

# Morocco

## National Child Protection Legislation

### National Legislation

- Age of Consent: **Marriage**  
[Moroccan Penal Code](#)  
**Art. 490** – All persons of the opposite sex who are not related by marriage, and have sexual relations with each other, are punishable by imprisonment for one month to one year.
  
- Age of Marriage: **18 years old**<sup>1</sup>  
[Moroccan Family Code](#)  
**Art. 19** – Men and women acquire the capacity to marry when they are of sound mind and have completed eighteen full Gregorian years of age.
  
- Age of Criminal Responsibility: **12 years old / 18 years old**  
[Moroccan Penal Code](#)  
**Art. 138** – A minor under the age of twelve years is considered criminally irresponsible for lack of judgment. It can only be subject to the provisions of Book III of the Law on Criminal Procedure.  
  
**Art. 139** – A minor aged twelve who has not attained the age of eighteen is, under criminal law, considered partially irresponsible due to insufficient discernment.  
  
The minor benefits in the case provided for in the first paragraph of this Article from the excuse minority and may only be subject to the provisions of Book III of the Law on Criminal Procedure.  
  
**Art. 140** – Offenders who have reached the age of criminal majority of eighteen years of age, are deemed fully responsible.  
  
[Moroccan Family Code](#)  
**Art. 209** – The age of legal majority is eighteen complete Gregorian years.

---

- **Extraterritoriality**

- [Moroccan Penal Code](#)

- Art. 12**

- Moroccan criminal law applies to offenses committed outside the Kingdom where they fall within the jurisdiction of the Moroccan criminal courts under the Articles 751 to 756 of the Code of Criminal Procedure

- Art. 13**

- The penalties and security measures enacted in this Code are applicable to adults of eighteen Gregorian years. Juvenile offenders shall be subject to the special rules laid down in Book III of the law on criminal procedure.

---

<sup>1</sup> Moroccan Family Code “Moudawana,” Article 21 states, “The marriage of a minor is contingent on the consent of his/her legal tutor. The legal tutor’s consent is expressed by signing, along with the minor, the marriage authorization petition and being present during the conclusion of the marriage contract. If the minor’s legal tutor refuses to consent, the Family Affairs Judge rules on the matter.”

- **Dual Criminality**

- [Moroccan Criminal Procedure Code](#)

- Art. 696-3**

- The facts that may give rise to extradition, whether to request or grant extradition, are as follows:

- 1) All facts punishable by criminal penalties by the law of the requesting State;
    - 2) Facts punishable by correctional law by the law of the requesting State, when the maximum imprisonment incurred under this Act is equal to or greater than two years, or, if it is a sentence, when the sentence imposed by the court of the requesting State is equal to or greater than two months imprisonment.

- In no case is extradition granted by the French Government if the act is not punishable under French law by a criminal or correctional sentence.

- The acts constituting attempt or complicity are subject to the preceding rules, provided that they are punishable under the law of the requesting State and the law of the requested State. If the application relates to several offenses committed by the person claimed and which have not yet been, extradition shall be granted only if the maximum penalty, according to the law of the requesting State, for all these offenses, is equal to or greater than two years' imprisonment.

- Art. 696-4**

- Extradition is not granted:

- 1) When the person claimed has French nationality, the latter being appreciated at the time of the offense for which extradition is required;
    - 2) Where the crime or offense is of a political nature or where it results from circumstances that extradition is requested for a political purpose;
    - 3) When the crimes or offenses were committed on the territory of the Republic;
    - 4) When the crimes or offenses, although committed outside the territory of the Republic, have been prosecuted and definitively judged;
    - 5) Where, according to the law of the requesting State or French law, the prescription of the action has been acquired prior to the request for extradition, or the prescription of the sentence prior to the arrest of the the person claimed and in general whenever the public action of the requesting State is extinguished;
    - 6) Where the act for which extradition was requested is punishable by the law of the requesting State a penalty or security measure contrary to French public policy;
    - 7) Where the person sought is tried in the requesting State by a court which does not provide guarantees procedural principles and the protection of the rights of the defense;
    - 8) When the crime or the offense constitutes a military offense envisaged by the Book III of the Code of Military Justice.

- **Mandatory reporting requirements**

- [Moroccan Penal Code](#)

- Art. 299**

- Outside the case provided for in Article 209, anyone who, having knowledge of a crime that has already been attempted or consummated, did not immediately notify the authorities, is punishable by imprisonment of one month to two years and a fine of 200 to 1,000 dirhams or

of one of these two penalties only. The penalties are doubled when the victim of the crime or the victim of the attempt of the crime is a child of less than eighteen years.

**Art. 448.7**

Whoever is aware that a person has committed or has begun to commit a trafficking of human beings offense without reporting it to the competent authorities is punishable with imprisonment from one to five years and a fine from 5,000 to 50,000 dirhams, However, the person who refrains from reporting the offender when that person is the spouse of the offender, or one of his ascendants or descendants has the benefit of an absolatory excuse.

▪ **Obligations of Educational Institutions**

No requirements found

▪ **Prohibition to hold certain positions**

[Moroccan Penal Code](#)

**Art. 26**

Civic degradation is:

- 1) the dismissal and the exclusion of convicts from all public functions and any public offices;
- 2) the deprivation of the right to be a voter or to be eligible and, in general, of all civil and political rights and the right to wear any decoration;
- 3) the inability to be a jury assessor, expert, to serve as a witness in all acts and to bring to justice otherwise than to give simple information;
- 4) the inability to be a guardian or substitute guardian, except for his own children;
- 5) the deprivation of the right to bear arms, to serve in the army, teach, run a school, or be employed in an educational institution as a professor, master, or supervisor.

Civic degradation, when it constitutes a primary punishment, is, unless otherwise specified, pronounced for a duration of two to ten years.

**Art. 87**

Prohibition of the exercise of a profession, activity or art shall be pronounced against convicted persons for crimes or offenses where the court finds that the offense committed has a direct relationship with the exercise of the profession, activity or art, and that there are serious fears that by continuing to exercise them, the condemned person is a danger to public safety, health, morality or savings.

This prohibition is pronounced for a period not exceeding ten years, starting from the day the sentence was suffered, except where the law provides otherwise.

The provisional execution of this measure may be ordered by the decision of conviction, notwithstanding the exercise of all ordinary or extraordinary remedies.

**Art. 88**

When a trial court pronounces against an ascendant, a conviction for a crime or for a criminal offense punishable by imprisonment, committed on the person of one of his minor children and that it finds and expressly declares the decision that the habitual behavior of the convict puts his children minors in physical or moral danger, it must pronounce the deprivation of paternal power

This deprivation may relate to all or part of the rights of paternal power and may be pronounced only with respect to one or some of the children. The provisional execution of this measure may be ordered by the decision of conviction, notwithstanding the exercise of all remedies ordinary or extraordinary.

- **Employment Law**

No requirements found

- **Criminal Law - Defamation**

[Moroccan Penal Code](#)

**Art. 442**

Any allegation or imputation of an act that offends the honor or reputation of a person or of the body to which the fact is imputed is defamation.

**Art. 445**

Whoever has, by any means whatsoever, made a slanderous denunciation against one or more individuals to officers of justice or administrative police or judicial authority, or to authorities with the power to act upon it or to seize competent authority, or to the superiors or employers of the denounced, is punishable by imprisonment from six months to five years and a fine of 200 to 1,000 dirhams. The trial court may, in addition, order the insertion of its decision, entirely or by extract, in one or more newspapers and at the expense of the convict. If the act complained of is liable to penal or disciplinary sanction, the prosecution of slanderous accusation may be committed under this section after judgment or judgment of acquittal or acquittal, either after an order or judgment of dismissal, i.e. after classification of the denunciation by the competent magistrate, civil servant, superior authority or employer. The court seised under this article shall be required to stay proceedings if proceedings concerning the fact complained of are pending.

**Art. 446**

If physicians, surgeons, or health officers, as well as pharmacists, midwives or any other depositary, by state or profession or by function permanent or temporary, have revealed secrets that are entrusted to them, except where the law obliges or authorizes them to be whistleblowers, are punishable by imprisonment from one month to six months and a fine of one thousand two hundred to twenty thousand dirhams. However, the persons listed above do not incur the penalties provided for in the previous paragraph:

- 1) When, without being held, they denounce the abortions of which they had knowledge when practicing their profession or their duties;
- 2) When denouncing to the competent judicial or administrative authorities the offenses and the acts of ill-treatment or deprivation perpetrated against children under the age of eighteen or by one spouse against the other or against women; and,
- 3) of which they became aware during the exercise of their profession or functions.

Cited in court for cases relating to the offenses referred to above, said persons remain free to choose whether or not to provide their testimony.

Sexual Offenses Against Children

[Moroccan Penal Code](#)

**Art. 408**

Anyone who intentionally injures or beats a child under 15 years of age or has voluntarily deprived them of food or jeopardized their health, or voluntarily commits on that child any other violence or assault, to the exclusion of minor violence, is punishable by imprisonment for one to three years.

**Art. 448.1<sup>2</sup>**

Trafficking in human beings means recruiting, training, transporting, transferring, harboring, accommodating, or acting as an intermediary for that purpose. The threat of use of force, the use of force, or other forms of coercion, kidnapping, fraud, deception or abuse of authority, function or power or the exploitation of a situation of vulnerability, need or insecurity, or the giving or receiving of money or benefits to obtain the consent of a person having authority over another person for the purpose of exploitation. It is not necessary that one of the means provided for in the first paragraph above be used to consider that the crime of trafficking in human beings is committed in respect to children under eighteen years of age, provided that the purpose is to exploit the children.

Exploitation includes all forms of sexual exploitation, including the exploitation of the prostitution of others as well as exploitation through pornography, including by means of communication and computer communication. Exploitation also includes exploitation through forced labor, servitude, begging, slavery or slavery-like practices, removal or trafficking of organs or tissues, exploitation through experiments or medical research on living beings, or the exploitation of a person for criminal purposes or in armed conflict.

Exploitation can only be invoked when it has the effect of alienating the will of the person and depriving him of the freedom to change his situation and to undermine his dignity by any means whatsoever even if he has received consideration or remuneration for that purpose. Forced labor within the meaning of this Act is defined as any work in the service required of a person under threat and for the performance of which he has not volunteered. The notion of forced labor does not include work required for the performance of compulsory military service, work required as a result of a judicial conviction or any work or service required in the event of a declaration of a state of emergency.

**Art. 448.4**

The offense of trafficking in human beings is punishable by imprisonment for 20 years to 30 years and a fine of 200,000 to 2,000,000 dirhams in the following cases:

- 1) When the offense was committed against a minor under eighteen years old;
- 2) When the offense is committed against a person in a difficult situation because of his age, an illness, a disability or a physical or mental weakness or with respect to a pregnant woman if her pregnancy is apparent or known to her culprit;
- 3) When the perpetrator of the offense is the spouse of the victim, one of his ascendants or descendants, his guardian, his kafil, responsible for looking after her or having authority over her.

---

<sup>2</sup> The provisions of Chapter VII of Title I of Book III have been supplemented by Section VI of the Penal Code, pursuant to Article 1 of Law No. 27-14 on combating trafficking in human beings promulgated by the Dahir No. 1-16-127 of 21 kaada 1437 (Aug. 25, 2016); Official Bulletin No. 6526 of 15 Rabii I 1438 (Dec. 15, 2016), p. 1952.

**Art. 448.10**

Anyone who knowingly commits the offense of trafficking in human beings, benefits from a service, advantage, or work of a victim of human trafficking is punishable with imprisonment from one to five years and a fine from 5,000 to 50,000 dirhams. The penalty is doubled if the victim of human trafficking is a minor under the age of eighteen.

**Art. 448.14**

The victim of human trafficking is not held responsible criminally or civilly of any act committed under threat, when this act is directly related to the fact that she is personally the victim of trafficking in human beings unless he has committed an offense of his own free will without being under threat.

**Art. 467- 1**

Any person who sells or acquires a child of less than eighteen years is punishable by imprisonment of two to ten years and a fine of five thousand to two million dirhams. Sale of children means any act or transaction involving the transfer of a child from one or more individuals to one or several other persons for consideration of any nature whatsoever. The penalty provided for in paragraph 1 of this Article is applicable to anyone:

- causing the parents or one of them, the kafil, the testamentary guardian, the guardian dative, the person having authority over him or the person responsible for his protection to sell a child under the age of eighteen, assisting or facilitating the sale;
- acting as an intermediary, facilitating, or assisting in the sale or purchase by any mean of a child under eighteen years.

Attempted acts are punishable by the same penalty as the offense consumed.

The judgment may pronounce against the convict the deprivation of one or several rights provided for in Article 40 and the prohibition of residence of five to ten years.

**Art. 467- 2**

Without prejudice to more severe penalties, anyone who operates a child of less than fifteen years for the exercise of a forced labor, acts as an intermediary, or causes this exploitation is punishable by imprisonment of one year to three years and a fine of five thousand to twenty thousand dirhams,

Forced labor, within the meaning of the preceding paragraph, means to compel a child to perform work prohibited by law or to perform work prejudicial to his health, safety, morals or training.

**Art. 471**

Whoever by violence, threats or fraud, abducts an eighteen-year-old, who trains, diverts or moves, or does so lead, divert or move places where he was put by those to authority or direction of which he was subject or entrusted, shall be punished with five to ten years imprisonment.

**Art. 472**

If the minor thus abducted is less than twelve years, the sentence is confinement of ten to twenty years. However, if the minor is found alive before the sentence, the penalty is five to ten years imprisonment.

**Art. 475**

Whoever “abducts or deceives” a minor, without using violence, threat or fraud is punishable by imprisonment of one to five years and a fine of 200 to 500 dirhams.

**Art. 483**

Anyone who, by his state of voluntary nudity or the obscenity of his gestures or his actions, commits a public outrage to modesty is punishable by imprisonment for a month to two years and a fine of 200 to 500 dirhams. Contempt is considered public as soon as the act constituting it is committed in presence of one or more unintentional witnesses or minors under eighteen or in an accessible place in the eyes of the public.

**Art. 484**

Any indecent assault consummated or attempted without violence, on the person of a minor under the age of eighteen years, an incapacitated person, a disabled person, or a person known for his weak mental capacities, of either sex is punishable by imprisonment from two to five years.

**Art. 485**

Any indecent assault consummated or attempted with violence against persons of either sex is punishable by imprisonment of five to ten years. However, if the crime was committed on the person of a child under the age of eighteen years, an incapacitated person, a disabled person, or a person known for his weak mental capacities, the offender shall be punished by imprisonment of ten to twenty years.

**Art. 486**

Rape is the act by which a man has sexual relations with a woman against the will of the latter. It is punishable by imprisonment of five to ten years. However, if the rape has been committed on the person of a minor under the age of eighteen years, a disabled or a handicapped person, a person with weak mental faculties, or of a pregnant woman, the penalty is imprisonment of ten to twenty years.

**Art. 487**

If the culprits are the ascendants of the person on whom the attack was committed, if they are those who have authority over the him/her, whether they are his/her guardians or hired servants, or the hired servants of those persons above, if they are officials or ministers of a cult, or if the culprit was helped in the attack by one or more persons, the penalty is:

Imprisonment from five to ten years in the case provided for in Article 484;

Imprisonment of ten to twenty years in the case provided for in Article 485, paragraph 1;

Imprisonment of twenty to thirty years in the case provided for in Article 485, paragraph 2;

Imprisonment of ten to twenty years in the case provided for in Article 486, paragraph 1;

Imprisonment of twenty to thirty years in the case provided for in Article 486, paragraph 2.

**Art. 488**

In the case provided for in Articles 484 to 487, if the defilement followed, the penalty is:

Imprisonment from five to ten years, in the case provided for in article 484;

Imprisonment of ten to twenty years, in the case provided for in Article 485, paragraph 1;

Imprisonment of twenty to thirty years, in the case provided for in article 485, paragraph 2;

Imprisonment of ten to twenty years, in the case provided for in Article 486, paragraph 1;

Imprisonment of twenty to thirty years, in the case provided for in article 486, paragraph 2.

However, if the guilty party falls into the category of those enumerated in article 487, the maximum of the penalty provided for in each of the paragraphs of that article is always incurred.

**Art. 497**

Anyone who excites, promotes, or facilitates the debauchery or prostitution of minors under eighteen years of age shall be punished by imprisonment of two to ten years and a fine of twenty thousand two hundred thousand dirhams.

**Art. 503 - 1**

anyone who, by abusing the authority which gives it its functions, harasses others in using orders, of threats, constraints or any other means, in order to obtain the favors of a sexual nature, is guilty of sexual harassment and punishable by imprisonment of one year to two years and a fine of five to fifty thousand dirhams.<sup>3</sup>

**Art. 503 - 2**

Anyone who causes, encourages or facilitates the exploitation of children under the age of eighteen years in pornography by any representation, by whatever means, of a sexual act real, simulated or perceived or any representation of the sexual organs of a child for sexual purposes, is punishable by imprisonment of one year to five years and a fine of ten thousand to one million dirhams.

The same penalty is applicable to any person who produces, distributes, publishes, imports, exports, exhibits, sells or holds similar pornographic material.

These acts are punishable even if their elements are committed outside the Kingdom.

The penalty provided for in the first paragraph of this article shall be doubled where the author is one of the ascendants of the child, a person entrusted with his protection or having authority over him.

The same penalty is applicable to the attempts of these acts.

The judgment of conviction orders the confiscation and destruction of pornographic materials. The court may order the publication or posting of the judgment.

In addition, the judgment may order, where appropriate, the withdrawal of the license of which the convicted person is entitled. It may also pronounce the temporary or permanent closure of the premises.

---

<sup>3</sup> Article added by Article 5 of the Law N° 24-03 modifying and completing the Penal Code. Moroccan Penal Code, at <http://adala.justice.gov.ma/production/legislation/fr/Nouveautes/code%20penal.pdf> (last visited Mar. 14, 2018).