts of the state and civil society to improve mechanisms for implementing children's rights, by updating laws and incorporating modern concepts from a human rights perspective, while respecting the cultural and religious reference of Moroccan society. The research also pointed out the importance of cooperation between governmental and non-governmental institutions government to ensure effective protection of children from all forms of violence and discrimination, while ensuring a healthy and educational environment for children around the world.

As a conclusion of the research, there is an urgent need to adopt a comprehensive and integrated approach in implementing children's rights, which goes beyond legal texts to include their actual application on the ground, while respecting cultural and religious values within the framework of universal human rights.

Since religion plays a major role in the culture and life of Moroccan society, the goal is Achieving the building of a state of rights and law by separating religion from the state in matters of public policies, ensuring a state of strong institutions that respect the basic rights and freedoms of all citizens.

Recommendations:

- Continuing efforts to establish a civil state, in accordance with the Constitution of the Kingdom of Morocco 2011, in accordance with its requirements of the international agreements signed by Morocco.
- Changing the provisions of the Criminal Code in Article 490, which stipulates corruption in relationships that interfere with individual freedoms, to recognize children outside the institution of marriage and register them in civil status records as Moroccan citizens and force both parties to bear their responsibility for procreation.
- Going beyond the culture of society with religious reference to achieve a state of right and law and a state of strong institutions.
- Integrating sexual education, education on differences, and freedoms to respect others and their privacy in academic curricula.
- Commitment to international agreements in the field of children's rights, to build a healthy generation that

respects itself and the other for peaceful coexistence, combating extremism and racial discrimination, and achieving social justice and equality.

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