



Evaluation of UNICEF Work on Access to Justice for Children

Morocco Case Study: Detention practices and non-custodial alternatives for children

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Contents

Contents	1
Acknowledgements	1
Acronyms	3
Glossary	4
Background	5
Rationale and scope	5
Methodology and approach	6
Conceptual framework and evaluation criteria	6
Research questions	6
Data sources and collection methods	7
Data analysis and validation	8
Risks, limitations and mitigation measures	8
Ethical considerations	8
Context	8
International standards	8
Morocco's context	10
Policies and laws for children in Morocco and recent developments	10
UNICEF programme	11
Findings	12
Finding 1: Legislative framework governing the detention of children	12
Finding 2: Practices care and detention of children in conflict with the law	15
Finding 3: The impact of COVID-19 pandemic on detention practices for children	23
Finding 4: Current practices for children on the move	24
Finding 5: Effectiveness of the UNICEF Programme	28
Finding 6: Alignment of the UNICEF justice programme with the RJ4C Agenda and scaling	32
Conclusions	33
Recommendations	35
Annex A: Bibliography	38
Annex B: Data collection tools	40
Annex C: Ethical Protocol	54
Annex D: Information and Consent Forms	59
Annex E: Case Study Inception Report	63

Figures

Figure 1: Children in conflict with the law by age group, 2023	15
Figure 2: Number of children in conflict with the law, 2020–2023	16
Figure 3: Measures taken for children during trial and before sentencing in 2023.....	17
Figure 4: Post-judgment measures for children in 2023.....	17
Figure 5: Difference in custodial vs. non-custodial measures in 2018, 2020 and 2023	18
Figure 6: Total number of children detained after judgment, from 2018 to 2023	19
Figure 7: Children in CPCs according to age group (years), 2024.....	20

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Acronyms

CAPEs – child protection support centres

CNDH – National Human Rights Council

CPC – child protection centre

CRC – Convention on the Rights of the Child

FGDs – focus group discussions

IOM – International Organization for Migration

KIIs – key informant interviews

MENA – Middle East and North Africa

MoJ – Ministry of Justice

MSISF – Ministry of Solidarity, Social Integration and the Family

NGO – non-governmental organization

RJ4C – Reimagine Justice for Children

SOPs – standard operating procedures

UNHCR – United Nations High Commissioner for Refugees

UNICEF – United Nations Children’s Fund

Glossary

Children on the move – “Children who have been directly or indirectly affected by migration and displacement, either internationally across borders or within the same country. When referring to children on the move, the International Data Alliance for Children on the Move (IDAC) includes child migrants; children in need of international protection, such as refugees and asylum-seekers; internally displaced children; children indirectly affected by migration and displacement, such as children who stay behind while parents or caregivers migrate; stateless children and child victims of cross-border trafficking.”¹

Child in conflict with the law – A child who is alleged as, accused of, or recognized as having committed a crime. A child in conflict with the law shall be presumed innocent until found guilty.²

Child in contact with the law – A child who comes into contact with the justice system for any reason, including as a victim, witness or due to their need for care and protection, as well as those seeking asylum or involved in other legal matters affecting their rights and well-being, in addition to those alleged or accused of committing an offence.³

Unaccompanied children (minors) – Those who “have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.”⁴

Separated children – “Children who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.”⁵

Alternative care – Refers to arrangements for the care of children outside their biological families. This includes informal care, such as kinship care, as well as formal options such as placement in residential facilities and foster care (including formal kinship care).⁶

¹ International Data Alliance for Children on the Move, *Children on the Move: Key terms, definitions and concepts*, United Nations Children’s Fund, New York, 2023, p. 7.

² United Nations, Convention on the Rights of the Child, A/RES/44/25, United Nations, New York, 20 November 1989.

³ Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice, Strasbourg, France, 17 November 2010, para. 20.

⁴ Committee on the Rights of the Child, General comment No. 6, CRC/GC/2005/6, 1 September 2005, para. 7.

⁵ Ibid., para. 8.

⁶ United Nations, Guidelines for the Alternative Care of Children, A/RES/64/142, United Nations, New York, 18 December 2009, para. 29.

Background

In 2024 the UNICEF Evaluation Office and the Child Protection Programme Group commissioned an evaluation of UNICEF work on justice for children. The evaluation focus is on the Reimagine Justice for Children (RJ4C) Agenda, launched at the beginning of the UNICEF Strategic Plan 2022-2025 period. The evaluation is formative in nature, and it aims to generate evidence to strengthen the conditions for UNICEF's success in achieving results under the RJ4C Agenda.

The RJ4C Agenda provides a comprehensive framework for advancing justice for children, organized around six interconnected and mutually reinforcing priority actions:

- **Pillar 1:** Every child knows and can claim their rights;
- **Pillar 2:** Every child can access free legal aid, representation, and services;
- **Pillar 3:** Every child in conflict with the law can be diverted;
- **Pillar 4:** Every child is protected from detention;
- **Pillar 5:** Every child survivor of sexual violence, abuse, or exploitation receives justice; and
- **Pillar 6:** Every child can access alternative dispute resolution mechanisms and child-friendly courts.

The evaluation pursued two overarching objectives:

1. To provide rigorous, independent evidence on UNICEF's efforts to increase access to justice for children, identifying early opportunities to strengthen change processes and improve results; and
2. To establish a formative baseline summarizing UNICEF's strengths and weaknesses in implementing the RJ4C Agenda, including an assessment of organizational readiness to operationalize its vision.

As part of the evaluation, eight case studies have been undertaken to provide examples of how issues relating to the Agenda have been addressed and the lessons that can be learned from these approaches. In selecting the case studies, one country has been chosen from each of the UNICEF regions (Europe and Central Asia; East Asia and Pacific; Eastern and Southern Africa; West and Central Africa; South Asia; Latin America and Caribbean; and Middle East and North Africa). In addition, one high-income country (the United Kingdom of Great Britain and Northern Ireland) was chosen.

Rationale and scope

Morocco was chosen as the representative country from the Middle East and North Africa (MENA) region due to its relevance to key issues in child justice, particularly regarding detention and non-custodial measures. Following consultations with UNICEF Middle East and North Africa Regional Office (MENARO) and justice for children focal points at the Morocco Country Office (UNICEF Morocco), as well as a thorough desk review, the case study in Morocco was designed to **focus on detention practices and non-custodial alternatives for children, including children on the move in Morocco**. Further the study examined the effectiveness of the UNICEF justice programme in promoting alternatives to detention.

The issue of children's detention in Morocco intersects with multiple pillars of the RJ4C Agenda. This case study particularly highlights pillar 4 of the Agenda which provides that every child is protected from detention. Pillar 6 underscores the importance of alternative dispute resolution and child-friendly courts, ensuring that justice systems prioritize rehabilitation over punishment. Furthermore, pillar 3 emphasizes the necessity of diverting children in conflict with the law away from detention and towards rehabilitative and community-based solutions. Examining Morocco's approach provides valuable insights into the effectiveness of UNICEF justice programming in promoting alternatives to detention, strengthening

coordination between justice and social protection systems, and ensuring that vulnerable children, including children on the move, are fully integrated into national child protection frameworks.

Geographic scope

The case study covers the national level and subnational level through locations for the in-person data collection included **Rabat, Tangier and Oujda** (as shown in Figure 1). Rabat was chosen as the site at the national level, while Tangier and Oujda were selected due to their strategic locations as border cities, their role in migration dynamics and their significance in the implementation of UNICEF programming focused on child protection and migration-related interventions.

Methodology and approach

Conceptual framework and evaluation criteria

The research methodology used was mixed method. Primarily, **the study focused on obtained qualitative data**, which were analysed to understand the protection risks and needs of children in conflict with the law and unaccompanied asylum-seeking children in Morocco, along with an examination of the systems and services in place to respond to these needs. Secondary **quantitative data** were used to gather data on children in conflict with the law and the measures taken in relation to these children.

The methodology adopted an **equity-informed and human rights-based** approach. The methodology was also rooted in the Convention on the Rights of the Child (CRC), Convention on the Elimination of all forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the United Nations Guidelines for the Alternative Care of Children and other key international child rights standards, including the general principles of the CRC (i.e., best interests of the child as a primary consideration; right to life, survival and development; non-discrimination including on the grounds of gender and disability; and the right to be heard). Further, the methodology was framed around the broader strategic priorities of UNICEF, including the **'Leave No One Behind'** Agenda (the approach to ensure that every child is protected, healthy and educated, focusing on children left behind by wider economic and social progress).⁷

The methodology was designed in a **participatory manner**, with qualitative data collection methods designed to include key stakeholders and partners, as well as beneficiaries.

Research questions

Seven research questions were developed to guide the study. The full list of corresponding sub-questions is included in the inception report (Annex E).

1. What are the current practices and conditions regarding the care and detention of children in conflict with the law in Morocco, including children on the move?
2. How did the COVID-19 pandemic impact detention practices for children, including children on the move, in Morocco and what role did UNICEF play in facilitating the release of children from detention during this period? Were the changes in practice brought about by COVID-19 sustained?
3. How effective is the UNICEF programme in preventing detention of children, including children on the move, and enhancing support and access to services?
4. How have these initiatives improved coordination between the justice system and social protection services, particularly in relation to protecting them from detention?
5. How does the UNICEF programme contribute to sustainable protection solutions?

⁷ UNICEF Europe and Central Asia Regional Office, 'Our Mandate: No child left behind', n.d., <www.unicef.org/eca/our-mandate-no-child-left-behind>, accessed 7 November 2025.

6. To what extent has and is the RJ4C Agenda guiding the UNICEF programme on implementing alternatives to detention and diversion?
7. How does the UNICEF programme align with the RJ4C Agenda's six pillars, and what lessons can be learned for scaling these efforts?

Data sources and collection methods

An initial desk review was undertaken, including relevant policies and laws, United Nations reports, academic articles and non-governmental organization (NGO) reports related to child protection and the situation of children in conflict with the law, including children on the move, in Morocco.

Key informant interviews (KIIs) made up the largest proportion of primary data collection activities. KIIs were conducted with stakeholders at the national and subnational levels in Rabat, Tangier and Oujda. Participants were selected through purposive sampling: stakeholders and professionals with experience working in the justice and child protection sectors were selected, including those who have in-depth and practical knowledge relating to the child protection system and unaccompanied migrant and asylum-seeking children.

Focus group discussion (FGDs) were undertaken with stakeholders at the local level including social workers, NGOs and community members. These discussions aimed to gather insights related to the research questions, focusing on the protection needs and legal challenges faced by children as well as the broader impacts of the UNICEF pilot project and child protection reforms in Morocco. In addition, two FGDs were carried out with children in the alternative care centre supported by UNICEF.

In total, during data collection 11 KIIs with 41 participants (18 female and 23 male) were conducted and three FGDs with 24 participants (14 female and 10 males) were held, as presented in the table below.

Table: Data collection sites and stakeholders

Sites	Stakeholders
Rabat	<ul style="list-style-type: none"> Group KII with UNICEF Child Protection team Group KII with United Nations High Commissioner for Refugees and International Organization for Migration Group KII with Attorney General's Public Prosecutor's Office Group KII with Ministry of Youth, Culture and Communication and the Mohammed VI Foundation for the Reintegration of Prisoners KII with National Human Rights Council/mechanism for children FGD with those responsible for justice for children and child protection policies (Ministry of Solidarity, Social Integration and the Family; Ministry of Youth, Culture and Communication; Attorney General's Public Prosecutor's Office; Ministry of Justice; Police; Royal Gendarmerie; High Council of the Judiciary; and Directorate of Migration Affairs)
Tangier	<ul style="list-style-type: none"> Group KII with Child Protection Support Centre and Entraide Nationale Group KII with the Court and Attorney General's Public Prosecutor's Office Group KII with NGOs
Oujda	<ul style="list-style-type: none"> Group KII with NGO Association Chabiba - running the UNICEF alternative care centre and Entraide Nationale Group KII with Attorney General's Public Prosecutor's Office FGD with Child Protection Support Centre and associations/NGOs FGD with boys (migrant) in the UNICEF alternative care centre

Data analysis and validation

All interviews were transcribed and uploaded into MAXQDA software (a software package that facilitates the organization and analysis of qualitative data). Qualitative data were reviewed and coded using a thematic analysis to identify themes, connections and explanations to the research questions. Quantitative data were analysed using Excel.

The **validation and finalization** of the research report included feedback from UNICEF Morocco to ensure the validity of the findings. Findings from the case study will be incorporated into the main global evaluation of the work of UNICEF on access to justice.

Risks, limitations and mitigation measures

As explained in the inception report (Annex E), several risks were identified for this case study, along with corresponding mitigation measures. These included potential reporting and recall bias, limitations in data collection due to budget constraints of the evaluation, and challenges in accessing vulnerable participants, particularly children in conflict with the law and unaccompanied migrant and asylum-seeking children.

To address potential reporting and recall bias, the team emphasized the anonymity and confidentiality of all responses, ensuring that participants felt secure in sharing their perspectives openly. This approach helped to encourage honest and transparent contributions from all stakeholders.

Given the limited time frame for data collection, the evaluators were not able to visit all the locations, including the child protection centres. Secondary data sources were reviewed and analysed, however, to supplement the primary data and provide a more comprehensive understanding of the research topic.

Additionally, recognizing the ethical considerations surrounding interviews with vulnerable children, the research team strictly adhered to established ethical protocols. Interviews were only conducted with children aged 12 and above who demonstrated a clear understanding of the research purpose and provided informed written consent. These participants were carefully selected in collaboration with UNICEF to ensure their well-being and compliance with ethical guidelines.

Ethical considerations

All research was carried out in full accordance with the United Nations Evaluation Group Ethical Guidelines, UNICEF Ethical Standards in Research, Evaluation, Data Collection and Analysis 2021 and the Ethical Research Involving Children compendium developed by UNICEF and others. In addition, an ethical protocol was developed to guide primary data collection, analysis and reporting, which was reviewed and approved by an independent ethical review board prior to data collection commencing.

Context

International standards

Children may come in contact with the justice systems in various ways, not only as children in conflict with the law but also as victims, witnesses or subjects of legal proceedings related to child protection, adoption, asylum or immigration status determination. In all these situations, the justice systems must ensure that the best interests of the child remain a primary consideration, in line with international legal standards. This includes access to legal representation, child-friendly procedures and alternatives to detention, all of which are essential to protecting their well-being and ensuring fair outcomes.⁸

⁸ See CRC, Article 40(3).

One of the most pressing concerns in this context is the use of detention for children who come in contact or conflict with the law. The Committee on the Rights of the Child has affirmed that a punitive approach contradicts child justice principles, advocating for decisions that prioritize a child's best interests and reintegration. Article 37(b) of the CRC contains the fundamental rule that deprivation of liberty must only be used as a measure of last resort and for the shortest appropriate period of time. This applies to the use of both judicial and administrative detention. The reasoning behind this provision is the adverse effects of detention on children are extensively documented and widely acknowledged. Research consistently demonstrates that irrespective of the conditions of confinement, detention significantly harms children's health and development.⁹ The United Nations Special Rapporteur on Torture has noted that detention of children may amount to a specific form of cruel, inhuman or degrading treatment, even if the detention is short-term.¹⁰

The prohibition on the detention of migrant children extends even further. The United Nations Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families have made it clear that:

“...the possibility of detaining children as a measure of last resort, which may apply in other contexts such as juvenile criminal justice, is not applicable in immigration proceedings as it would conflict with the principle of the best interests of the child and the right to development.”¹¹

The two Committees recommend reallocating resources currently used for detention towards non-custodial, community-based solutions.¹² The same principle also applies to unaccompanied children, who are entitled to special protection and assistance by the state in the form of alternative care and accommodation in accordance with the United Nations Guidelines for the Alternative Care of Children.¹³ Further, the Committees state that when children are accompanied the need to keep the family together is not a valid reason to justify depriving a child of liberty. Rather, when the child's best interests require keeping the family together, the authorities should choose non-custodial solutions for the entire family.¹⁴

Based on international standards, alternatives to detention should always be prioritized, ensuring that more humane, community-based solutions are explored before depriving individuals of their liberty. In practice, 'alternatives to detention' generally refers to non-custodial measures such as bail, community release and supervision, or designated residence programmes. Effective alternatives to detention extend beyond these measures, however, by incorporating community-based case management and support services to promote compliance while safeguarding human rights and dignity.¹⁵

⁹ Ibid, para. 58.

¹⁰ United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/28/68, United Nations Human Rights Council, Twenty-eighth session, Geneva, , 5 March 2015, para. 80.

¹¹ Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and Committee on the Rights of the Child, Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, CMW/C/GC/4-CRC/C/GC/23, 16 November 2017, para. 10.

¹² Ibid., para. 12.

¹³ Ibid., para. 11.

¹⁴ Ibid.

¹⁵ United Nations High Commissioner for Refugees, 'Alternatives to Detention in the United Kingdom: The community engagement series – Pilot 1 – Action access; and Pilot 2 - Refugee & migrant advice service', UNHCR, Geneva, August 2023.

Morocco's context

Morocco is a lower-middle-income country in North Africa with a population of around 36.8 million in 2024 (an 8.8 per cent increase in the last 10 years).¹⁶ Children under 18 represent 29 per cent of the population.¹⁷

As a key transit, destination and origin country for migrants and asylum-seekers in the MENA region, Morocco has experienced multiple waves of migration over recent decades. Many migrants, refugees and asylum-seekers use Morocco as a transit point to Europe, either by sea to mainland Spain or the Canary Islands, or by land through the Spanish enclaves of Ceuta and Melilla, which form the only land borders between Africa and Europe.¹⁸ In 2024, the United Nations High Commissioner for Refugees (UNHCR) registered 19,666 refugees and asylum-seekers in Morocco.¹⁹ Migrant children are estimated to make up 10 per cent of the migrant population, with a significant increase in unaccompanied and separated children in recent years. The majority of these children are boys aged 16 to 17, primarily from West and Central Africa. Countries of origin tend to shift based on geopolitical developments. Over the past year and a half, there has been a marked increase in the number of children and youth arriving from East Africa, particularly Sudan.²⁰

Policies and laws for children in Morocco and recent developments

Morocco has ratified the United Nations Convention on the Rights of the Child (1993) and the 1951 Refugee Convention (1956), demonstrating its commitment to protecting the rights of children and refugees. The Moroccan Constitution of 2011 affirms that international agreements take precedence over domestic laws. It recognizes children's rights and emphasizes their protection, development and participation in society (Article 32), while also providing safeguards against arbitrary detention, guaranteeing legal rights for detainees and ensuring equal freedoms for both nationals and non-nationals.²¹

Morocco does not have one central law on child protection but, instead, the child justice system is governed by several key legal instruments. The Family Code covers personal rights such as lineage, custody and alimony, while the Criminal Code and Criminal Procedure Code focus on the child's criminal responsibility and the procedures for their trial.

Morocco's Migration Act (Law No. 02-03, 2003) criminalizes illegal entry, without exceptions for refugees or asylum-seekers. While it does not explicitly allow or prohibit the detention of children for migration-related reasons, it includes protections against expulsion and deportation for minors.

While Morocco does not have a separate court for children, specialized procedures exist for children in conflict with the law. Within the justice system, juvenile judges oversee cases involving children in conflict with the law, with support from social workers embedded in social assistance offices in first and second instance courts. These offices assess children's circumstances to ensure that decisions align with their best

¹⁶ High Commission for Planning, 2024 Census, n.d., <https://www.hcp.ma/Recensement-general-RGPH_r518.html>, accessed 9 November 2025.

¹⁷ UNICEF Middle East and North Africa Regional Office, 'The Situation of Children in Morocco: Country factsheet', UNICEF MENARO, Amman, September 2022.

¹⁸ Global Detention Project (GDP), Country Report Immigration Detention in Morocco: Still Waiting for Reforms as Europe Increases Pressure to Block Migrants and Asylum Seekers, July 2021.

¹⁹ Quarterly Mixed Migration Update (QMMU) Q1 2024: North Africa, available at: https://mixedmigration.org/wp-content/uploads/2024/04/QMMU_Q1_2024_NA.pdf

²⁰ Information provided by UNICEF Morocco for the evaluation, May 2025.

²¹ Global Detention Project, Country Report: Immigration detention in Morocco – Still waiting for reforms as Europe increases pressure to block migrants and asylum seekers, GDP, Geneva, July 2021.

interests. Juvenile judges ultimately determine the placement of children in need of protection and those involved in criminal proceedings.

Several developments have shaped child justice in Morocco in recent years. In 2013, the Ministry of Justice (MoJ) introduced a comprehensive justice reform, which – while not explicitly focused on justice for children – included measures that directly or indirectly impact children in contact with the law. These measures involve aligning national legislation with international conventions, promoting alternative dispute resolution, enhancing crime prevention policies and strengthening legal protections for both child victims and children in conflict with the law. The reform aimed to address structural challenges and improve the fairness, efficiency and inclusivity of the justice system.

To build on these efforts, Morocco adopted the Integrated Public Policy for Child Protection in 2015. This policy aims to create a protective and sustainable environment for children, protecting them from all forms of neglect, abuse, violence and exploitation, while establishing a harmonized framework for all actors involved in the promotion and protection of children's rights.²² This policy covers all vulnerable children, including those in difficult circumstances, neglected children, children in conflict with the law and victims of crime, as well as migrant children. In order to implement this policy, two national programmes were adopted for the periods 2015–2020 and 2023–2026.²³ These programmes define the roles and responsibilities of all relevant actors, ensuring the provision of services tailored to meet each child's unique needs including the needs of unaccompanied and separated children. In addition, in May 2024, the Territorial Protocol for the Care of Vulnerable Children and Children in Contact with the Law was adopted through an agreement between the National Observatory for Children's Rights, several government sectors and the Presidency of the Public Prosecutor's Office. The protocol clearly outlines the roles and responsibilities of each actor and serves as a key reference for coordination and accountability among the parties involved.

The judicial system was further restructured in 2017 with the transfer of key powers from MoJ to the newly created Presidency of the Public Prosecutor's Office, ensuring its independence from the executive branch and thereby promoting greater accountability within the justice system.

UNICEF programme

Building on the Government's efforts to address challenges in child protection and justice for children, UNICEF Morocco has launched several initiatives aimed at improving children's access to justice. One of the key programmes is the European Union-funded Himaya programme (comprising four projects: Himaya 2016–2020; Himaya Plus 2021–2023; Hijra wa Himaya 2018–2020; and Hijra wa Himaya Plus 2020–2023), which focused on reforming the justice system to better protect children and uphold their rights in accordance with international standards.

The initial phase, Himaya: Children's access to justice (2016–2020), followed by Himaya Plus: Acting to prevent risks & strengthen the protection of children in contact with the law (2021–2023), aimed to prevent institutionalization, promote alternatives to detention with proper social rehabilitation, and minimize the separation of children from their families. The first phase of the Himaya project laid the foundation for a child-friendly justice system in Morocco, focusing on aligning judicial practices with international standards to protect children. It prioritized alternatives to detention, such as family reintegration and educational measures, while also training justice professionals and establishing child-friendly court spaces. In particular, the project helped raise awareness about alternatives to detention, making discussions on this topic more common among stakeholders. It also initiated efforts to establish a foster

²² UNICEF Morocco, 'Himaya wa tamkin: Pour un système territorial et renforcé de protection judiciaire et sociale des enfants au Maroc', 14 May 2025, <www.unicef.org/morocco/recits/himaya-wa-tamkine>, accessed 9 November 2025.

²³ Ibid.

care service for children in contact and conflict with the law or in situations of abandonment. The expansion of this initiative depends on government commitment, long-term planning and the development of a legal framework. Building on this, Himaya Plus emphasized prevention and alternatives to detention and institutional placement. It aimed to improve institutional and intersectoral coordination to prevent risks and provide care for vulnerable children. Additionally, it supported pilot initiatives led by institutional and civil society partners to strengthen prevention measures and promote the protective role of families and local communities.²⁴

In parallel, the Hijra wa Himaya (2018–2020) and Hijra wa Himaya Plus (2020-2022) projects, also part of the European Union-funded programme, focused on improving the quality, accessibility and inclusiveness of essential services and child protection for migrant children,²⁵ adopting a dual approach of direct support for vulnerable children and systemic improvements within Morocco's child protection framework. This included fostering NGO-institutional collaboration, developing care standards and building the capacity to integrate migrant children into national systems. As part of the project, UNICEF collaborated with Morocco's Public Prosecutor's Office to develop standard operating procedures (SOPs) aimed at enhancing the support provided to children in migration situations. The goal of the SOPs was to prioritize the best interests of migrant children, providing sustainable solutions for their integration into Morocco or reintegration into their country of origin. The SOPs were piloted in two border cities, Tétouan and Oujda, and were later expanded to cover all vulnerable children and include a dedicated section specifically on migrant children. They were officially adopted in May 2024 by the Public Prosecutor's Office and key ministries.²⁶

Findings

This section presents the findings from data collection and desk review. The findings address the core research questions outlined above, focusing on detention practices and non-custodial alternatives for children, including those on the move, in Morocco. Additionally, the section examines the role of UNICEF in protecting children from detention and advocating for their rights. It is important to note that the small scale of this study coupled with limited days for data collection limits the scope for in-depth analysis; therefore, the findings primarily provide an overview of the situation and not an evaluation.

Finding 1: Legislative framework governing the detention of children

The Criminal Procedure Code states that children under 12 years cannot be held criminally responsible.²⁷ Between ages 12 and 18, children have partial responsibility, meaning they can be held accountable but not to the same extent as adults.²⁸

Detention is only allowed for children 12 and above and only when it is deemed necessary or when no other alternative measures are possible, while those below the age of 12 cannot be even temporarily held in detention.²⁹ The Criminal Procedure Code establishes specific measures for addressing minor and

²⁴ UNICEF Morocco, *Agir pour prévenir les risques & renforcer la protection des enfants en contact avec la loi*, Final project report for Himaya Plus, UNICEF, Rabat, 2023.

²⁵ UNICEF Morocco, *Rapport de capitalisation du projet Hijra wa Himaya Plus: Garantir des solutions durables de qualité pour les enfants migrant au Maroc*, UNICEF, Rabat, April 2023.

²⁶ KII with UNICEF, 14 January 2025, Rabat.

²⁷ Criminal Procedure Code, Article 584. Note that during the finalization of this report, the Criminal Procedure Code has been amended to reflect that children under 14 years cannot be held criminally responsible.

²⁸ *Ibid.*, Article 458.

²⁹ Centre for Security Sector Governance and Centre d'Études en Droits Humains et Démocratie, *Les mineurs en conflit avec la loi de l'état des lieux de privation de liberté*, DCAF, Geneva, September 2023; Criminal Procedure Code, Article 473.

serious offences committed by children. These provisions vary based on the child's age and the severity of the offence.

In cases of **felonies or misdemeanours** involving children under the age of 12, the court may issue a warning and then place the child in the care of their parents, guardian or other responsible caretaker. If the child is deemed neglected, the court may entrust them to a trustworthy individual or an authorized institution. Additionally, the court may impose a regime of supervised freedom, either temporarily for one or more probationary periods or permanently until the child reaches the age of 18. All such measures are time-bound and must not extend beyond the child's 18th birthday.³⁰

For children over the age of 12 who commit felonies or misdemeanours, one or more alternative measures may be applied, as outlined in article 481 of the Criminal Procedure Code:

- Placement under the supervision of parents, guardians or carers;
- Placement in an observation centre;
- Placement in a public or private institution designed for accommodation;
- Referral to a public authority, child welfare institution or health facility, especially for medical treatment;
- Placement in an educational, vocational training or treatment institution, either public or private, approved by the state; or
- Placement with an NGO.

In exceptional cases, however, the juvenile judge may also replace these measures with a custodial sentence or a financial penalty depending on the circumstances of the case.

For **serious offences**, if a child is accused of committing a criminal act, the juvenile judge will begin an investigation and during this process, the child may be placed under temporary custody or pretrial detention.³¹ If the child is found guilty, one or more alternative measures stated in article 481 of the Criminal Procedure Code may be applied. For children over the age of 12, these measures may be supplemented or replaced with a custodial sentence or financial penalty, if deemed necessary based on the circumstances or the personality of the juvenile offender, provided that the court justifies its decision accordingly.³² In cases where the crime would have been punishable by death or life imprisonment for an adult, the minor must instead be sentenced to 10 to 15 years of imprisonment.³³

When children are placed in detention centres or any of the centres and institutions foreseen in article 481, judges are required to visit these facilities at least once a month to ensure proper oversight and the protection of children' rights. When children are detained, they must be held in a special section designated for young offenders.³⁴ Findings from the field indicate that these designated sections are part of the prison complex but are housed in separate buildings from those for adults.³⁵ The juvenile wings host children below 18 as well as youth between 18 and 20, but these two categories are separated in the centres. As such, it seems that children are allowed to stay in the juvenile prison until the age of 20, after which it is assumed that they are transferred to adult prisons.

³⁰ Criminal Procedure Code, Article 480.

³¹ Ibid., Article 486.

³² Ibid., Article 482.

³³ Ibid., Article 493.

³⁴ Ibid., Article 473.

³⁵ FGD with CAPE and associations, 17 January 2025, Oujda; KII with National Human Rights Council, 15 January 2024, Rabat.

To avoid having a permanent record, if it is confirmed that the juvenile's behaviour has improved, the juvenile judge may, after three years from the expiration of the protection or rehabilitation measure, order its cancellation, facilitating the child's reintegration into society.³⁶

The Criminal Procedure Code also extends protections to children in difficult situations. According to the Criminal Code, a child under the age of 16 is considered to be in a difficult situation if their physical, mental, psychological or moral well-being is at risk; if they rebel against their parents, guardians or caregivers; if they repeatedly run away from school or a care institution; if they leave their home without a safe place to stay; or if they have no suitable place to live.³⁷ In such cases a child may be placed with a parent, guardian, caretaker or foster parent. They can also be accommodated in a designated residential institution, educational institution health facility (if medical care is needed) or public welfare institution.³⁸ Children in difficult situations can also be placed in child protection centres (CPCs) run by the Ministry of Youth, Culture and Communication.

If a juvenile is a victim, they may be placed under the care of a trusted individual, a private institution or a public child welfare authority.³⁹ Alternatively, they can also be placed in CPCs. Courts may also order psychological, medical or psychiatric assessments to determine the impact of the offence on the child's well-being and to provide appropriate support.⁴⁰

The Public Prosecutor's Office is the primary body responsible for initiating protective measures, particularly in cases of juvenile offences, child protection and abandoned children. It may refer cases to child protection services, judicial police or juvenile courts, which can order placements in foster care, CPCs or specialized institutions.⁴¹

The recently adopted Law No. 43-22 on Alternatives to Detention broadens the scope of non-custodial measures available within the justice system. It provides courts with the discretion to replace custodial sentences which are provided in Article 481 of the Criminal Procedure Code with alternative penalties, such as community service or electronic surveillance. These alternatives can be applied automatically by the court or upon request by the prosecution or the defence, depending on the circumstances of the case.⁴² The new law aims to promote rehabilitation and reduce the overuse of detention, particularly for juveniles and minor offences.

Alternative care

Alternative placements and institutions for children in contact and conflict with the law, as well as those in precarious situations, are run by both governmental and non-governmental entities. The Ministry of Solidarity, Social Integration and the Family (MSISF), through *Entraide Nationale* ('National Assistance'), oversees social protection institutions which provide care for vulnerable children, including those without parental care and children with disabilities, while the Ministry of Youth, Culture and Communication manages CPCs for children in conflict with the law and children in difficult situations. Additionally, various local associations, in collaboration with *Entraide Nationale*, offer shelter, foster care, kafala and other family-based care options, ensuring the protection, rehabilitation and social integration of vulnerable children.

³⁶ Criminal Procedure Code, Article 507.

³⁷ *Ibid.*, Article 513.

³⁸ *Ibid.*, Article 512.

³⁹ *Ibid.*, Article 510.

⁴⁰ *Ibid.*

⁴¹ Presidency of the Public Prosecutor's Office, *Report from the National Conference on Child Protection in Contact with the Law*, Government of Morocco, Rabat, June 2023.

⁴² Law No. 43-22 on Alternatives to Detention, adopted on 25 July 2024.

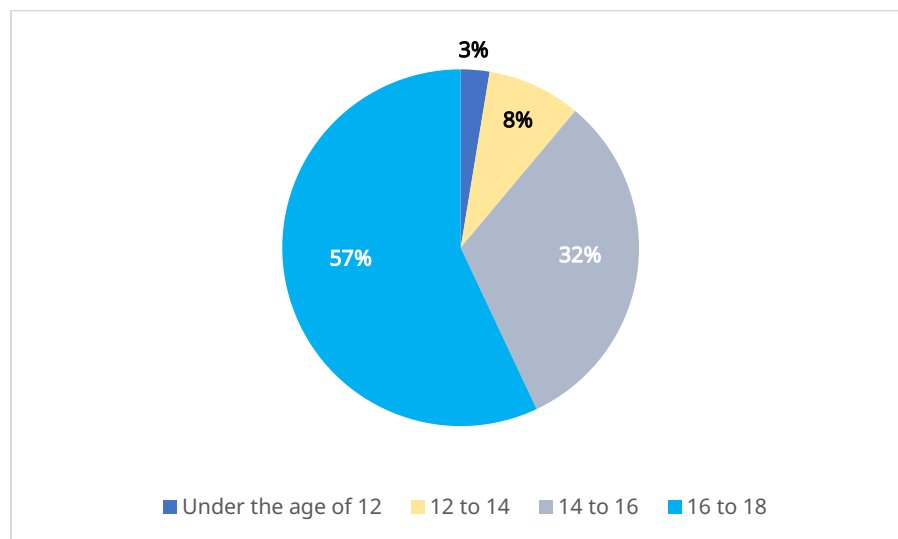
Morocco does not currently have a comprehensive national foster care system, but there are foster care initiatives which are primarily project-based and run by associations/NGOs. There is, however, a kafala system which is regulated under Law No. 15-01 (Kafala Law), that allows individuals or families to take abandoned children into their guardianship, in accordance with Sharia law. Only Muslim guardians, however, are eligible to take children under kafala. While Law No. 15-01 represents a significant step forward in formalizing kafala in Morocco, its implementation remains inconsistent due to the absence of clear operational guidelines and coordination mechanisms. The law operates largely in isolation from related legislation and fails to adequately address key elements such as gatekeeping, family reintegration and preparation for independent living.⁴³ Additionally, the rights and protections of children under kafala are insufficiently defined, and oversight of *kafil* families remains weak. Although NGOs play a crucial role in supporting the system, their involvement is mostly informal and lacks standardized structure. The participation of multiple government and non-government actors, in the absence of a coordinated framework, has resulted in fragmented monitoring and decision-making processes.⁴⁴

The Government of Moroccan is revising the Criminal Code and Criminal Procedure Code, aiming to streamline the process for children, make appeals easier and expand the range of alternatives to detention by introducing community service and electronic surveillance as additional options.

Finding 2: Practices care and detention of children in conflict with the law

This section showcases data that capture the evolving trends in juvenile justice in Morocco over the past five years. In 2023, the total number of children in conflict with the law was 32,940, of which 90 per cent were boys and only 0.6 per cent were non-Moroccans.⁴⁵ As seen in Figure 1 below, more than half were in the age group of 16 to 18 and 32 per cent 14 to 16, while 3 per cent were under the age of 12.

Figure 1: Children in conflict with the law by age group, 2023



Source: Presidency of the Public Prosecutor's Office, 2023

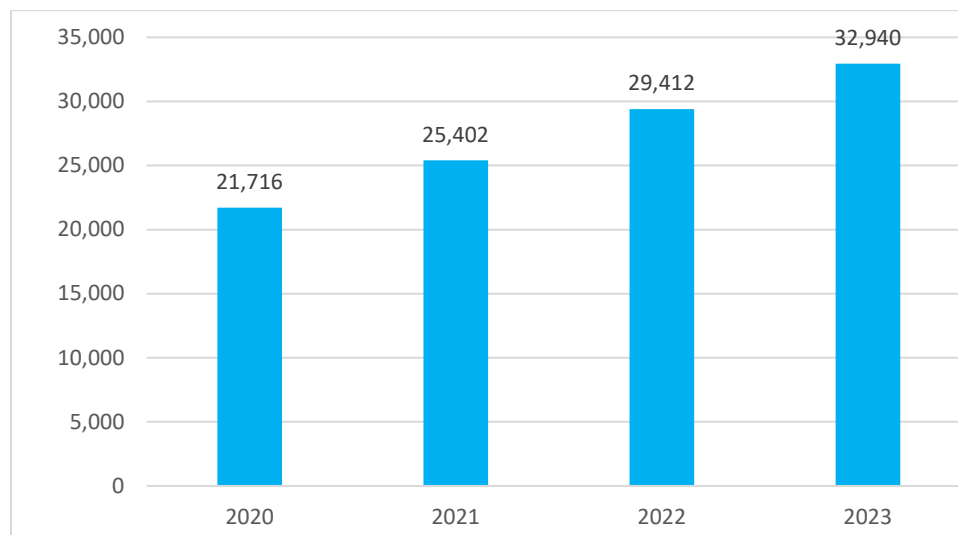
⁴³ Information provided by UNICEF Morocco for the evaluation, May 2025.

⁴⁴ Ibid.

⁴⁵ Data provided by the Presidency of the Public Prosecutor's Office, 2023.

Data from the last four years show a steady increase in the number of children in conflict with the law, as seen in Figure 2.

Figure 2: Number of children in conflict with the law, 2020–2023



Source: Presidency of the Public Prosecutor's Office, 2023

The offences committed by children in 2023 varied. The most common cases included assault, injury and violence (5,481 children accused); theft (3,410); drug use (3,129); begging (1,952); premeditated burglary (1,943); public drunkenness (1,668); carrying a weapon (1,158); defamation and public insults (1,164); unintentional injury (754); involved in a fight (648); and drug dealing (461). The more serious offences involved murder (27); manslaughter (31 cases); assault and battery resulting in death without intent to cause it (18 cases); assault and battery resulting in permanent disability (98 cases); kidnapping (32 cases); sexual assault (380 cases); forming a criminal gang (346 cases); and drug trafficking (461 cases).⁴⁶

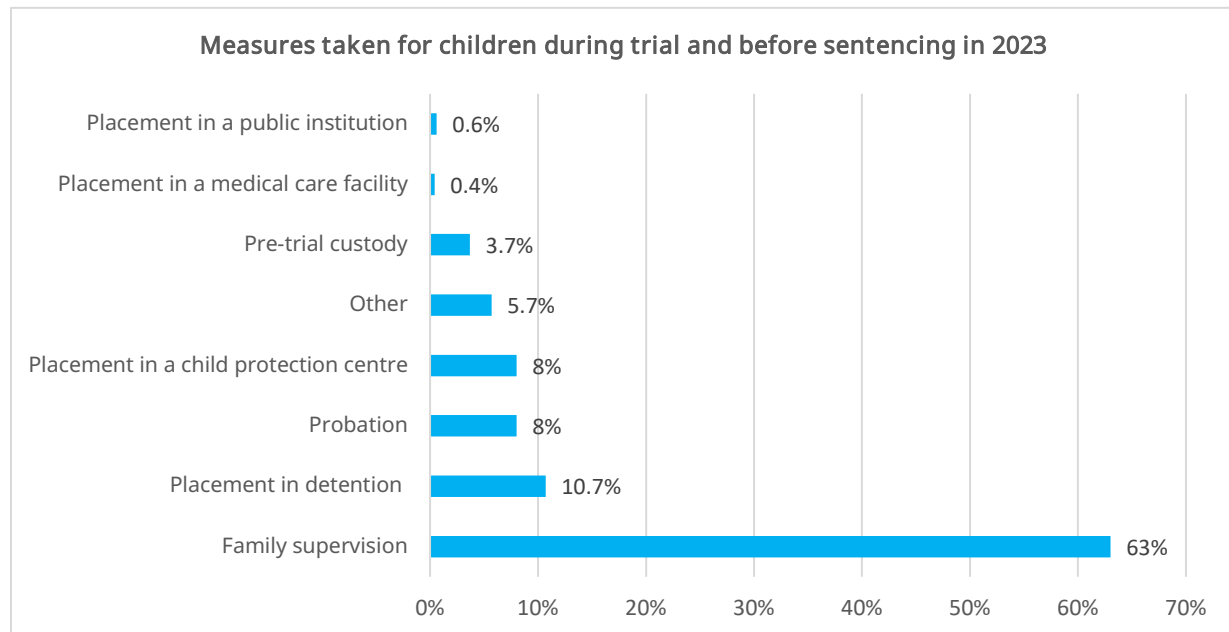
In 2023, authorities took a total of 44,434 measures concerning children in conflict with the law.⁴⁷ Of these, 23,336 were applied before a judicial decision (see Figure 3), while 21,098 were applied after judgment (see Figure 4).

As seen in Figure 3, a significant portion of pretrial measures (such as handing children over to their families and supervised freedom) focused on diversion rather than prosecution. The most common response was returning juveniles to their families, accounting for 63 per cent of cases. Less than one quarter of all measures involved deprivation of liberty, including detention and institutional placement.

⁴⁶ Ibid.

⁴⁷ Ibid.

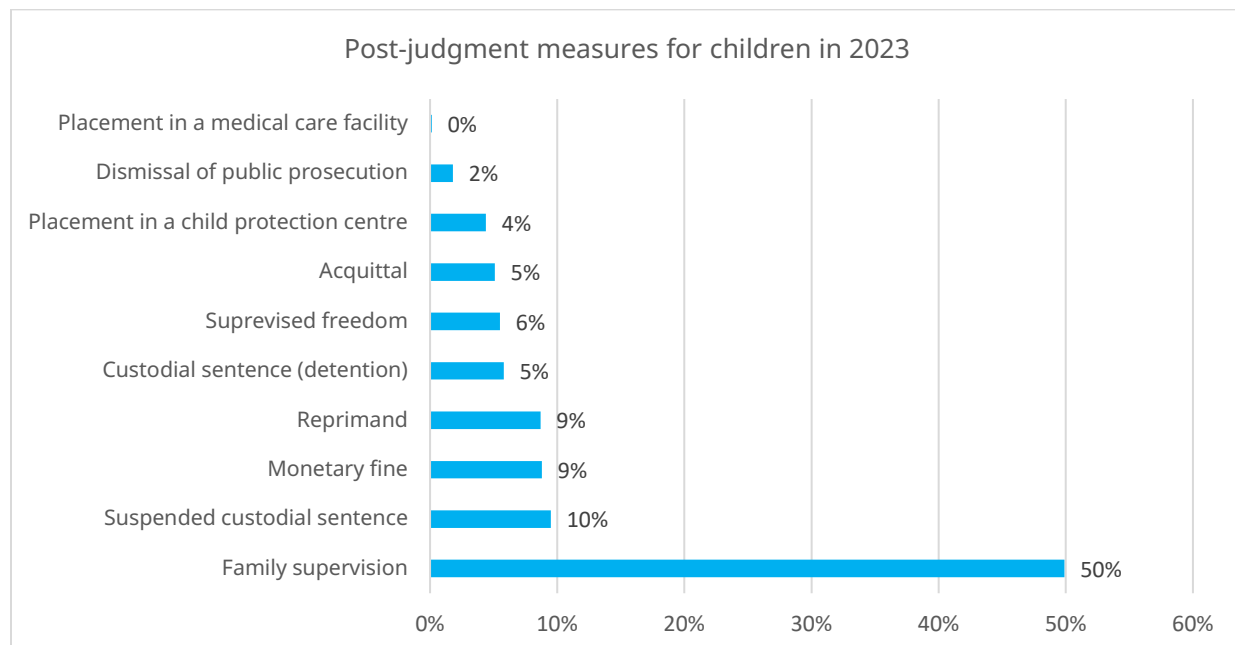
Figure 3: Measures taken for children during trial and before sentencing in 2023



Source: Presidency of the Public Prosecutor's Office, 2023

After judgment, family reintegration remained the predominant outcome, applied in 50 per cent of cases, followed by suspended prison sentences, monetary fines and reprimand. Although at a low rate, custodial measures were still applied. Detention was used in 5.8 per cent of cases while 4.4 per cent of children were placed in CPCs.

Figure 4: Post-judgment measures for children in 2023



Source: Presidency of the Public Prosecutor's Office, 2023

As shown below in Figure 5, the past five years indicate a clear shift towards non-custodial measures for children in conflict with the law in Morocco. Family supervision has increased from 43 per cent in 2018 to 50 per cent in 2023, while custodial sentences have declined from 11 per cent to 6 per cent, reflecting a move away from detention. Placement in CPCs has also decreased from 8 per cent to 4 per cent, suggesting a preference for community-based care. Notably, despite the significant rise in the number of children in conflict with the law over the past five years (Figure 3), there has been no corresponding increase in custodial measures. In fact, child detention has decreased as shown in Figure 6, with the number of detained children dropping from 2,755 in 2018 to 1,360 in 2023. This indicates a positive shift towards rehabilitation-focused approaches, ensuring that fewer children are subjected to the negative impacts of detention. While it is difficult to attribute the decline in detention numbers to a single factor, these trends highlight the growing recognition of the importance of alternative measures that prioritize the well-being and reintegration of children, rather than punitive responses.

Figure 5: Difference in custodial vs. non-custodial measures in 2018, 2020 and 2023

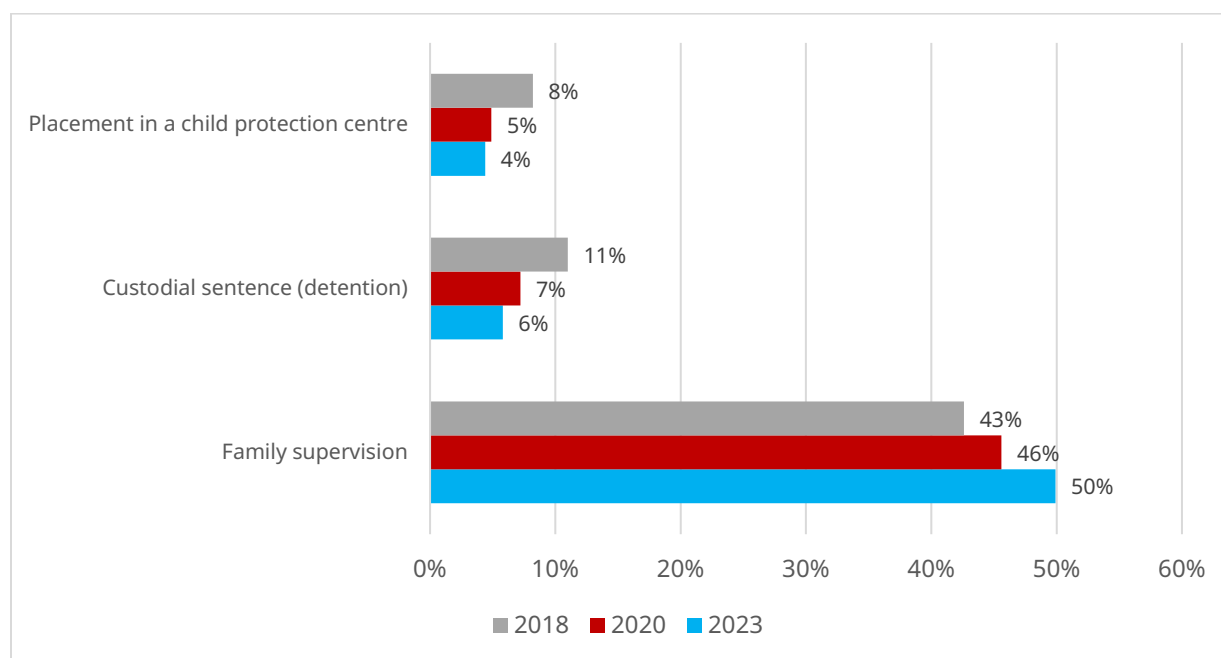
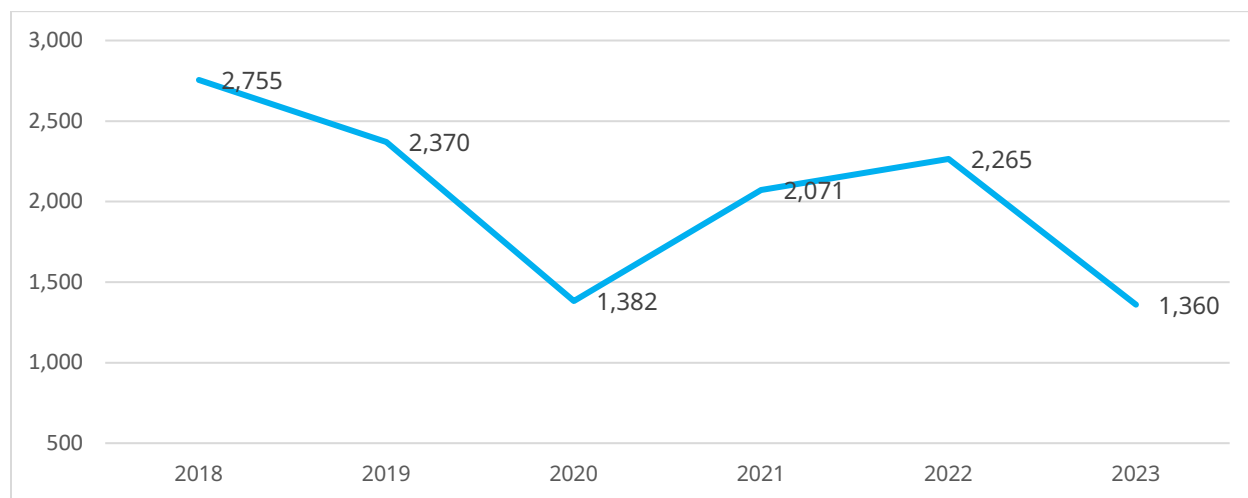


Figure 6 also highlights fluctuations in the number of children detained, with a significant drop in 2020 (1,382 children), likely due to the COVID-19 pandemic (the impact of which is explained in the next section), followed by a rebound in 2021 and 2022. Subsequently, however, 2023 recorded the lowest number of detained children (1,360), reinforcing the trend towards alternatives to detention.

Figure 6: Total number of children detained after judgment, from 2018 to 2023



Currently there are 42 detention centres which house children in a designated juvenile wing or building.⁴⁸ Overcrowded juvenile facilities have become a pressing issue. For example, a 2023 report revealed that the juvenile centre in Casablanca was holding 916 children at the time of inspection, exceeding its designed capacity of 688.⁴⁹ Such overcrowding severely impacts the ability of these facilities to provide adequate care for children.⁵⁰ It is not possible to determine how many of these children were detained for serious offences as opposed to minor offences, or how many children who were held in detention were children on the move.

Child protection centres

As shown in the figures above, the placement of children who have been convicted of an offence in CPCs (operated by the Ministry of Youth, Culture and Communication) is second only to the use of family supervision. The original intended purpose of the CPCs was to act as an alternative to detention and provide rehabilitation, education and reintegration support to children convicted of an offence, but amendments in 2004 expanded placement to allow for children in difficult situations, including child victims and unaccompanied migrant children.⁵¹

At the legal level, CPCs do not have a framework law governing their work and scope of intervention, only a ministerial decree which outlines their mandate and organization. CPCs should operate at three levels: an observation level, where children are received on a temporary basis for an assessment of their background and psychological and social conditions, to enable recommendations to be made on the appropriate judicial measures; a rehabilitation level, which provides education, vocational training and social reintegration programmes for children requiring protection and “behavioural correction”; and a pre-release level, which prepares children for reintegration into society by facilitating a gradual transition. It is difficult to determine, however, whether all three levels are consistently implemented across all centres.

⁴⁸ *Report from the National Conference on Child Protection in Contact with the Law.*

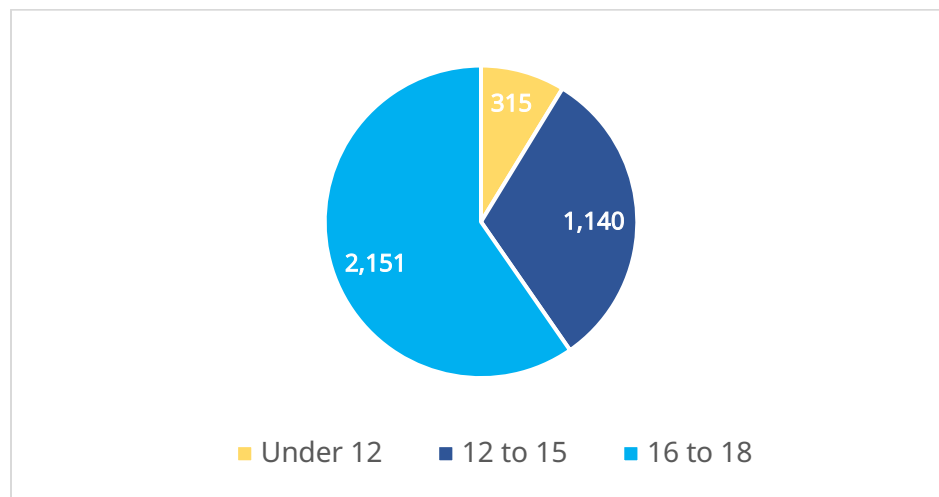
⁴⁹ *Les mineurs en conflit avec la loi de l'état des lieux de privation de liberté.*

⁵⁰ *Ibid.*, p. 100.

⁵¹ *Ibid.*

The latest data in 2024 show that a total of 3,606 children (approximately 2,000 boys) are currently housed in CPCs.⁵² The CPCs primarily accommodate children aged 12 to 18 years old,⁵³ however in some cases children as young as 5 years old are placed in the centres.⁵⁴ The latest data from the Ministry of Youth, Culture and Communication note that in 2024, 315 children in CPCs were under the age of 12, as shown in Figure 7 below.

Figure 7: Children in CPCs according to age group (years), 2024



The length of time a child stays in a CPC varies based on the child's situation. Generally, a child stays for up to three months for observation, but for those placed for education and rehabilitation the period can be up to two years or longer if needed.⁵⁵ For children classified as being in a difficult situation, the Criminal Procedure Code states that any measure should end on the date specified in the decision or, in any case, when the child reaches the age of 16. Under special circumstances, however, this period can be extended until the child turns 18.⁵⁶

While there are no available data on the typical length of stay, it was noted during data collection that many children face significant difficulties upon turning 18 due to a lack of support services after they leave, and many – especially those without parental care – have nowhere to go after aging out of the system.⁵⁷

Mixed placement of vulnerable groups

A critical issue within the CPCs is the mixed placement of children with varying needs. While boys and girls are housed in separate CPCs, there is often no further distinction based on age or vulnerability. CPCs house both children in conflict with the law and children in difficult situations (e.g., children without parental care, child victims, children on the move, etc.), despite their vastly different needs. In 2023, about 41 per cent of children (1,059) accommodated in these centres were children in difficult situations. This

⁵² Information provided by UNICEF for the evaluation, May 2025.

⁵³ National Human Rights Council, *2023 Annual Report on the State of Human Rights in Morocco*, CNDH, Rabat, February 2024, p. 10.

⁵⁴ *Les mineurs en conflit avec la loi de l'état des lieux de privation de liberté*.

⁵⁵ KIIs with Mohammed VI Foundation and Ministry of Youth, Culture and Communication, 15 January 2025, Rabat.

⁵⁶ Criminal Procedure Code, Article 517.

⁵⁷ FGD with CAPE and associations, 17 January 2025, Oujda.

blurring of categories creates both a potential risk to children and poses management challenges for staff, who are often not trained to handle both groups effectively.⁵⁸

A second area of concern is the lack of structured separation by age, with children under the age of 12 often placed in the same environment as older teenagers.⁵⁹ This lack of age distinction poses safety and developmental concerns, as younger children may be at risk of bullying, intimidation or exploitation from their older peers. It also makes it harder to provide age-appropriate care and rehabilitation.

Living conditions and support services

Currently, there are 14 CPCs across the country – 10 designated for boys and 4 for girls – with a total capacity of 1,620 children.⁶⁰ The data shown in Figure 5 indicate that, after judgment, more than 1,046 children were placed in CPCs in 2023 alone, while a total of 3,606 children were in CPCs in 2024, highlighting significant overcrowding.⁶¹

The National Human Rights Council (CNDH) has reported that overcrowding can lead to limited sleeping arrangements for children.⁶² This overcrowding impacts the quality of care and support provided to children, restricting their access to essential services such as education, rehabilitation programmes and individual case management.

Numerous reports have also noted a shortage of human resources, including specialized staff such as teachers and psychologists as well as support staff.⁶³ As a result, each employee is required to perform multiple and varied tasks, making it difficult for them to carry out their specific duties effectively.⁶⁴ Education services in CPCs vary widely. In some centres, some children attend state schools while other centres rely on non-formal education programmes, though a lack of human resources severely limits the quality of education.⁶⁵ This raises serious concerns about adequate supervision and support, both inside and outside the classroom. Moreover, since these children receive education only within the centre, they miss out on interaction with peers in regular schools, making their integration in the community more difficult.⁶⁶ Vocational training should be provided in all centres, but shortages of trainers, equipment and materials limit its effectiveness. Psychosocial support, a crucial service for children, remains severely deficient due to a lack of qualified personnel and inadequate space for proper interventions.⁶⁷ In addition, there are few social workers within the centres. Due to staffing shortages, NGOs sometimes step in to provide support, but their personnel often lack the necessary skills to work effectively with these children.⁶⁸

⁵⁸ *Les mineurs en conflit avec la loi de l'état des lieux de privation de liberté.*

⁵⁹ *Report from the National Conference on Child Protection in Contact with the Law.*

⁶⁰ *Report from the National Conference on Child Protection in Contact with the Law.*

⁶¹ KIIs with Mohammed VI Foundation and Ministry of Youth, Culture and Communication, 15 January 2025, Rabat.

⁶² National Human Rights Council, 2023 Annual Report on the State of Human Rights in Morocco, February 2024, page 222.

⁶³ *Report from the National Conference on Child Protection in Contact with the Law.*

⁶⁴ *2023 Annual Report on the State of Human Rights in Morocco.*

⁶⁵ *Ibid.*; *Report from the National Conference on Child Protection in Contact with the Law.*

⁶⁶ *Les mineurs en conflit avec la loi de l'état des lieux de privation de liberté.*

⁶⁷ *Report from the National Conference on Child Protection in Contact with the Law*; National Human Rights Council, *Children in Protection Centers: Childhood at risk – For an integrated policy to protect children's rights*, CNDH, Rabat, 20 May 2013.

⁶⁸ KII with representative from CNDH, 15 January 2024, Rabat.

Deprivation of liberty?

While, in principle, CPCs are not intended to be closed facilities that deprive children of their liberty, in practice many operate as closed centres.⁶⁹ Children in difficult situations, who are not in conflict with the law, should theoretically have the freedom to leave. This is not consistently applied across all centres, however. In some centres children are allowed to leave, but in others children experience restrictions similar to those placed on children in conflict with the law, limiting their ability to engage with the outside world.⁷⁰ Even when children wish to visit their families during holidays, they require permission from a judge, making family reunification and social reintegration more difficult.⁷¹ Some centres may enforce stricter restrictions than others, leading to arbitrary deprivation of liberty for children who should not be confined.

The sentiment that CPCs do not provide adequate care was widely shared with almost all the participants during data collection:

“A child protection centre is in the same category as detention. In the CPC there are children who have behaviour problems and victims. A 12-year-old shares the space with someone who is 17 years old and a delinquent, so they start to influence them, they become like a mafia, a group. I had friends in protection centres: they spent six months in the centre and came out with more experience in terms of crimes than someone on the street. So, we need educational programmes and action on causes not consequences. So far, we manage consequences. If we deal with difficulties, we should deal with cause and look at parents.”

UNICEF has also highlighted concerns about CPCs functioning as centres that deprive children of their liberty and noted that in the absence of alternatives, children in difficult situations – including children on the move – are sometimes placed there.

“We, as UNICEF, we are against the centres because we consider that it is a deprivation of liberty and children in difficult situation and children on the move should never be put there because they are children on the move. Children who are there are usually children who are in conflict with the law and children at risk as well.”⁷²

Given the increasing attention and reports from various institutions on CPCs, the Ministry of Youth, Culture and Communication is considering the transfer of children in difficult situations from CPCs to social welfare institutions under MSISF, including integrating them with families whenever possible.⁷³ This aligns with the objectives of the recent tripartite agreement between MSISF, the Public Prosecutor’s Office and the Ministry of Youth, Culture and Communication, which aims to expand appropriate placement options for children in contact with the law by mobilizing *Entraide Nationale*’s social protection network beyond facilities traditionally managed by the Ministry of Youth, Culture and Communication or the prison administration.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² KII with UNICEF, 14 January 2025, Rabat.

⁷³ FGD with those responsible for juvenile justice and child protection policies (MSISF, Ministry of Youth, Culture and Communication, Public Prosecutor’s Office, MoJ, Police, Royal Gendarmerie, High Council of the Judiciary, and Directorate of Migration Affairs), 15 January 2025, Rabat.

Finding 3: The impact of COVID-19 pandemic on detention practices for children

In response to the COVID-19 pandemic, Morocco made significant efforts to reduce the number of children deprived of liberty, driven by concerns for their health and safety in detention settings, where the virus could spread rapidly. This initiative was supported by UNICEF Morocco who played a key role in initiating the release process, driven by global UNICEF advocacy which emphasized non-custodial measures and family reintegration. Collaboration between UNICEF and key government representatives, particularly from MoJ, the Ministry of Youth, Culture and Communication and the Public Prosecutor's Office, was crucial in facilitating this process and ensuring the protection of children's rights during the pandemic.

A total of 563 children were released from CPCs and detention centres between March and May 2020. At first, the Ministry of Youth, Culture and Communication, in collaboration with the Public Prosecutor's Office, coordinated a review of cases, leading to the release of 307 children from CPCs. Later an additional 256 children were released from detention centres.

Given the rapid release, there were no available programmes in place for these children when they returned to the community, such as online education or psychological support. To address this gap, UNICEF – through the Himaya project – partnered with the Mohammed VI Foundation for the Reintegration of Prisoners. This partnership provided comprehensive multisectoral support, including support to the nine rehabilitation centres for both pre- and post-release care, as well as medical assistance and psychosocial services.⁷⁴ During the lockdown, most of the support was provided remotely through a dedicated call centre platform, which was accessible to all beneficiaries. Families of released children received food, sanitary kits, guidance on infection prevention and a contact number for social workers from the Mohammed VI Foundation.⁷⁵ Social workers helped facilitate access to government financial aid, psychosocial support, medical care, and vocational and educational training. In cases where additional support was needed, social workers were deployed on site to assist with services. The follow-up support was extended even post-COVID-19 for a second phase.⁷⁶

While it is difficult to measure the long-term impact and determine whether this initiative has set a lasting precedent for releasing children from detention, the situation during COVID-19 provides some insights. The pandemic initially led to a temporary reduction in juvenile detention rates, but an examination of the data on children in detention (Figure 7) shows that the numbers quickly rebounded, surpassing pre-pandemic levels by 2022. This suggests that the release from detention introduced during the pandemic was not consistently sustained. In terms of the children in CPCs it is difficult to measure, as the data on children in CPCs pre- and post-pandemic are not available. During data collection, however, the Ministry of Youth, Culture and Communication confirmed that the release of children from CPCs is ongoing.⁷⁷

During data collection, stakeholders noted that the initiative positively influenced the mindset of stakeholders involved. Prior to COVID-19, judicial stakeholders did not regularly review cases and rarely modified measures for children in conflict with the law to support their transition from detention to less restrictive environments, such as family-based care or alternative placements. The initiative during the pandemic shifted this approach, however, and created opportunities for greater flexibility in reviewing juvenile cases and adjusting their legal status accordingly.⁷⁸ Data from 2023 show that measures were changed in 4,441 cases. Of these, 40 per cent were modified automatically, 32 per cent at the request of

⁷⁴ KII with UNICEF, 14 January 2025, Rabat.

⁷⁵ KIIs with Mohammed VI Foundation and Ministry of Youth, Culture and Communication, 15 January 2025, Rabat.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ KII with UNICEF, 14 January 2025, Rabat.

the juvenile or their family, 23 per cent at the request of the juvenile's representative, and 4 per cent at the request of the public prosecution.⁷⁹ During data collection, the Ministry of Youth, Culture and Communication reported that in 2024, procedures were changed in 922 cases for children in CPCs (which is around 26 per cent of the total number of children in CPCs). These changes involved either returning the child to their family or placing them with an NGO.⁸⁰ Without comparable pre-COVID-19 data, however, it is difficult to determine the extent to which this shift represents a lasting policy change. Additionally, further details are needed on the exact nature of placements following these changes.

Finding 4: Current practices for children on the move

Migration is primarily governed by the Migration Act (Law No. 02-03 relating to the entry and stay of foreigners in the Kingdom of Morocco), adopted in 2003. The law criminalizes illegal entry without exceptions for refugees and asylum-seekers, contradicting Morocco's commitments under the 1951 Refugee Convention. While it does not explicitly permit the detention of children for migration-related reasons, it also fails to prohibit it. It does, however, include provisions protecting children from expulsion (Article 26) and deportation (Article 29).

Following the 2013 justice reforms, Morocco focused on improving the situation for migrants and refugees. In 2014, Morocco adopted the National Strategy for Immigration and Asylum, shifting from a securitized approach to one that integrates humanitarian dimensions of migration. The strategy introduced measures to regularize undocumented migrants and improve access to health and social services. As part of the National Strategy for Immigration and Asylum, two regularization campaigns were carried out between 2014 and 2017, aiming to grant residence permits to migrants and refugees residing in Morocco. To support access to education, authorities issued a ministerial circular in 2013 that guarantees access to education for all child migrants, regardless of their status. More recently in 2023, Morocco proposed a regional charter for humanitarian border management and introduced a Standard Procedures Framework for a Migrant Orientation and Care System, referencing social protection establishments.

Since 2013, when the justice reform was launched, Morocco has made significant strides in its migration policy. Prior to the reform, as UNICEF observed, there was reluctance among stakeholders to engage in discussions on migration, and issues related to migrants were largely absent from policy debates.⁸¹ Today, however, there has been a notable shift, with stakeholders recognizing that migrant children should be treated in the same way as other children within the justice system.⁸² Yet this equal treatment often overlooks their unique vulnerabilities. Language barriers, lack of legal representation and limited awareness of their rights and available services continue to hinder their ability to navigate the justice system effectively. As a result, while access to justice may exist on paper, in practice these children may struggle to fully navigate and benefit from the system designed to protect them.

General comment No. 14 of the United Nations Committee on the Rights of the Child emphasizes that when determining a child's best interests, special attention must be given to their specific situation of vulnerability. This includes factors such as disability, refugee or asylum-seeking status, experiences of abuse or living in marginalized conditions.⁸³ The assessment should not be generalized for all children in similar circumstances but rather conducted on an individual basis, considering each child's unique history

⁷⁹ Data provided by the Presidency of the Public Prosecutor's Office, 2023.

⁸⁰ KII with Mohammed VI Foundation and Ministry of Youth, Culture and Communication, 15 January 2025, Rabat.

⁸¹ KII with UNICEF, 14 January 2025, Rabat.

⁸² Ibid.; KII with UNHCR and IOM, 14 January 2025, Rabat.

⁸³ Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, CRC/C/GC/14, 29 May 2013, Article 3, para. 1.

and needs. For example, during data collection it was noted that, due to a lack of available placements, juvenile judges often place migrant children in institutions without considering their cultural or religious backgrounds. Instead, these children are expected to adapt to the environment. The language barrier prevents them from understanding the institution's rules and routines, and from effectively communicating their needs or seeking help when necessary.⁸⁴ This compromises their ability to navigate the system and access the support they require.

Stakeholders emphasized that migrant children are not detained solely for irregular entry or their migration status. While the available data do not specify how many detained children are migrants, it does show that in 2023, 183 foreign children in conflict with the law faced legal proceedings related to illegal entry and residence in Morocco.⁸⁵ The specific measures taken in these cases, however, remain unclear. The absence of data on their legal outcomes makes it difficult to assess whether they were detained or sent to CPCs and to what extent their best interests were prioritized in accordance with international child protection standards.

A further concern is the practice of internal displacement. Interviews with NGOs revealed that migrant children are often relocated from one city to another, frequently to interior regions or areas near the Algerian border.⁸⁶ This measure is primarily used to ease pressure on migration hubs along the coast but does not provide a sustainable solution for the protection or integration of these children. When speaking with migrant children, they also expressed a fear of going out alone as they had heard from their peers that Moroccan authorities sometimes conduct sweeps, rounding up undocumented individuals on the streets for deportation.⁸⁷

Alternative care centres for unaccompanied and separated children

When an unaccompanied and separated child is found on the street, authorities are required to determine the child's status, ensure their safety and initiate necessary legal procedures. The Public Prosecutor's Office may conduct an investigation or refer the case to the judicial police under its supervision. The juvenile judge can then order protective measures, such as placement in a social protection institution or, in the absence of available placements, in a CPC.⁸⁸

In practice, not all cases reach the judiciary due to systemic challenges, including the reluctance of some children to engage with authorities. Sometimes children also go directly to UNHCR, which is responsible for the registration of asylum claims and determining refugee status. Unaccompanied and separated children can be placed by UNHCR and the International Organization for Migration (IOM), who in most cases work with local associations and NGOs to find a placement for the child rather than sending them to state institutions. This approach differs from that of UNICEF, which consistently advocates for placements to occur through the formal judicial process, noting that bypassing the judicial process can expose children to risks and undermine their legal rights.⁸⁹ The coexistence of these differing approaches highlights the lack of alignment and coordination between key actors. UNHCR has reported that there are

⁸⁴ KII with UNHCR and IOM, 14 January 2025, Rabat.

⁸⁵ Data provided by Presidency of the Public Prosecutor's Office, 2023.

⁸⁶ FGD with NGOs in Tangier, 13 January 2025, Tangier.

⁸⁷ FGD with children in the alternative care centre for migrant children, 16 January 2025, Oujda.

⁸⁸ KII with UNICEF, 14 January 2025, Rabat.

⁸⁹ Ibid.

approximately 600 unaccompanied children registered with the organization, but only 70 have been placed.⁹⁰

In order to address the shortage of alternative care placements for vulnerable children, including unaccompanied and separated children, in 2019 UNICEF established two alternative care centres: one in Tétouan and one in Oujda. UNICEF partnered with two local civil society organizations with experience in supporting vulnerable children, to ensure that unaccompanied and separated migrant children are included in the services provided in both locations. These centres provide holistic care, including emergency shelter, education and vocational training, health care, psychosocial support and socio-economic integration services.⁹¹ The centres, although not yet accredited as social protection institutions, are overseen by Entraide Nationale and are currently in the process of obtaining accreditation.⁹²

The first of their kind, the centres support all vulnerable children, including unaccompanied and separated children. During the data collection phase, the alternative care centre in Oujda was visited; due to its proximity to the border, the majority of children there were migrants. Operated by the local NGO Chabiba, the centre is housed in a building donated by the Ministry of Education. It accommodates boys only, as stakeholders have noted that, to date, there have been no referred cases of unaccompanied or separated girls in the city.⁹³ The centre provides shelter for both children and youth, including those who have turned 18. With a capacity of approximately 60 residents, it is currently at full capacity. Additionally, a designated room with mattresses is available to accommodate more children in emergency situations. In such cases, emergency services are provided, including hygiene kits, showers, food and temporary shelter for a few nights.

The residential area includes two separate bedrooms with bunk beds, organized by age group; a kitchen; classrooms for school and vocational training; and an outdoor playground. The centre's multidisciplinary staff includes a psychologist, four teachers, a social worker, administrative personnel and four vocational trainers, all of whom have been trained by UNICEF on various topics, including child protection, best interest assessments and standard operating procedures, protection from sexual exploitation and abuse, financial management and reporting, and legal support.⁹⁴

Education is provided on site for both migrant children and Moroccan youth who were not able to complete public schooling. The curriculum, recognized by the government, currently offers only three subjects: French, Arabic and computer studies. Children interviewed at the centre, however, noted they only learn French and Arabic and expressed a strong desire to learn additional subjects, such as English and science.⁹⁵ In addition to education, the centre offers vocational training in entrepreneurship, baking, hairdressing and tailoring, equipping youth with practical skills for employment. The children that complete the one-year training programme obtain a certificate which they can use to find a job. A bakery within the premises, established with support from UNICEF and the Ministry of Education, is run by both the children and staff. This initiative not only provides hands-on training but also generates income to support the children. Children working in the bakery receive a minimum wage, which they can use for personal needs or send to their families.⁹⁶

⁹⁰ KII with UNHCR and IOM, 14 January 2025, Rabat.

⁹¹ Ibid.

⁹² KII with NGO Chabiba and Entraide Nationale, 16 January 2025, Oujda.

⁹³ Ibid.

⁹⁴ Information provided by UNICEF for the evaluation, May 2025.

⁹⁵ FGD with children in the alternative care centre for migrant children, 16 January 2025, Oujda.

⁹⁶ KII with NGO Chabiba and Entraide Nationale, 16 January 2025, Oujda; KII with UNICEF, 14 January 2025, Rabat.

The centre also supports children in reconnecting with their families and maintaining regular contact. In many cases, families have sent administrative documents to assist with judicial proceedings and asylum applications.⁹⁷

Children are free to leave the centre once they finish school for the day. During interviews, all children reported feeling safe within the facility and expressed trust in their teachers, though they admitted feeling shy about voicing their concerns.⁹⁸ Some mentioned wanting a greater variety of food and access to more clothing, but overall, they appeared content with the centre's support. When it comes to their overall sense of security outside the centre, however, the children expressed fear of going out alone, as they do not yet have refugee cards and are afraid of being deported.⁹⁹

The duration of stay within the centre depends on the child's situation: some children stay a few months and then leave to continue their migration journey, but many stay for a year or more in order to complete the one-year vocational training and obtain a certificate, with the hopes of learning skills and being able to find a job. During the interview all except for one child expressed a desire to continue their migration journey rather than remain in Morocco.

A significant challenge arises when residents turn 18, as there are no alternative facilities for them to transition to, leaving them to navigate adulthood independently. This gap exists across the entire system, leaving young people highly vulnerable and at increased risk. Currently, only donor-funded projects provide limited support, while no national-level programme addresses this critical issue.¹⁰⁰ UNICEF, through the *Hijra wa Himaya* and *Hijra wa Himiya Plus* projects, piloted semi-independent living arrangements for youth over 18 in Tétouan and Oujda. While the apartments in Tétouan remain operational, in Oujda youth over 18 now receive stipends to help cover their first three months of rent, basic equipment and food.¹⁰¹

Children staying in the centre are also entitled to an informal identity card issued by the NGO in collaboration with the Court. While not an official government-issued document, this card provides some form of identification for the children. Those interviewed during data collection, however, had yet to receive their cards, as the issuance process takes time. UNICEF noted that the card positively influences how authorities perceive and interact with these children, particularly when they are stopped on the street.¹⁰²

While the centre provides comprehensive care for children, its capacity remains limited and is not sufficient to meet the needs of all unaccompanied and separated children.

“When I go out, I see a lot of homeless children. They go to the church for five to six days and they leave after that. I feel like I am taking up their space so I want to leave and find a job so others can stay here.”¹⁰³

⁹⁷ KII with NGO Chabiba and Entraide Nationale, 16 January 2025, Oujda.

⁹⁸ FGD with children in the alternative care centre for migrant children, 16 January 2025, Oujda.

⁹⁹ Ibid.

¹⁰⁰ FGD with CAPE and associations, 17 January 2025, Oujda.

¹⁰¹ Information provided by UNICEF for the evaluation, May 2025.

¹⁰² KII with UNICEF, 14 January 2025, Rabat.

¹⁰³ FGD with children in the alternative care centre for migrant children, 16 January 2025, Oujda.

Finding 5: Effectiveness of the UNICEF Programme

UNICEF has played a key role in advancing children's access to justice in Morocco through its Himaya projects (Himaya 2016–2020; Himaya Plus 2021–2023; Hijra wa Himaya 2018–2020; and Hijra wa Himaya Plus 2020–2023). These programmes are grounded in a system-based approach that focuses on strengthening national structures. UNICEF works in close partnership with government institutions, providing technical support and building institutional capacities to reinforce existing justice and child protection systems. This collaborative model focuses on ensuring sustainability and alignment with national strategies.

UNICEF has supported policy and legal reforms, such as revising the Criminal Code and Criminal Procedure Code, while ensuring that the best interests of all children remain paramount in the application of the Family Code.¹⁰⁴ Additionally, UNICEF had contributed to developing SOPs and guidelines for justice professionals, providing clear frameworks to help them handle cases involving children in a manner that is sensitive to their needs and rights.

A significant aspect of the work of UNICEF involved **capacity development of justice and child protection professionals**. To date, through the Himaya programme, UNICEF has trained over 3,500 justice professionals and more than 300 social workers on universal frameworks for children's rights, international norms for children in conflict with the law, and best practices for working with children. While measuring the direct outcomes of the training is challenging, discussions with justice stakeholders suggest that justice professionals have an increased awareness on children's rights and the notion of 'best interest':

"We take into account all things when it comes to making sure it is in the best interest of the child, even the outfit of judges has to be child friendly."¹⁰⁵

The same applies to training stakeholders on the rights of children on the move and best practices for working with them effectively. Before the UNICEF trainings, many professionals had limited experience working with migrant children:

"We did not have much experience on how to work with migrant children, but as of 2019 in partnership with UNICEF we learned how to preserve the best practice of children."¹⁰⁶

While progress has been made, and awareness of the best interests of the child has increased, further work is needed to ensure full understanding and consistent application of this principle in practice.¹⁰⁷ The midterm review of the Integrated Public Policy for Child Protection also highlighted this issue, noting that child protection interventions are often implemented in a fragmented and non-integrated manner rather than being child-centred and focused on their needs and best interests. In addition, stakeholders may have different interpretations on what this means, which can lead to varying approaches in practice.¹⁰⁸ More effort is needed to foster a shared understanding of this concept and ensure its effective implementation across the justice and child protection systems.

¹⁰⁴ UNICEF Morocco, *Evaluation finale du projet Himaya: Accès des enfants à une justice adaptée et respectueuse de leurs droits*, UNICEF, Rabat, 18 December 2020.

¹⁰⁵ KII with Attorney's General Office – Court in Tangier, 13 January 2025, Tangier.

¹⁰⁶ KII with NGO Chabiba and Entraide Nationale, 16 January 2025, Oujda.

¹⁰⁷ *Evaluation finale du projet Himaya*.

¹⁰⁸ KII with representative from National CNDH, 15 January 2024, Rabat.

UNICEF has also worked on the **establishment of child-friendly spaces in courts**, designed to provide children with a safe and comfortable environment during legal proceedings. These spaces, equipped with appropriate reception and hearing tools, aimed to create a more supportive setting for children involved in the judicial process. The creation of child-friendly spaces in courts appears to have played a role in increasing awareness of children's specific needs among justice professionals.¹⁰⁹ Their implementation, however, remains inconsistent across different provinces. While some courts have successfully integrated these spaces, others have faced challenges. For example, during data collection, a visit to the Tangier court revealed that its child-friendly space was not in use. Stakeholders attributed this to a lack of staff training on how to properly utilize the equipment and facilities.

Through the Hijra wa Himaya and Hijra wa Himaya Plus projects, UNICEF also worked to **protect the rights of children on the move** in Morocco through a twofold approach, providing direct support to children and strengthening the national child protection system to promote their integration. The approach for children on the move differed slightly from the general juvenile justice approach of UNICEF, as it shifted focus from the national level to a more localized, territorial strategy, addressing challenges directly at the field level where migrant children face the greatest difficulties. Focusing on the issues faced by migrant children also helped identify broader challenges within the child protection system, as noted by UNICEF:

"I have seen how migration has been a trigger to start working on thematic areas that were not such a priority; migration is a magnifier for systemic gaps identifying what works and doesn't work."¹¹⁰

To address these issues, UNICEF initially developed SOPs specifically for migrant children and later expanded the SOPs to cover all vulnerable children, helping to address gaps and strengthen the overall system. The SOPs have helped create a more comprehensive and child-centred protection system that prioritizes the best interests of the child, reducing the risk of detention and ensuring children receive the care, protection and services they need. In addition, the SOPs for children on the move played a key role in promoting intersectoral collaboration and inclusive approaches, contributing to the development of a Territorial Protocol for the Care of Vulnerable Children and Children in Contact with the Law which included migrant children as a vulnerable population. UNICEF is currently supporting the development of complementary SOPs to operationalize the protocol effectively.

Coordination between the justice system and social protection services

Coordination between the justice system and social protection services in Morocco has been strengthened, with UNICEF playing a key role in bridging these sectors. One of the added values of UNICEF has been its ability to bring together diverse actors to create a unified response to child protection. A major milestone at the national level was the signing of a partnership agreement in 2023 between the Public Prosecutor's Office, MSISF and the Ministry of Youth, Culture and Communication, as well as the signing of the Territorial Protocol for the Care of Vulnerable Children and Children in Contact with the Law. These agreements clarified care pathways and strengthened case management monitoring and coordination.

UNICEF also supported the **institutionalization of social workers in courts**. As part of its advocacy, UNICEF supported MoJ in organizing an international conference on social assistance in the justice sector. Attended by over 200 social workers, justice professionals and NGOs, the conference resulted in a road

¹⁰⁹ *Evaluation finale du projet Himaya.*

¹¹⁰ KII with UNICEF, 14 January 2025, Rabat.

map for the establishment of social worker offices in courts and a commitment to strengthening the capacities of child protection service providers. As a result of UNICEF support, the number of social workers has increased from 10 to around 300. Despite this growth, however, stakeholders emphasized that the number remains insufficient to meet the demand, highlighting the need for further expansion.

To strengthen coordination at the local level, UNICEF supported MSISF in implementing the Integrated Public Policy for Child Protection and its action plan. As part of this effort, UNICEF supported the development of the Integrated Territorial System for Child Protection, piloting a decentralized system in several provinces. This included the establishment of **80 child protection committees¹¹¹ and launching child protection support centres (CAPEs)** in several provinces. This initiative has aimed to enhance coordination among institutional actors and civil society to provide more inclusive child protection interventions. CAPEs function as one-stop shops, offering services for vulnerable populations including children in difficult situations such as those in conflict with the law, street children, children without parental care, and unaccompanied or accompanied migrant children. CAPEs serve as a bridge between children and essential services. Their primary functions include listening to children and their families, assessing risks, documenting cases of violence and referring cases to the appropriate authorities. Through this structured approach, CAPEs connect children and families with relevant services including, if needed, referring them to judicial bodies, medical follow-ups and social protection services.

To strengthen their ability to provide these services effectively, CAPE employees have benefited from specialized training programmes provided by UNICEF. During data collection, two CAPEs were visited, one in Tangier and another in Oujda. In Tangier, NGOs collaborating with CAPEs highlighted their effectiveness, particularly in identifying, supporting and referring unaccompanied and separated children. As a result of this, it was noted that police practices have improved:

“Now police don’t arrest but they contact CAPE, that is why a lot of improvements happened.”¹¹²

While the CAPEs represent a promising initiative within Morocco’s child protection system, they currently face significant challenges in fully realizing a child-centred approach that prioritizes the best interests of the child. Limited resources, staffing shortages and coordination gaps hinder their ability to provide comprehensive support. To address these shortcomings, UNICEF continues to focus on strengthening CAPEs, particularly by enhancing their capacity to support all children in need, including those in migration situations. At the national level, managing an integrated child protection policy remains a relatively new approach in Morocco. Effective implementation requires strong collaboration among multiple actors who must align on shared objectives, an aspect that remains a challenge. While tools and mechanisms exist, MSISF has struggled to operationalize them effectively due to weak coordination among stakeholders.¹¹³

The UNICEF pilot programmes in Tétouan, Tangier and Oujda – strategically launched in border cities to support migrant populations – have enhanced coordination through the development of SOPs for children in migration situations. These efforts have strengthened service provision, with courts actively referring children to appropriate support systems. In Oujda and Tétouan, the alternative centres for children on the move have helped fill a critical gap, offering essential care and services. In Oujda, further progress has been made through the joint issuance of identity cards for unaccompanied migrant children in collaboration with a partner NGO and the local court. Given the success of these initiatives, if funding permits, UNICEF plans to expand them to other provinces with higher concentrations of migrant

¹¹¹ Ibid.

¹¹² KII with NGOs and CAPE, 13 January 2025, Tangier.

¹¹³ KII with CNDH, 15 January 2024, Rabat.

populations.¹¹⁴ By providing immediate, localized support, the UNICEF programme helps migrant children ensure that their needs are met in a way that respects their rights without depriving them of freedom.

How does the programme of UNICEF contribute to sustainable protection solutions?

UNICEF has aimed to provide sustainable protection solutions by strengthening national systems. Through institutional capacity building on best practices for working with vulnerable children, UNICEF aimed to ensure that expertise remains within local institutions. UNICEF also supported policy and legal reforms through the development of SOPs and aligning national laws with international child rights frameworks to establish lasting structural changes.

A critical area of focus for sustainability has been the promotion of alternatives to detention. Through trainings, dialogue and ongoing advocacy, UNICEF has worked to change the institutional mindset around detaining children. Data collection has shown that stakeholders are increasingly aware of the negative impacts of detaining children and are now actively working to address this issue. This progress is reflected in the data, which show a decline in detention rates in recent years, highlighting the success of these initiatives in promoting alternative approaches to child justice. Despite these efforts, however, child protection remains largely centred on institutionalization and formal alternative care, with placement in institutions still being the primary response for vulnerable children.¹¹⁵

Moreover, UNICEF has been instrumental in ensuring that these changes are not just for children in general, but also include children on the move, who are often marginalized and at risk of detention. Through its efforts, UNICEF has made it a priority to include migrant children within national child protection initiatives, ensuring they are not left behind:

“If you look at the situation four or five year ago, we were not even able to add the word ‘migrant’ when working with the institutions, but now it is natural for them to include it, and be transparent with the challenges they face.”¹¹⁶

Additionally, the two alternative care centres for migrant children in Oujda and Tétouan have focused on improving coordination between key stakeholders such as CAPE and the courts, ensuring that sustainable support is available even without the direct involvement of UNICEF. A key step towards sustainability is the accreditation process for the two centres, which is currently underway, as well as the different streams of funding and different engagement of public institutions. Accreditation will hopefully institutionalize good practices, secure long-term government support and formalize partnerships with key actors, embedding child protection measures into national systems. Additionally, these centres play a crucial role in reintegration efforts, helping children access education, vocational training and job placements, thereby offering them a pathway towards self-sufficiency. While these centres are currently effective, they do not fully bridge the gap, as there are still unaccompanied migrant children left without proper placement. This is to be expected at the pilot stage, and UNICEF is aware that such interventions alone cannot meet all needs. As such, while these efforts lay the foundation for sustainability, the long-term impact remains difficult to measure. Continued political will, financial investment, shared vision between partners and systematic monitoring are needed to ensure these initiatives translate into lasting change.

¹¹⁴ KII with UNICEF, children on the move portfolio, 14 January 2025, Rabat.

¹¹⁵ ‘Himaya wa tamkin: Pour un système territorial’.

¹¹⁶ KII with UNICEF, children on the move portfolio, 14 January 2025, Rabat.

Finding 6: Alignment of the UNICEF justice programme with the RJ4C Agenda and scaling

While the UNICEF Morocco Country Office is aware of the RJ4C Agenda and its key principles, the Agenda itself was not explicitly used to shape the Country Programme's justice activities. Regardless, the work of UNICEF in Morocco aligns closely with the RJ4C Agenda's six pillars, particularly in promoting alternatives to detention.

UNICEF Morocco has long advocated for and implemented alternatives such as family reintegration and community-based care for children, including those on the move, aligning strongly with **pillar 4**. This approach predated the RJ4C Agenda and was guided by the broader global frameworks of UNICEF on child detention and migration. The Agenda has reinforced and validated these efforts, rather than introducing a new direction.

Additionally, the interventions taken by UNICEF also align with **pillar 6**, which promotes access to alternative dispute resolution and child-friendly courts. UNICEF has supported the creation of child-friendly judicial spaces, ensuring that children in contact with the law are treated with dignity and respect. These efforts include providing alternatives to formal court proceedings and making justice more accessible and appropriate for children. **Pillar 3** is also reflected in the initiatives of UNICEF, which focus on diverting children in conflict with the law away from detention and towards rehabilitative and supportive interventions.

The UNICEF pilot programme for migrant children in Morocco presents a promising model for alternatives to detention, offering emergency care, inclusive accommodation and comprehensive services for unaccompanied migrant children. This approach supports the RJ4C Agenda's goal of ending child detention and provides valuable insights into legal and policy reforms in complex and politically sensitive contexts. In addition, strengthening multisectoral coordination – as demonstrated by Morocco's partnerships between the justice system, social protection services and NGOs – is crucial for ensuring that alternatives to detention are effectively implemented. The COVID-19 pandemic demonstrated that policy shifts such as the release of children from detention can be leveraged, aligning with the RJ4C Agenda's goal of reducing reliance on detention. A key barrier to scaling these efforts, however, is the issue of sustainable funding for the child protection programme in UNICEF Morocco, which is critical to ensuring long-term impact. While the alignment with the RJ4C Agenda strengthens the programme's strategic direction, securing resources to expand and institutionalize these initiatives will be essential for broader system reform.

Conclusions

Conclusion 1: Increase in alternatives to detention for children

A positive trend has emerged in Morocco, where a majority of decisions involving children in conflict with the law result in their reintegration into families or the application of alternatives to detention. This shift marks significant progress in aligning Morocco's juvenile justice approach with international child rights standards. The persistent number of children in detention, however, suggests that alternatives are not yet fully institutionalized or applied consistently across the country. The shortage of appropriate accommodation for children and the lack of a robust foster care system contribute to this inconsistency. These challenges emphasize the need for continued efforts to ensure that detention is used as a last resort, in full compliance with international standards. Ensuring a truly child-centred approach requires a shift from reactive, institution-based responses to preventive, community-driven and non-custodial solutions that prioritize the best interests of the child.

Conclusion 2: Impact of COVID-19 and the need for continued efforts

The release of children from detention during the COVID-19 pandemic highlighted that many of them could have been diverted from detention in the first place, reinforcing the principle that detention should only be used as a last resort. In addition, the fluctuating number of children in detention suggests that some of the progress made during the COVID-19 pandemic, when there was a temporary release of children from detention, has not resulted in keeping the number of children in detention low. The interventions during COVID-19 did, however, demonstrate that release from detention can happen and has influenced the mindset of judicial stakeholders, who previously lacked a culture of transitioning children from detention to less restrictive environments such as family-based care or alternative placements. Sustained efforts are needed to institutionalize these practices.

Conclusion 3: Lack of adequate standards and conditions in child protection centres

Concerns remain regarding the conditions within CPCs, which do not appear to meet international standards in terms of reception conditions, protection and supervision. Overcrowding and the lack of separation by age and vulnerability pose significant safety and developmental concerns. These conditions also hinder the provision of age-appropriate care and rehabilitation. While CPCs are not intended to be closed facilities that deprive children of their liberty, in practice many operate as such. The use of these centres as de facto detention facilities raises serious concerns about their appropriateness as child protection structures. Structural improvements, increased oversight and a stronger commitment to alternatives to institutionalization are critical to ensuring that children receive appropriate care and rehabilitation in line with their rights.

Conclusion 4: Integration of migrant children and remaining challenges

Morocco has made progress in integrating migrant children into the broader child protection system, and focusing on the issues faced by migrant children also helped identify broader challenges within the child protection system. Despite the progress, challenges remain. The practice of displacement, where migrant children are relocated from one city to another – removing them from any social network they may have built – contradicts provisions in Law No. 02-03 and fails to meet child protection standards. Additionally, unaccompanied and migrant children continue to face legal proceedings for irregular entry, often without adequate legal representation or consideration of their specific circumstances. Many of these children are placed in CPCs or other institutions that may not be fully equipped to meet their distinct needs.

Conclusion 5: The role of UNICEF in strengthening Morocco's child protection and juvenile justice systems

UNICEF has played a pivotal role in strengthening Morocco's child protection and juvenile justice systems through capacity development, policy advocacy and pilot programmes. The Himaya programme has been particularly impactful in strengthening child protection through a multistakeholder approach, fostering collaboration between civil society organizations, public institutions and government agencies. The Hijra wa Himaya projects have reinforced protection mechanisms by providing emergency care, inclusive accommodation and essential services for unaccompanied migrant children. This initiative serves as good practice for alternatives to detention, contributing to the RJ4C Agenda's goal of ending child detention and informing necessary legal and policy reforms. Systemic challenges remain, however, particularly in ensuring effective coordination and fully operationalizing existing mechanisms. More needs to be done to meet the growing demand and ensure no child is left behind.

Looking ahead, UNICEF aims to continue the third phase of the Himaya programme (2025–2026), focusing on improving access to justice for children in conflict with the law through collaboration with social actors, providing coordinated support for children at risk or victims of violence within territorial protection systems, and ensuring access to rights and essential services for children in migration situations, all in line with international standards. Sustainable funding at public and UNICEF levels is needed to scale these efforts and to ensure long-term impact.

Recommendations

Recommendation 1: Ensure provision of non-custodial measures remain a priority and institutionalize alternatives to detention

To ensure a sustainable and effective system of alternatives to detention, Morocco must guarantee the consistent application of non-custodial measures. UNICEF should support the Government to:

- Continue efforts to establish a robust foster care system, including the development of emergency and short-term foster care solutions for children in need of immediate protection, such as children on the move.
- Strengthen services for children once they turn 18, such as independent living arrangements.
- Provide ongoing training for justice professionals to reinforce the use of non-custodial measures and shift mindsets away from punitive approaches.

Recommendation 2: Strengthen prevention programmes for children at risk

Enhancing prevention programmes is key to reducing the number of children coming into conflict with the law. UNICEF should support the Government to:

- Develop early intervention strategies, including community-based support, family-strengthening initiatives and targeted outreach efforts ensuring that preventative measures are in place to address the factors that lead children into the justice system.

Recommendation 3: Improve the conditions and oversight of child protection centres

Action needs to be taken to ensure that the CPCs meet international standards and serve children's needs effectively. The ongoing development of the National Agency for Child Protection presents a key opportunity to institutionalize these improvements and ensure sustained oversight and regulation:

- Clear placement criteria should be established and enforced to ensure that children are housed according to their age, legal status and specific vulnerabilities.
- Overcrowding must be addressed, including through the expansion of alternative care options.
- Oversight mechanisms need to be strengthened to prevent CPCs from operating as de facto detention facilities and to ensure compliance with international child protection standards.
- Increased resources for CPCs, including staff training, psychosocial support services and infrastructure improvements, are essential if international child protection standards are to be met.

Recommendation 4: Advocate to end internal displacement of migrant children and ensure legal safeguards and access to services

Priority should be given to ending the internal displacement of migrant children and ensuring legal safeguards. UNICEF should:

- Advocate for the abolition of the practice of relocating migrant children from one city to another, and for the alignment of national policies and strategies with international child protection standards.
- Advocate for the strengthening and adaptation of existing services such as safe housing, education and health services, to ensure they are inclusive of and responsive to the specific needs of migrant children, including unaccompanied and separated children, within the national child protection framework.

Recommendation 5: Strengthen the capacity and resources to enhance child protection services

The ability of UNICEF to bring together diverse actors has been instrumental in creating a unified response to child protection. To maximize this impact, UNICEF should work with the Government to:

- Strengthen the role of CAPEs to ensure they can effectively fulfil their role as one-stop shops for vulnerable children. This requires an increase in financial and human resources, and the expansion of specialized training for CAPE employees.
- Improve inter-agency collaboration with other United Nations agencies to facilitate seamless referrals, case management and coordination of services, ensuring that vulnerable children receive holistic support tailored to their needs.

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Annex B: Data collection tools

Key Informant Interviews with UNICEF

Interviews will be carried out in a secure, quiet place, where the participant's responses cannot be overheard.

Introduce yourself.

Name of evaluator(s):	
Date of KII:	
Stakeholder entity:	
Administrative level (national; regional or district)	
Name of the city/ region/ district:	
Number of participants:	
Gender of participants:	
Has the information sheet been provided and explained?	
Has <u>each</u> participant (if more than one) provided their verbal informed consent?	

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Ask if any of the participants have any questions before commencing.

Section 1: Introduction

1. Please can you introduce yourself and provide a brief explanation of your professional roles and responsibilities as they relate to justice programming for UNICEF?
2. In your view, what are the key issues that Morocco faces regarding children's access to justice?
 - a. How does access to justice differ for migrant and asylum seeking children in the country?
3. Do you think that children in your community have good knowledge and understanding of their rights (prompt about migrant and asylum-seeking children)?
 - a. If yes, why?
 - b. If no, why not?
4. Can you provide an overview of the current practices and conditions regarding the detention of migrant and asylum-seeking children in Morocco?
 - a. What alternatives to detention are available for migrant and asylum-seeking children in Morocco, and how widely are these alternatives used?

- b. *What are the criteria used to determine whether a migrant or asylum-seeking child is placed in detention or an alternative form of care in Morocco?*

Section 2: Relevance and effectiveness of UNICEF programme/project

5. **Can you provide an overview of the interventions UNICEF is implementing to improve care and protection for migrant and asylum-seeking children in Morocco?**
- What were the intended outcomes or goals of the UNICEF project (Hjra wa Himaya Plus) and other interventions?*
 - Who is the target group?*
 - What was the motivation behind launching this programme, and what specific challenges or gaps was it designed to address?*
 - How were the pilot locations for the project selected? What criteria were used to determine these locations?*
 - Who was involved in the conceptualization of the project? (e.g., government agencies, local partners, NGOs, other international organizations)*
6. **What services are provided under the UNICEF project for migrant and asylum-seeking children?**
- Are there any gaps in the types of services offered?*
 - How do children and their families access these services?*
 - Have gender considerations been incorporated into the design and implementation of services? If so, how are they integrated to address the specific needs of girls and boys?*
7. **How has UNICEF's pilot project improved access to critical services, such as healthcare, education, and legal support, for migrant children?**
- What are the main barriers to ensuring these services are consistently available across different regions?*
 - How effective are the referral systems between pilot centers, alternative care centers, and other service providers in ensuring comprehensive care for migrant children?*
 - What improvements can be made to strengthen these referral systems?*
8. **How successful have the alternative centers been in reducing detention-like settings and providing necessary services, such as shelter, healthcare, and education?**
- Are there any geographic differences in the success of these centers? If so, why do these variations exist?*

Section 3: Standard Operating Procedures (SOPs) (Effectiveness):

9. **Can you explain how the Standard Operating Procedures (SOPs) developed by UNICEF and the Public Prosecution Office are applied in cases involving migrant children?**
- What are the key components of the eight stages outlined in the SOPs?*
10. **How have the SOPs improved coordination and communication between stakeholders involved in child protection for migrant children?**
- Can you provide examples of how these SOPs have led to more individualized and holistic care for children?*
11. **How is the implementation of the SOPs monitored and evaluated to ensure they are followed consistently?**
- What mechanisms are in place to gather feedback from stakeholders on the effectiveness of the SOPs?*
12. **What impact have the SOPs had on reducing the detention of migrant children in Morocco?**
- Have there been measurable improvements in the care and protection of these children as a result of the SOPs?*
13. **What challenges remain in embedding these SOPs into the broader institutional framework?**
- Is there consistent adherence to the SOPs by all stakeholders involved in child protection?*
 - What are the main challenges to implementing the SOPs in practice (e.g., coordination, resources, knowledge/training, norms)?*

Section 4: Coherence (Collaboration with public institutions and NGOs):

14. **How has collaboration with public institutions (such as Public Prosecution Office and other key stakeholders) contributed to the success of UNICEF's pilot project?**
- How do legal professionals support the project's goals, particularly in avoiding detention of migrant children?*

15. What role do NGOs play in the delivery of services, and how effective is the coordination between NGOs and public institutions?
- How effective is the coordination between NGOs and public institutions?
 - Are there any challenges in maintaining these collaborative efforts?
16. Does UNICEF collaborate and coordinate with other UN agencies, such as the UNHCR, to implement the project effectively?
17. How are local communities involved in the care and protection of migrant children as part of the project?
- What strategies have been implemented to engage communities, and how effective are they in the different locations?
18. Does the effectiveness of collaboration with public institutions vary between the different locations where the pilot is being implemented?
- What factors—such as institutional capacity, local infrastructure, or political will—may explain these differences?*

Section 5: Sustainability and efficiency

19. How is the UNICEF's project resourced?
- What resources are UNICEF and other stakeholders currently providing?
 - What measures are in place to ensure the long-term sustainability of the project once UNICEF's project ends?
20. What steps is UNICEF taking to ensure that the outcomes of the pilot projects are sustainable beyond the initial phase?
- How are the SOPs and alternative care models being institutionalized within Morocco's child protection framework?
21. What gaps exist in services provided to migrant children, especially in more remote or underserved areas?
- What additional resources or support is needed to fill these gaps?
22. How does UNICEF plan to scale up successful aspects of the pilot project to other regions of Morocco?
- What are the main barriers to scaling up, and how are they being addressed?
23. How is UNICEF working with the Moroccan government to create long-term solutions for the integration or reintegration of migrant children?
- What strategies are in place to ensure the sustainability of these solutions without continuous external support?

Section 6: RJ4C Agenda

24. Are you aware of the RJ4C agenda?
- What is your understanding of the agenda?
 - What does it seek to achieve?
 - Has the Morocco CO used the agenda to guide any of its recent activities in the area of child justice?
 - What are your views in relation to the agenda?
25. To what extent are the goals of the UNICEF project (Hjra wa Himaya Plus) and other interventions in alignment with the RJ4C agenda?
- Children know and can claim their rights (Pillar 1).
 - Access to free legal aid and specialized services for children (Pillar 2).
 - Diversions and prevention efforts for children in conflict with the law (Pillar 3).
 - Protection against detention for children in conflict with the law (Pillar 4).
 - Ensure justice for child survivors of sexual violence, abuse, or exploitation (Pillar 5).
 - Promote child-friendly dispute-resolution mechanisms and courts (Pillar 6).
26. Did the RJ4C Agenda influence the design and development of the UNICEF project?
- If so, how?
 - If not, why not? [prompt: this could include, lack of internal knowledge regarding the RJ4C Agenda]
 - Was RJ4C guidance made available to you that provided frameworks for programme/project adaptation?
27. In your opinion, does the UNICEF project pave the way for further justice programming in Morocco aligned with the RJ4C Agenda?
- If so, how?
 - If no, why not? What barriers prevent the further implementation of the RJ4C Agenda?
28. In your opinion, does the UNICEF's pilot project have the potential to be embedded into broader justice programming in Morocco?
- If so, how?

- b. *If no, why not?*
- 29. How have previous UNICEF justice programming / interventions in Morocco aided the design and development of the Programme?**
- Has previous UNICEF Programming increased the capacity of UNICEF and implementing partners to deliver the programme/ project Programme? If so, how?*
 - What evidence of need in the country, including gaps in child justice or protection, indicated that this intervention was necessary?.*
 - Have international examples or best practices been used in shaping the design and implementation of the project? If so, can you provide any examples of how these influenced the approach?*
- 30. Please can you outline your understanding of the principle that “every child is protected from detention”?**
- What key components are involved in UNICEF's programming to prevent the detention of children?*
 - In your opinion, why is the prevention of detention a crucial component of UNICEF's child protection programming? How does it enhance access to justice for children?*

Section 7: Lessons learned and impact on the RJ4C Agenda

- 31. What lessons can be drawn from the collaborations between UNICEF and government stakeholders in developing a unified and standardised data collection system?**
- In what ways does the project address the UNCRC Committee's previous concerns regarding arbitrary arrest, detention, and deportation of unaccompanied migrant, asylum-seeking, and refugee children?*
 - How might this project influence UNICEF's advocacy and policy recommendations on access to justice for children globally?*
- 32. How can lessons from Morocco's approach to alternatives to detention for migrant children and support to migrant children be applied to other countries under the RJ4C Agenda?**
- How might this model be adapted for other countries in the region or globally facing similar challenges?*
 - What factors do COs need to consider when developing this type of intervention?*
 - What role does this project play in helping UNICEF establish a baseline for its access to justice programming in line with the RJ4C Agenda?*
- 33. What would be your recommendation for UNICEF MENA and UNICEF HQ to a) support unaccompanied migrant and asylum-seeking children, and especially prevent detention and b) support the implementation of the RJ4C Agenda more broadly?**

National-level KII with Government stakeholders/State Agencies

Interviews will be carried out in a secure, quiet place, where the participant's responses cannot be overheard.

Introduce yourself.

Name of evaluator(s):	
Date of KII:	
Stakeholder entity:	
Administrative level (national; regional or district)	
Name of the city/ region/ district:	
Number of participants:	
Gender of participants:	
Has the information sheet been provided and explained?	
Has each participant provided their verbal informed consent?	

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Ask if any of the participants have any questions before commencing.

Section 1: Introduction

1. Please can you introduce yourself and your Ministry / Agency and provide a brief explanation of your professional roles and responsibilities as they relate to child protection and child justice?
2. In your view, what are the key issues that Morocco faces regarding children's access to justice?
 - a. How does access to justice differ for migrant and asylum-seeking children in the country?
3. Do you think that children in your community have good knowledge and understanding of their rights (prompt about migrant and asylum-seeking children)?
 - a. If yes, why?
 - b. If no, why not?

Section 2: Overview of the current practice for migrant and asylum-seeking children

4. Can you describe the current policy framework regarding the detention and care of migrant and asylum-seeking children in Morocco?
5. How has the policy framework for migrant and asylum-seeking children evolved in Morocco over the past few years?
 - a. Are there any recent reforms or changes that have significantly impacted these practices?
 - b. Has UNICEF been supporting the reforms?
6. What alternatives to detention are available for migrant and asylum-seeking children in Morocco, and how widely are these alternatives used?

- a. *Can you elaborate on the assessment process used to determine whether a child should be placed in detention or an alternative form of care? Who is involved in making these decisions?*
 - b. *How are the individual circumstances of each child taken into account when making decisions about their placement? (prompt about unaccompanied children)*
7. **What are the current capacities of the alternative care systems in Morocco? Are there sufficient resources (human, financial, infrastructure) to support these alternatives?**
8. **What are the key challenges to effectively preventing the detention of migrant and asylum-seeking children in Morocco?**
- a. *Are there any legal, institutional, or financial barriers that hinder the implementation of alternatives to detention?*

Section 3: UNICEF pilot programme (Relevance and Effectiveness)

9. **How has your organisation collaborated with UNICEF to enhance the care and protection of migrant children?**
- a. *Which specific components of the Programme have you contributed to?*
 - b. *What factors drove this collaboration?*
10. **In your opinion, to what extent is the pilot programme for migrant children—relevant to the child protection needs of this population?**
- a. *How well do these interventions address key protection concerns such as access to healthcare, education, and legal support for migrant children?*
11. **How well did this work align with the priorities and programming of your Ministry/Agency and other stakeholders?**
- a. *Has there been any duplication of work or overlaps? If so, how were these addressed?*
 - b. *What changes would you suggest to improve the alignment between the child protection programme and the work of other stakeholders?*
12. **(If relevant) To what extent do the Standard Operating Procedures (SOPs) developed with UNICEF align with existing national legislation for child protection?**
- a. *In your opinion, how effective have the SOPs been in guiding the protection and care of migrant children since their implementation? Have the SOPs had an impact on reducing the detention of migrant children in Morocco?*
 - b. *Could you share examples of how the SOPs have improved the coordination and delivery of services to migrant and asylum-seeking children?*
 - c. *Have the SOPs improved coordination and communication between stakeholders involved in child protection for migrant children?*
 - d. *How is the implementation of the SOPs monitored and evaluated to ensure they are followed consistently?*
13. **How effective do you find UNICEF non-custodial alternatives (such as the alternative care centers in Tetouan and Oujda) in addressing the needs of migrant children compared to detention practices?**
- a. *What specific needs do these centers address, and how do they do so?*
 - b. *In your opinion, what are the key outcomes or aims of these centers, and how do they measure effectiveness?*
 - c. *Are there sufficient resources—human, technical, infrastructure, and training—available for these centres to meet their objectives?*
 - d. *How do these alternatives incorporate considerations of gender and non-discrimination?*
 - e. *What challenges have you encountered in implementing these alternatives, and are there any perceived gaps in services?*
14. **How have the pilot day centers in Tangier and Oujda impacted the migrant child protection system? Have there been measurable improvements in access to services (healthcare, education, legal aid) and do these improvements translate to positive outcomes for the children served?**
- a. *Have there been measurable improvements in access to services (such as healthcare, education, and legal aid), and do these improvements translate to positive outcomes for the children served?*
 - b. *Are there regional differences in the success or challenges of these pilot centers, and what factors might explain these variations?*

Section 4: Coherence

15. **How did you coordinate with other stakeholders in the development and implementation of the project?** *Prompt the Public Prosecution Office, Ministry of the Interior; Ministry of Solidarity, Family, and Social Insertion; Ministry of Health and Social Protection Moroccan League for the Protection of Children, as applicable.*
- Are the roles and responsibilities clearly defined and understood across institutions?*
 - What are the channels of communication between your ministry and the other key stakeholders? How are discrepancies resolved?*
 - Is there a coherent strategy across administrative frameworks between institutions?*
 - Has the project improved inter-institutional coordination for the care and protection of migrant and asylum-seeking children? How / why?*
 - Were there challenges in this coordination? Has this changed over time? How / why?*
16. **What is the level of coordination with other sectors such as child protection, health and education?**

Section 5: Sustainability and efficiency

17. **What are the funding sources for your institution's initiatives related to the Hjra wa Himaya Plus project or is it all funded by UNICEF?**
- Are these sources secure, and is there a financial sustainability plan in place?*
 - Is UNICEF involved in the short/long-term funding of the project?*
18. **Is there a skilled and sustainable workforce dedicated to the project?**
- What specific roles and expertise are required to implement the project effectively?*
 - Are there any trainings provided to staff for implementing the Hjra wa Himaya Plus project? If yes, what does this training entail, how often does it occur, and who delivers it?*
 - Are there sufficient human resources and staff capacity for project implementation at all levels? Are there gaps in capacity?*

Section 6: Lessons learned and recommendations

19. **What lessons can be drawn from Morocco's approach to alternatives to detention for migrant children and support to migrant children?**
- How might this project influence your institution's advocacy and policy recommendations on access to justice for children on a national level?*
 - What lessons can other countries learn from Morocco? [Prompt: alternatives to detention, inter-sectorial coordination, resources, etc.]*
20. **What would be your recommendation for a) other countries seeking to implement a similar support system / project for migrant children and b) supporting governments to strengthen children's access to justice more broadly?**
21. **What further support would government institutions in Morocco need from international organizations like UNICEF to strengthen child protection systems, both within this programme and in other areas of child justice? child protection systems?**
- What are your views on the current gaps in justice systems for children?*
 - Could you provide recommendations on priority areas for future collaboration or initiatives?*
 - Thank the participant for their time.*

KII with Staff working in the centres of UNICEF's project Hjra wa Himaya Plus

Interviews will be carried out in a secure, quiet place, where the participant's responses cannot be overheard.

Introduce yourself.

Name of evaluator(s):	
Date of KII:	
Stakeholder entity:	
Administrative level (national; regional or district)	
Name of the city/ region/ district:	
Number of participants:	
Gender of participants:	
Has the information sheet been provided and explained?	
Has <u>each</u> participant provided their verbal informed consent?	

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Ask if any of the participants have any questions before commencing.

Section 1: Introduction

1. Please can you introduce yourself and provide a brief explanation of your professional roles and responsibilities?
2. In your view, what are the key issues that Morocco faces regarding children's access to justice?
 - a. How does access to justice differ for migrant and asylum-seeking children in the country?
3. Do you think that children in your community have good knowledge and understanding of their rights (prompt about migrant and asylum-seeking children)?
 - a. If yes, why?
 - b. If no, why not?

Section 2: Relevance and effectiveness of the services

4. What are the main goals of the alternative care centres / day care centres in relation to migrant children?
5. What type of services does the centre you work in provide to migrant children and their families? (e.g., healthcare, education, legal aid, psychosocial support)?
 - a. How do these services address the needs of vulnerable children who have experienced violence, abuse, neglect or exploitation or are without parental care, unaccompanied children?
6. Can you describe the process of referring children to your centres?
 - a. Who typically initiates referrals, and what criteria are used for acceptance?
 - b. How do you handle cases when there is a lack of available space in your centers?

7. **How do you assess the needs of the migrant children entering the center?**
 - a. *Is there a standardized assessment process?*
8. **What is the typical staff composition at the centre?**
 - a. *What roles and qualifications do staff members have? Are there training programmes in place for staff to enhance their ability to work with this population?*
 - b. *Are there sufficient human resources and staff capacity for project implementation at all levels? Are there gaps in capacity?*
9. **How do you ensure that the services provided at the centres are responsive to the unique needs of migrant children?**
 - a. *What mechanisms are in place for assessing these needs?*
 - b. *How do you incorporate feedback from children and families into service improvements?*
 - c. *What steps are taken to facilitate their integration into local communities (e.g., education, employment support, social activities)?*
10. **[If relevant] How do you decide whether to place a child in an alternative care center? What happens if there is shortage of space in the centers?**
 - a. *Are certain groups of children more likely to be placed in these settings than others? If so, who and why?*
11. **What challenges do you think children and their families face in accessing services provided by your team / institution?**
[prompt: resources geographic location; access to transport; knowledge of services etc.]

Section 3: Coherence

12. **How do the centres collaborate with government entities and local communities to enhance support for migrant children?**
 - a. *What role do partnerships play in improving service delivery?*
 - b. *Are there specific examples of successful collaborations that have positively impacted outcomes for children?*
13. **Does your centre collaborate with other pilot centre in other locations?**

Section 4: Sustainability and efficiency

14. **What are the funding sources for the centre?**
 - a. *Is UNICEF involved in the short/long-term funding of the project?*
 - b. *Is there a financial sustainability plan in place after the project ends?*
15. **What challenges do your centres face in providing effective care for migrant children?**
 - a. *Are there specific barriers related to resources (e.g., funding, staffing, facilities)?*
 - b. *How do these challenges impact the overall effectiveness of the services you provide?*

Section 5: Quality and capacity

16. **What challenges does your institution / team face in delivering quality services to children and / or their families? What drives these**
17. **In your opinion, do the services which you provide address the needs of children including unaccompanied migrant children?**
 - a. *How do the services benefit children?*
 - b. *How do the services benefit the families of children?*

Section 6: Lessons learned and recommendations

18. **What lessons can be drawn from Morocco's approach to alternatives to detention for migrant children and support to migrant children?**
 - a. *How might this project influence your institution's advocacy and policy recommendations on access to justice for children on a national level?*

b. What lessons can other countries learn from Morocco? [Prompt: alternatives to detention, inter-sectorial coordination, resources, etc.]

19. What would be your recommendation for a) other countries seeking to implement a similar data management system and b) supporting governments to strengthen children's access to justice more broadly?

20. What further support does your centre need from international organizations like UNICEF to strengthen child protection systems, both within this programme and in other areas of child justice? child protection systems?

a. What are your views on the current gaps in justice systems for children?

b. Could you provide recommendations on priority areas for future collaboration or initiatives?

Thank the participant for their time.

Semi structured individual / group interview with individuals with direct experience of the services provided (adults or caregivers/parents)

Interviews will be carried out in a secure, quiet place, where the participant's responses cannot be overheard.

Introduce yourself.

Name of evaluator(s):	
Date of KII:	
Stakeholder entity:	
Administrative level (national; regional or district)	
Name of the city/ region/ district:	
Number of participants:	
Gender of participants:	
Has the information sheet been provided and explained?	
Has each participant provided their verbal informed consent?	

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Ask if any of the participants have any questions before commencing.

Section 1: Introduction

- 1. Can you tell me a bit about your community?**
 - a. Are there any challenges that your community faces in general?*
- 2. Do you think that children in your community have good knowledge and understanding of their rights (prompt about migrant and asylum-seeking children)?**
 - a. If yes, why?*
 - b. If no, why not?*
- 3. Are you aware of the Hjra wa Himaya Plus (HwH+) project?**
 - a. How did you first hear about the project? (e.g., through local authorities, NGOs, community members, or other channels)*
 - b. What is your understanding of the project and its purpose? What does it aim to achieve in terms of child protection and services for migrant children?*
- 4. Can you tell me a bit about your experience with using the services?**
 - a. What prompted you to seek these services?*
 - b. How did you first learn about the services offered by the Hjra wa Himaya Plus project? (e.g., referral from a government agency, NGO, word of mouth, etc.)*
 - c. Were there any challenges you faced in accessing these services?*

Section 2: Experience with the programme

5. **What specific types of support or services did you or your child receive from the Hjra wa Himaya Plus project?**
 - a. *How would you rate the quality of these services? In your opinion, how effective are the services in ensuring the safety and protection of migrant children? Can you share any examples of positive changes you've observed in your child as a result of these services?*
6. **How satisfied are you with the overall support provided by the Hjra wa Himaya Plus project?**
 - a. *Are there specific areas where you think improvements are needed?*
7. **How would you describe the communication and support provided by the staff at the day centers and alternative care centers?**
 - a. *Do you feel that your concerns and needs were heard and addressed?*
8. **Do you know of any other organisations and institutions in your local area providing services for children and families?**

Section 3: Closure and recommendations

9. **What changes or improvements would you suggest to enhance the quality and accessibility of the services provided by the Hjra wa Himaya Plus project?**
10. **How do you think feedback from caregivers and parents, like yourself, could be better integrated into the planning and improvement of services for migrant children?**

Focus Group Discussions with Community members

Interviews will be carried out in a secure, quiet place, where the participant's responses cannot be overheard.

Introduce yourself.

Name of evaluator(s):	
Date of KII:	
Stakeholder entity:	
Administrative level (national; regional or district)	
Name of the city/ region/ district:	
Number of participants:	
Gender of participants:	
Has the information sheet been provided and explained?	
Has each participant provided their verbal informed consent?	

Introduce study: We are conducting a case study on migrant and asylum-seeking children, with an emphasis on detention practices and non-custodial alternatives. The aim is to assess the current situation of asylum-seeking children in Morocco and to analyse UNICEF's project Hjra wa Himaya Plus (HwH+) for unaccompanied migrant and asylum-seeking children, and especially the extent to which it has promoted access to essential services and prevented detention. By doing so, the Case Study seeks to identify promising practices for improving the protection of vulnerable children and gain insights into the existing challenges, supporting global efforts to end child detention and enhance protection for children on the move in politically sensitive contexts.

The research case study forms part of a wider evaluation commissioned by the UNICEF Evaluation Office. The wider evaluation has been commissioned by UNICEF to conduct a global evaluation of the work of UNICEF in Access to Justice. The formative evaluation intends to assess UNICEF's readiness to implement the Reimagine Justice for Children Agenda (RJ4C). Research case studies have been selected to deepen understandings of key programmatic areas and themes within the RJ4C. Go through the information sheet and consent form and ask if there are any questions. In particular, explain that participation is voluntary and that participants may discontinue their involvement at any time. Gain informed consent and inform participants about anonymity.

Ask if any of the participants have any questions before commencing.

Section 1: Introduction

- 1. Can you tell me a bit about your community?**
 - a. Are there any challenges that your community faces in general?
- 2. Do you think that children in your community have good knowledge and understanding of their rights (prompt about migrant and asylum-seeking children)?**
 - a. *If yes, why?*
 - b. *If no, why not?*
- 3. What do you think are the main challenges faced by migrant children and their families in your community, especially in relation to access to justice and detention?**
 - a. *Do you think particular challenges impact girls more than boys? If so, what are these?*
- 4. How are migrant children perceived in your community?**
 - a. *Do community members generally welcome them?*
 - b. *Have there been any notable changes in how the community supports migrant children over time?*

Section 2: Awareness of the services in the community

- 5. Do you know of organisations and institutions in your local area providing services for migrant children and families?**
 - a. *What kind of services do they provide (e.g., legal aid, education, health)?*
 - b. *How accessible do you think these services are for migrant children and families?*

Annex C: Ethical Protocol

According to UNICEF's Procedure for ethical standards in research, evaluation, data collection and analysis,¹¹⁷ as the research will involve human subjects, it will be necessary for the methodology, data collection tools and ethical protocol and tools to undergo an internal ethical review. For this evaluation, it has been decided that the ethical review will be carried out by the Human Media Lab (HML) Ethics Review Board.

The research project will be carried out in compliance with UNICEF's *Ethics Charter and Guidance for Ethical Research Involving Children*¹¹⁸ developed by UNICEF and others and Coram International's *Ethical Guidelines for Field Research with Children*.¹¹⁹ This includes the following guiding principles.

Do no harm and best interests of the child

It is of paramount importance that evaluators protect the physical, social and psychological wellbeing, and the rights, interests and privacy of participants. This means that the welfare and best interests of participants are the primary consideration guiding the design of the methodology and data collection methods. The 'do no harm' principal applies throughout the research process, including in the selection and recruitment of participants, the development of the research methodology and tools and in the analysis, reporting and publication of data and findings.

It is the obligation of the researchers to identify and avoid harmful effects. If researchers identify that they are causing harm to a participant/s, the research will be stopped and the Team Leader informed.

Although interview with children will not be conducted the do no harm approach will guide the research and be applied adult research participants. Particular care will be taken to ensure that questions are asked sensitively and in a manner that is appropriate to the age, gender, ethnicity and social background of the participants. Clear language will be used which avoids victimisation, blame and judgement. Where it is clear that the interview is having a negative effect on a participant, the interview will be stopped. Any child protection or other safeguarding concerns are identified and dealt with appropriately (as detailed in this ethical protocol).

Interviews may cover particularly sensitive or traumatic material, and it is important to ensure that participants feel empowered and not like 'victims.' Steps will be taken to ensure this, as set out in this ethical protocol.

Inclusion and non-discrimination

The evaluation design and process will adhere to the principle of non-discrimination. The selection and recruitment of participants will be done in an inclusive way and a manner which avoids entrenching existing vulnerability, inequality or marginalisation of particular groups. Evaluation methods and tools must enable the participation by diverse groups of persons.

Harm / benefit analysis

A fundamental principle of ethical research with human participants is 'do no harm'. This means that the welfare and best interests of participants are the primary consideration guiding the design of the methodology and data collection methods.

UNICEF's and Coram International's ethical guidelines require a consideration of whether the research needs to be done, if children need to be involved in it, and, if so, in what capacity. An analysis of potential harms of the research on children and other participants, is required, along with an assessment of the benefits of the research. Strategies are required to ensure that children are not harmed as a result of their participation in the research, and that distress due to their participation is minimised.

Benefit analysis

The research case study forms part of a wider evaluation which Coram International has been contracted to undertake by the UNICEF Evaluation Office. The evaluation has been commissioned in order to contribute evidence that will enable UNICEF to

¹¹⁷ UNICEF, *UNICEF procedure on ethical standards in research, evaluation, data collection and analysis* (2021), Document Number PROCEDURE/OOR/2021/001.

¹¹⁸ Graham, A., Powell, M., Taylor, N., Anderson, D. and Fitzgerald, R. *Ethical research involving children* (2013), UNICEF Innocenti: Florence.

¹¹⁹ Berman, G., *Ethical considerations for evidence generation involving children on the COVID-19 pandemic* (2020), UNICEF Innocenti: Florence, DP 2020:01; The Market Research Society, *MRS Post-Covid-19 lockdown guidance: undertaking safe face-to-face data collection*, 14 July 2020.

deliver successful results in its work relating to access to justice for children. Specifically, the formative evaluation intends to assess UNICEF's readiness to implement the Reimagine Justice for Children Agenda. The evaluation will also include an evaluative baseline of UNICEF's work on access to justice, that will act as the grounds for a future summative evaluation. The evaluation is critical for generating evidence that will enable UNICEF to adjust its programme and advocacy on justice for children and improve the implementation of access to justice for children globally. As part of this evaluation, in-depth case studies have been commissioned in order to take a deep dive into specific themes and programmatic areas in the Reimagine Justice for Children (RJ4C) Agenda. The purpose of these case studies are to gain a deeper understanding of specific programmatic areas relating to the RJ4C Agenda. This research case study has been selected to analyse the current situation of asylum-seeking children in Morocco and to analyse UNICEF's project *Hjra wa Himaya Plus (HwH+)* for unaccompanied migrant and asylum-seeking children, and especially the extent to which it has promoted access to essential services and prevented detention. By doing so, the Case Study seeks to identify promising practices for improving the protection of vulnerable children and gain insights into the existing challenges, supporting global efforts to end child detention and enhance protection for children on the move in politically sensitive contexts.

Primary users of the wider Reimagine Justice Agenda evaluation to which this case study contributes, are UNICEF. There are three groups of primary users within this: UNICEF HQ, specifically the Programme Group, Child Protection and Migration unit, including Child Protection in Humanitarian Action unit, that guide organization-wide strategy on access to justice for children; the regional offices that contextualize strategies and provide technical support to countries; and the country offices that lead the implementation of programmes.

Secondary users will be the United Nations agencies and international organizations and platforms that are closely involved and advocate for access to justice in general, and justice for children in particular. For example, the findings and recommendations generated by the evaluation may contribute to the Secretary General Rule of Law Annual Report. Secondary users are also the full range of government, counterparts, civil society organizations and private sector partners at country level.

The ultimate beneficiaries of the broader RJ4C evaluation, into which this research case study contributes, are children. These include children in contact and conflict with the law, children in detention, children victim to sexual exploitation and abuse, as well as children in need of protection and who require access to justice.

Similarly, the ultimate beneficiaries of this specific case study are migrant children and their families in Morocco who require support services, including children in contact with the law, children in need of protection, and children in conflict with the law.

The evaluation will therefore involve primary data collection, consisting of KIIs at the national- and subnational-level, semi-structured interviews with service providers, focus group discussions with community members, and in-depth interviews with individual adults who have received services within the UNICEF's project *Hjra wa Himaya Plus (HwH+)*. The research will involve in-country primary data collection. Based on programmatic data, suggested research sites may include Rabat, Tangier, Tetouan and Oujda. The number of sites depends on the feasibility of travel across the five days allocated to data collection

Harm analysis

It should be noted that the data collection will be carried out according to the 'do no harm' principle – that, where the data collection is likely to cause harm to the participants, the needs of the participant will be paramount.

Front-line professionals and experts could face negative repercussions, including risks to their employment, should it be discovered that they have expressed views that are considered negative or contrary to dominant social norms, values and beliefs. However, this risk will be mitigated through an informed consent process, reminding participants they are free to withdraw from interviews or not answer questions, and through strict anonymity and data protection protocols (see below).

Strategies to mitigate the risk of harm

By taking the following strategies to mitigate the risks of harm, the researchers consider that the benefits of the evaluation outweigh the potential risks of undertaking primary data collection with the planned list of participants.

Selection and training of researchers

All researchers have necessary qualifications, knowledge and considerable experience carrying out primary data collection with professionals, government representatives, youth, children, families and community members, including on sensitive topics including child protection and child justice. In addition, researchers will all be involved in an orientation session prior to pre-testing of tools and data collection. This will be led by the Team Leader and will cover the purpose and aims of the research, ensuring familiarity with the data collection tools and training on the ethical protocol and tools.

International researchers have all undergone criminal history checks and all researchers, including national researchers, have been required to sign a code of conduct as part of the contracting process. In addition, all international researchers are employed by Coram International and have a duty to follow this ethical protocol.

Any interpreters accompanying the researchers will be contracted by the researchers and must sign a contract confirming that they will comply with this ethical protocol.

Testing tools

The data collection tools, along with ethical tools (information sheets and consent forms) will be piloted on a small sample of research participants, in order to test the understanding and utility of the tools and their cultural appropriateness, allowing for tools to be adjusted before data collection commences.

Recruitment of research participants

Researchers will need to ensure that recruitment of participants does not increase the risk of them suffering from harm through the experience through re-traumatisation (through, for example, discussion of traumatic experiences).

Selection of participants will be done through consultation with the UNICEF Morocco and NGOs / CSOs who work with them, to ensure participants are only involved where they are unlikely to experience secondary trauma through the interview process.

National and subnational experts will be selected through purposive sampling, targeting key stakeholders involved in the care and protection of migrant and asylum-seeking children in Morocco. This includes representatives from public institutions, civil society organizations (CSOs), local NGOs, child protection professionals, and judicial actors involved in implementing the SOPs and UNICEF's pilot project. The research team will collaborate closely with the UNICEF Morocco Country Office to identify participants best suited for the KIIs. This approach ensures that the research includes participants with direct, relevant expertise while incorporating a range of perspectives. **Focus group discussions (FGDs)** will be conducted with local stakeholders and community members during the in-country data collection phase. As with KIIs the sampling will adopt a purposive approach, targeting key stakeholders involved in the care and protection of migrant and asylum-seeking children in Morocco. Additionally, the sample may include community members and individuals with direct experience of the services provided, such as caregivers. Focus group discussions will be guided by a set of structured questions with scope to adapt and respond to individual participants and their experiences.

Design of data collection tools and data collection approaches and processes

The topics covered in the research may cause stress or distress to some participants, particularly those that have experienced types of violence or other treatment that are stigmatised (e.g. sexual abuse or exploitation). Throughout interviews, researchers will be led by the 'do no harm' principle, which requires that the data collection be considered secondary to the need to avoid harm to participants. Where it is clear that the interview is having a negative effect on a participant (e.g. the participant breaks down, becomes very quiet and withdrawn, becomes shaky etc.), researchers will be advised to suggest stopping the interview and will suggest follow up support to the participant. Where participants reveal current or past experiences of violence or exploitation, researchers will convey empathy, but will not show shock or anger, as this can be harmful to persons who have experienced violence. These matters will be covered during the orientation session.

In order to reduce the risk of stress or distress to participants:

- Participants will be informed about the purpose and objectives of the data collection and how their responses will be stored and used. Interviews will not proceed without the informed consent of the participant.
- Data collection tools have been designed in a manner that avoids direct, confronting questions, judgement and blame. The learning purpose of the evaluation will be emphasised for professionals and practitioners.
- No children will be interviewed for the research.
- The tools have been developed and consulted upon to ensure that they are relevant to the cultural context. Pre-testing these tools will ensure that they are relevant and appropriate and that they avoid confronting or culturally insensitive ways of asking the questions.
- For parents/legal guardians, interviews may cover particularly sensitive topics, and it is important to ensure that participants feel empowered and not like 'victims'. Interviews will finish on a 'positive or empowering note' (e.g. asking questions about what would improve the situation of children in their community; asking about their future hopes). This approach will help to ensure that participants do not leave the interview focusing on past experiences which may be (dis)stressful for them.
- The researchers will remind participants that they can refuse to answer any or all questions without any negative consequences.

Ensuring the safety of participants and Researchers

All data collection will take place face to face in daylight hours. Coram International will take measures to support the mental wellbeing of Researchers. Interviews will be held in person in a safe space that allows for private conversation that cannot be overheard but where the participant and evaluator is not placed at risk by, for example, being interviewed in a locked room.

For online KIIs, researchers will ask participants to ensure that they are comfortable that their responses cannot be overheard. Online interviews will take place either on Zoom or Microsoft Teams using a password protected link that only the evaluation team and participants have access to.

Coram International will take measures to support the mental wellbeing of its evaluation team. Coram International has a Mental Health First Aid focal point within its staff for its employees and a confidential mental health helpline. The national evaluator will be provided with the Team Leader's direct telephone number so that she can consult and/or debrief with her as she feels necessary. Evaluators will also be sign-posted to counselling services if required

Responding to trauma, distress and protection disclosures

During the data collection process, participants may disclose information that raises child protection concerns – i.e. that they are at risk of significant harm. In the event that the evaluator receives information that a child is suffering or at high risk of suffering immediate harm, the evaluator will take the following measures:

- The evaluator will immediately fill in a 'safeguarding incident report form' which will be emailed immediately to the Team Leader (see Annex C). If written notification cannot be provided immediately (e.g. because the evaluator is in the field with no internet connection), notification will be made orally by telephone, followed by written notification as soon as possible.
- The Team Leader notify the Director of Coram International of the report immediately and consult with her on whether or not the matter meets the criteria for reporting. If so, the Team Leader will refer the matter to the designated child protection focal point in UNICEF for appropriate action.

Safeguarding incident reporting criteria:

- The issue concerns a new case, i.e. a case/child that is not already known to a child protection agency; and
- The threshold of harm has to be high, i.e. significant harm;¹²⁰ and
- The abuse is ongoing or highly likely to occur, such that the child is suffering or is likely to suffer significant harm.

- As a matter of good practice, where possible and appropriate, the child's informed consent should be prioritised before reporting the matter to UNICEF. However, this is unlikely to be possible in practice and risks raising the child's expectations on the course of action to be taken.
- The UNICEF safeguarding focal point Yuko Osawa, will receive referrals of reportable cases by the Team Leader. They will then consider the report and respond to it appropriately according to the child's best interests (e.g. whether to report the matter to national child protection authorities, refer the matter to an appropriate NGO service provider).

All children will be informed, before commencing the interview, about this exception to keeping the child's identity confidential. The interview will only proceed with the child's informed consent.

It is also possible that adult participants disclose information which indicates that they may be at risk of significant harm / experiencing significant harm. In these cases, it is essential that participants provide consent to any protection referrals. In these cases, participants will be given a list of service providers that they are able to contact to receive support or assistance if they so wish.

Principle of respect: informed consent, privacy and confidentiality

The evaluators will ensure that all participation in the research is voluntary and takes place only if informed consent is given by each participant.

Informed consent and voluntary participation

Researchers will ensure that participation in the research is on a voluntary basis. Researchers will explain to participants in clear, age-appropriate language that participants are not *required* to participate in the research, and that they may stop participating in the research at any time. Researchers will carefully explain that refusal to participate will not result in any negative consequences. Researchers will explain that incentives will not be provided to participants to ensure that

¹²⁰ 'Significant harm' includes, but is not limited to, cases where the child has sustained, as a result of abuse or neglect, any or all of the following (this list is non-exhaustive): a potentially life-threatening injury; serious and/or likely long-term impairment of physical or mental health or physical, intellectual, emotional, social or behavioural development.

participation in the research has not been induced. However, researchers may provide refreshments (drink and biscuits) during the interviews. Any reimbursements for travel costs to attend the research interview will be agreed between UNICEF and the stakeholder through which participants are accessed. Participants will be clearly advised that their participation or lack of participation in the study will not lead to any direct benefits or sanctions / removal of benefits.

All research participants will be required to give positive informed consent in order to participate in the study. Researchers will use information and consent forms with interviews with national stakeholders and front-line professionals / service providers and adult service beneficiaries, and where possible and where this would be appropriate and not intimidating for young people. All participants will be given an information sheet containing information about the study and ethical protocol, along with the contact details of service providers in case the participant requires access to services following the interview. These information sheets will be translated into French/Arabic prior to the commencement of data collection. Where a participant is unable to provide written consent (e.g. due to an inability to read and write), researchers will verbally go over key information in the information sheet and ensure that the participants understand it. The researcher will receive verbal consent, which will be recorded on the interview transcript, before proceeding with the interview.

At the start of each interview, participants will be informed of the purpose and nature of the study, their contribution, and how the data collected from them will be stored, used and destroyed, verbally and through an information sheet, which will be made available in their language. The information sheet explains, in clear, age-appropriate language, the nature of the study, the participant's expected contribution and the fact that participation is entirely voluntary. Evaluators will recap the information sheet before the interview and check that the participant understands it before asking for informed consent to proceed. If the evaluator is unsure that the participant has understood the information sheet, the evaluator will request the participant to relay the key information back to them to ensure that they have understood it. Participants will also be advised that the information they provide will be held in strict confidence (see below).

Anonymity, confidentiality and data protection

The identity of all research participants will be kept confidential throughout the process of data collection as well as in the analysis and writing up study findings. The following measures will be used to ensure anonymity:

- Interviews will take place in a secure, private location ensuring that the participant's answers are not overheard.
- Evaluators will record interviews on password protected mobile phones (or laptops for online KIIs) that only the research team has access to. As soon as the interview is complete, the evaluators will password protect the recording file and upload it to a dropbox folder which only Coram International staff and the evaluators have access to. The Project Manager will download the audio files and use Fireflies software to transcribe the interview.
- Once transcripts have been prepared, the Project Manager will move all audio recordings to Coram International's secure work drive (only accessible to relevant Coram staff) and instruct all evaluators to delete the audio files from their phones. The evaluators will delete the audio recordings from their password-protected phones as soon as the Project Manager confirms safe receipt of the audio file.
- The Project Manager will anonymise the transcripts so far as possible (i.e. ensuring that names are redacted) before saving the transcripts in the dropbox folder, which only Coram International staff and the evaluators have access to.
- Audio recordings saved on Coram International's secure drive will be destroyed as soon as the evaluation is complete (which is expected to be in December 2024). The transcripts will be moved to Coram International's secure drive (only accessible to relevant Coram staff) and held for 7 years, after which they will be destroyed or fully-anonymised.
- Evaluators will keep any typed or written notes from interviews confidential either in a locked drawer or password-protected laptop that only the evaluator has access to. As soon as the transcripts have been prepared, the Project Manager will inform the evaluators to destroy these written notes, which they will do immediately upon receiving this instruction.
- Research findings will be presented in such a way so as to ensure that individuals are not able to be identified (see further above).

All participants will be informed of their rights to anonymity and confidentiality throughout the research process, verbally and in information sheets.

Annex D: Information and Consent Forms

Participant information sheet

Research on the detention practices and alternatives to detention for children in conflict with the law in Morocco, as part of the Access to Justice Global Evaluation

Team Leader: Professor Dame Carolyn Hamilton

Researchers: Sihana Bina

Organisation: Coram International

Funder: UNICEF Evaluation Office

Introduction:

- Coram International, a UK-based charity, has been contracted by UNICEF HQ to carry out an evaluation of UNICEF's Reimagine Justice for Children Agenda. The formative evaluation intends to assess UNICEF's readiness to implement the Reimagine Justice for Children (RJ4C) Agenda globally.
- As part of the evaluation, Coram International are undertaking in-depth, country case studies to deepen understanding of specific areas within the RJ4C Agenda. Morocco has been selected as a research case study, looking at the detention practices and alternatives to detention in Morocco.

Participant Selection:

- You are being invited to take part in this study because of your specialist knowledge of and/or involvement in the use of alternatives to detention, and/or juvenile justice more broadly.

Aim and Purpose of the Research:

- The primary **purpose** of the research case study is to generate findings and evidence which contribute to the broader global Access to Justice evaluation.
- This research case study has been selected in order to deepen our understanding of detention practices and the use of alternatives to detention within the framework of the Reimagine Justice for Children Agenda. This research case study will also generate findings and evidence with value as a stand-alone document. These findings may contribute to UNICEF Morocco's Country Office's programming in relation to detention and alternatives to detention, as well as broader justice programming.

Research Activity:

- We would like to invite you to take part in an interview to contribute to the study. The interview will last approximately **1 hour**.
- This interview will focus on Morocco's detention practices and implementation of alternatives to detention it relates to the RJ4C Agenda.

Research Procedures:

- During the interview, the researcher will take notes, but they will **not** record your name or other personal details, to keep your information confidential. If we need to share interview transcripts with UNICEF for analysis, we will remove all identifiable information before sharing.
- Seven years after the project is completed, Coram International will destroy the responses and then will only be able to store the data in a fully anonymised form.

Anonymity:

- We will take notes during the interview. The notes from the interview will be stored on a secure server protected by a password that only researchers from Coram International can access.
- However, if you mention anything during the conversation where your safety, or the safety of someone under 18 years old is at risk, the researcher may need to inform the appropriate authorities. If this occurs, the researcher will inform you beforehand.

Uses of Information/Sharing the Report

- Once we have finished our research, we will write a research report so that other people can read about the results. We may also talk about the report in a conference or meeting.
- We will not include your name or any other personal information in the report, so no one will be able to know that you took part.
- We will, with your permission, state the name of your organisation and your location, and job title, so it may be possible to identify you. However, we will remove some of this information should you request this. **Please inform the researcher if you do not wish to have any of this information recorded or reported.**

Data Protection

- To help us arrange a meeting with you, we will have your name and contact information (such as your email address and/or phone number) collected either from you or from another person. This contact information will be securely stored on a password-protected server or online storage platform.
- Similarly, if we request contact information of other professionals from you to help us collect more data, that information will be securely stored on a password-protected server or online storage platform.
- We will only use this personal information (name, email address, or phone number) for the purpose of arranging interviews. We will not share this personal information with anyone other than the research team without your prior consent.
- We will delete and destroy this personal information immediately after the end of the evaluation project. The project is expected to end in April 2025.
- If you do not wish for us to store or use your personal information, please inform the person you have contacted and we will delete your personal information immediately.

Benefits and reimbursements

- There are no direct benefits to you from participating in the research, such as goods or services. However, the information you provide can help UNICEF improve their activities and support access to justice for children in Morocco.

Risks

- We also ask that you do not talk to other people about what was discussed today, this should be confidential.
- If you feel upset, distressed or worried about anything after the discussion, we can direct you to a service or person you can talk to.

Voluntary Participation/Right to Refuse or Withdraw

- It is entirely up to you if you want to take part or not.
- If you do not want to take part, you do not have to. If you decide to take part and there are any questions that you do not feel comfortable answering, you do not have to answer them.
- If you decide to take part, you can still decide to stop at any time. If you decide that you do not want to take part any longer, just let the researcher know or leave quietly.

Who to Contact

- If you have any questions, feel free to ask them now.
- If you have any questions after the discussion, you can email international@coramclc.org.uk.

Consent

- If you agree to take part in this research, please give your verbal consent to the researcher, confirming the following:
- You have read the above information, or it has been read to you in a language that you understand.
- The purposes of the study, the procedures, the benefits and any risks have been explained to your satisfaction.
- You have had the opportunity to ask questions and any questions you asked have been answered to your satisfaction.
- You consent voluntarily to be a participant in this study.

Thank you

Participant information and consent form (child)

Research on the detention practices and alternatives to detention for children in conflict with the law in Morocco, as part of the Access to Justice Global Evaluation

Team Leader: Professor Dame Carolyn Hamilton

Researchers: Sihana Bina

Organisation: Coram International

Funder: UNICEF Evaluation Office

Invitation

- You are invited to take part in research on how UNICEF can help protect children in Morocco and support their families.
- Coram International, a UK-based charity, is doing this research for UNICEF and its partners.
- You are being invited to take part in a research interview because of your contact with the child protection or child justice system.

Research Activity:

- We would like to invite you to take part in an interview for this research.
- During the interview, we will ask you questions about your experiences in the child protection or child justice system and any services that you or your family have received to support you.
- We will ask you for your opinion on how helpful (or not) you have found the services or support that you or your family have received and why.
- We may also ask you for your opinion on what UNICEF can do to help children and families in a similar situation to you.
- The research is a learning exercise for UNICEF. There are no right or wrong answers. We just want to learn from you.

Voluntary Participation and Right to Refuse or Withdraw

- It is up to you if you want to take part in the interview or not.
- If you do not want to take part, you do not have to.
- If you decide to take part, you can still decide to stop at any time.
- If you decide that you do not want to take part any longer, just let the evaluator know and we will stop the interview.

What are the possible benefits of taking part?

- There are no immediate benefits to you or your family if you take part in the interview.
- However, the research will help UNICEF and its partners in planning how to protect children from harm and support their families.

What are the possible risks of taking part?

- If you feel any uncomfortable or stress during the interview, you can pause the interview and carry on after a break, change topics or stop the interview.
- If you feel upset, stressed or worried about anything after the interview, we can direct you to a service or person you can talk to.

Research Procedures:

- The interview will last around **30 minutes-1 hour**.
- We may take handwritten or typed notes during our discussion.
- If the researcher is an international researcher, they may have an interpreter (someone who can speak their language and yours so that you can understand each other).
- If you would like, you can ask a trusted adult to join you during the interview for moral support. This may be your parent, legal guardian or another trusted adult, but not someone who is providing you with services.

Confidentiality and data privacy:

- The researchers will not give any information that may reveal who you are to anyone outside of the research team. In other words, we will keep your taking part in the research confidential.
- We will prepare notes of the interview but we will not write your name or contact details on the notes.
- We will not share the notes with anyone outside of the research team. This includes not sharing notes with UNICEF.
- We will store the notes on a computer server that is protected by a password that only the research team can access.
- We will keep the notes on our secure server for up to seven years; after this, we will destroy them or make sure that any information that may reveal who you are is deleted.

Uses of Information:

- Once we have finished the research, we will write a report so that other people can read about the results. We may also talk about the report in conferences or meetings.
- We may use the information you provide during the interview in the report but we will not include your name or any other information which may identify you; your identity will remain confidential.

Who to Contact

- If you have any questions, please ask the researcher at the beginning of the interview.
- If you have any questions before or after the interview, you can also email the researchers at international@coramclc.org.uk.

Consent

- If you agree to take part in this interview, please can you and/or your parent or legal guardian sign the consent form on the next page.
- Please give the signed consent form to the researcher at the start of the interview.
- The researcher will also go over this information sheet with you and check whether you agree to take part in the interview.

Certificate of Informed Consent

- I have read the information sheet on the research on how UNICEF can help protect children, or it has been read to me.
- I understand the information sheet.
- I have been able to ask any questions about the research and information sheet and they have been answered.
- I agree to be interviewed for this research.

Name of child: _____

Signature of child: _____

Date of agreement: _____ Day/month/year

Name of parent/guardian: _____

Signature of parent/guardian: _____

Date of agreement: _____ Day/month/year

Annex E: Case Study Inception Report

Introduction

The UNICEF Evaluation Office has commissioned Coram International to undertake a global evaluation of the work of UNICEF on Access to Justice. The evaluation is intended to be a forward looking, formative evaluation with the primary purpose of contributing evidence that will enable UNICEF to deliver successful results under its new Justice for Children Agenda (RJ4C) 2021.¹²¹ The evaluation results will provide information to UNICEF that will enable it to adjust its programme and advocacy on justice for children and improve the implementation of access to justice for children. This evaluation will also provide a baseline of UNICEF's work on access to justice for children, that will set the ground for a summative evaluation in the future.

As part of the global evaluation Coram is carrying out eight in-depth case studies to '*deepen the understanding of particular programmatic issues or themes*' within the RJ4C Agenda. The case studies are intended to take a 'deep-dive' approach of the pillars of the agenda; each exploring, in a localised, contextualised manner, a different thematic issue relevant to children's rights in the context of the agenda. These will be 20-page standalone research documents, and the evidence generated will also be fed into the main evaluation report.

The Morocco case study will focus on detention practices and non-custodial alternatives for children, including children on the move (asylum-seeking, refugee and migrant children) in Morocco. Further the study aims to look at the effectiveness of UNICEF justice programme in promoting alternatives to detention. Particularly, the research will focus on if and how these initiatives have promoted alternatives to detention, strengthened coordination between the justice system and social protection services, and facilitated the integration of vulnerable children, including children on the move, into the national child protection framework. By doing so, the case study seeks to identify promising practices for improving the protection of vulnerable children and gain insights into the existing challenges, supporting global efforts to end child detention and enhance protection for children on the move in politically sensitive contexts.

This inception report contains the following:

- Contextual overview and rationale for the research;
- Methodology for the research, including data collection methods and sampling rationale; and
- Workplan and timeline for the research;
- Data collection tools (Annexed).

The research will be designed and led by Coram International, with assistance from UNICEF Morocco. Data collection will be carried out by Coram International.

Context and Rationale

Morocco is a lower middle-income country in North Africa with a population of around 36 million in 2024. Children under 18 represent make up 29 per cent of the population.¹²² The most prevalent forms of violence against children include sexual, physical, and psychological abuse, as well as family abandonment.¹²³ Recognizing the need for a more effective and accessible justice system, Morocco's Ministry of Justice introduced a comprehensive justice reform in 2013. The reform aimed to address structural challenges and improve the fairness, efficiency, and inclusivity of the justice system. Including juvenile justice.

Additionally, Morocco is a key transit and destination country for migrants and asylum seekers in the MENA region, having experienced multiple waves of migration over recent decades. Migrants, refugees, and asylum-seekers use the country as a transit point for their journey to Europe, either by sea to mainland Spain or the Canary Islands, or by land through the Spanish territories of Ceuta and Melilla — the only land borders between Africa and Europe.¹²⁴ By the end of 2021 there were 18,248 individuals registered with UNHCR Morocco. Among them, 9,277 were refugees and 8,971 were asylum-seekers. Of the

¹²¹ The TOR state that success will be defined and measured by the Result 2 Area statement, from the Goal area 3 of the Strategic Plan 2022-2025: "*Children, including those affected by humanitarian crises, benefit from the promotion of care, mental health and psychosocial well-being, and justice*", linked to the *Child Protection Strategy 2021-2030 goals* "

¹²² UNICEF Morocco, the Situation of Children in Morocco, Country Factsheet: September 2022.

¹²³ UNICEF Morocco, Final Project Report for the Himaya Plus Project "Acting to prevent risks & strengthen the protection of children in contact with the law", 2023.

¹²⁴ Global Detention Project (GDP), Country Report Immigration Detention in Morocco: Still Waiting for Reforms as Europe Increases Pressure to Block Migrants and Asylum Seekers, July 2021.

registered refugees, 31.3 per cent were children.¹²⁵ The number of unaccompanied children on the move is unclear, with many living in unstable conditions that prevent the development of tailored and sustainable solutions. These vulnerabilities further strain Morocco's juvenile justice and social protection systems, underscoring the need for continued reform and investment in child-focused programmes.

Legal framework

Morocco has ratified the UN Convention on the Rights of the Child (1993) and the 1951 Refugee Convention (1956), demonstrating its commitment to protecting the rights of children and refugees. However, it has not ratified the 1954 Convention relating to the Status of Stateless Persons nor the 1961 Convention on the Reduction of Statelessness.¹²⁶ The Moroccan Constitution of 2011 affirms that international agreements take precedence over domestic laws, and includes safeguards against arbitrary detention, guarantees of legal rights for detainees, and equal freedoms for both nationals and non-nationals.¹²⁷

Key legislation concerning child protection in Morocco include the Criminal Code and the Family Code, both of which address issues relating to detention, violence and abuse. Criminal Procedure Code prohibits the detention of children below the age of 12,¹²⁸ while children above the age of 12 should only be detained as a last resort and must be held separately from adults.¹²⁹ Additionally, the Criminal Procedure Code encourages mediation and alternatives to detention, such as placing minors in the care of educational and rehabilitation organizations.¹³⁰ While the law prioritizes rehabilitation over punishment for minors, in practice, there is limited focus on reintegration, and most minors are sent to prison or juvenile detention centres.¹³¹

In 2013, as part of the justice reform the Ministry of Justice adopted an Integrated Public Policy for Child Protection in Morocco (PIPEM). This policy aims to create a protective and sustainable environment for children, protecting them from all forms of neglect, abuse, violence, and exploitation, while establishing a harmonized framework for all actors involved in the promotion and protection of children's rights. This policy covers all vulnerable children, including those in difficult circumstances, neglected children, as well as children in conflict with the law and victims of crime. To implement this policy, two national programmes were adopted for the periods 2015–2020 and 2023–2026. These programmes define the roles and responsibilities of all relevant actors, ensuring the provision of services tailored to meet each child's unique needs.

Migration is primarily governed by Law no. 02-03 relating to the entry and stay of foreigners in the Kingdom of Morocco, adopted in 2003, known as the Migration Act. This law has been criticized for its security-focused approach to migration.¹³² It outlines provisions for immigration detention and criminalizes illegal entry without exceptions for refugees and asylum seekers, contradicting the 1951 Refugee Convention. The Migration Act does not explicitly allow for the detention of minors for migration-related reasons, but it also fails to expressly prohibit such practices. While the Act includes provisions to protect children from expulsion (Article 26) and deportation (Article 29) this legal protection seems to be in contradiction with reported incidents. Numerous reports have emerged alleging that children, including unaccompanied minors, have been abandoned by security forces in the desert area between Morocco and Algeria. This concern was also highlighted by the Committee on the Rights of the Child (CRC) in its 2014 Concluding Observations.¹³³

In 2013, Morocco's National Human Rights Council recommended the adoption of a new migration and asylum policy in line with the international standards. It also called for the creation of an institutional framework to support migrant integration. In 2014, the National Strategy for Immigration and Asylum (NSIA) was adopted, proposing the establishment of three new

¹²⁵ United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 4th Cycle, 41st Session.

¹²⁶ United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 4th Cycle, 41st Session.

¹²⁷ Global Detention Project (GDP), Country Report Immigration Detention in Morocco: Still Waiting for Reforms as Europe Increases Pressure to Block Migrants and Asylum Seekers, July 2021.

¹²⁸ Article 138.

¹²⁹ Article 473 of the Criminal Procedure Code.

¹³⁰ Article 41.

¹³¹ Khadija El Atri, "An Overview of Juvenile Justice Laws In Morocco", December 2020, available at: <https://revues.imist.ma/index.php/LIRI/article/download/24201/12811/63468>

¹³² Ibid.

¹³³ UN Committee on the Rights of the Child (CRC), "Concluding Observations on the Combined Third and Fourth Periodic Reports of Morocco," CRC/C/MAR/CO/3-4, 14 October 2014, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/MAR/CO/3-4&Lang=En

laws: one on human trafficking, which has since been implemented, and two others on asylum and migration. At the time of writing, Morocco has yet to enact comprehensive new legislation on asylum and migration.¹³⁴

Detention of children

Data from the Public Prosecution Office reveals that in 2023, 2,406 children were deprived of liberty, with 1,360 in detention and 1,046 in child protection centres.¹³⁵ The data also shows that nearly half of the measures taken against juveniles following court rulings involved reintegration into their families, which is a positive step in prioritizing family-based solutions and rehabilitation over punitive measures.

In 2013, the National Human Rights Council highlighted severe rights violations in Child Protection Centres (CPE), including poor living conditions and lack of proper care.¹³⁶ However, there is insufficient available literature on the situation in these centres post-2013. In its 2014 Concluding Observations, the CRC Committee urged Morocco to end the arrest, arbitrary detention, and deportation of children, and to expedite the establishment of a legal and institutional framework that ensures the rights of unaccompanied migrant, asylum-seeking, and refugee children to be protected in accordance with international refugee and human rights laws. While Article 34 of Morocco's Migration Act mandates the establishment of official immigration detention centres separate from the prison system, such facilities have not yet been created. Currently, non-nationals who are detained are held in a variety of locations, including child protection centres, prisons, police stations, transit zones, and makeshift sites like schools, children's homes, and homeless shelters.¹³⁷ In February 2021, the Moroccan Association for Human Rights (AMDH) reported that 26 migrants, including five children, were detained for nearly a month in a children's home in Guelmim, southern Morocco.¹³⁸

In response to the COVID-19 pandemic, Morocco made significant efforts to reduce the number of children deprived of liberty. In March 2020, the Ministry of Culture, Youth, and Sports and the Public Prosecutor's Office coordinated a review of cases, leading to the release of 307 children from child protection centres. From March to May 2020, an additional 256 children were released from prisons, resulting in a notable 23 per cent decrease in child detention.¹³⁹ These measures, supported by UNICEF, aimed to protect children's rights during the pandemic by prioritizing non-custodial measures and family reintegration. However, it remains unclear if these releases also included migrant and asylum-seeking children.

UNICEF played a crucial role in post-release reintegration, partnering with the Mohammed VI Foundation for the Rehabilitation of Detainees to provide multi-sectoral support, including food, medical assistance, and psychosocial services.¹⁴⁰ The pandemic underscored the importance of effective cooperation between the executive, judiciary, and civil society in safeguarding children's rights. Key lessons from this initiative include the need for cooperation, strengthened referral systems, and improved psychosocial support for vulnerable children.

The detention of children in Morocco remains a pressing issue that requires systemic reforms. Addressing resource gaps, improving infrastructure, and prioritizing the rights and needs of children are critical to ensuring a just and effective child protection system.

UNICEF's programme

Building on efforts to address challenges in child protection and juvenile justice, UNICEF Morocco has launched several initiatives aimed at improving children's access to justice. One of the key programmes is the EU-funded "Himaya" projects, which focus on reforming the justice system to better protect children and uphold their rights in accordance with international standards.

The initial phase, "*Himaya – Children's access to justice*" (2016–2020), followed by "*Himaya Plus – Acting to prevent risks & strengthen the protection of children in contact with the law*" (2021–2023), aimed to prevent institutionalization, promote alternatives to detention with proper social rehabilitation, and minimize the separation of children from their families. The

¹³⁴ Global Detention Project (GDP), Country Report Immigration Detention in Morocco: Still Waiting for Reforms as Europe Increases Pressure to Block Migrants and Asylum Seekers, July 2021.

¹³⁵ Public Prosecution Office, 2023 Statistics in the Field of Child Protection.

¹³⁶ UNICEF Morocco, Final Project Report for the Himaya Plus Project "Acting to prevent risks & strengthen the protection of children in contact with the law", 2023.

¹³⁷ Global Detention Project (GDP), Country Report Immigration Detention in Morocco: Still Waiting for Reforms as Europe Increases Pressure to Block Migrants and Asylum Seekers, July 2021.

¹³⁸ Moroccan Association for Human Rights (AMDH), "Facebook Update," 17 February 2021, <https://www.facebook.com/AmdhNador/videos/47662998038258>.

¹³⁹ UNICEF, Release of Children Deprived of Liberty in Morocco in Response to COVID-19, December 2020, available at: <https://www.unicef.org/media/93116/file/Release-Children-Deprived-Liberty-Morocco-2021.pdf>

¹⁴⁰ Ibid.

first phase of the Himaya project laid the foundation for a child-friendly justice system in Morocco, focusing on aligning judicial practices with international standards to protect children. It prioritized alternatives to detention, such as family reintegration and educational measures, while also training justice professionals and establishing child-friendly court spaces. Building on this, Himaya Plus emphasized prevention and alternatives to detention and institutional placement. It aimed to improve institutional and intersectoral coordination to prevent risks and provide care for vulnerable children. Additionally, it supported pilot initiatives led by institutional and civil society partners to strengthen prevention measures and promote the protective role of families and local communities.¹⁴¹ The project also trained over 3,600 professionals and established child-friendly spaces in courts.¹⁴²

In parallel, the *Hjra wa Himaya Plus* (HwH+) project (2020-2022), also part of the EU-funded programme, has focused on improving the quality, accessibility, and inclusiveness of essential services, particularly child protection for migrant children,¹⁴³ adopting a dual approach of direct support for vulnerable children and systemic improvements within Morocco's child protection framework. This included fostering NGO-institutional collaboration, developing care standards, and building the capacity to integrate migrant children into national systems. As part of the project from 2019 to 2022 UNICEF collaborated with Morocco's Public Prosecution Office to develop Standard Operating Procedures (SOPs) aimed at enhancing the support provided to children in migration situations. The goal of the SOPs is to prioritize the best interests of migrant children, providing sustainable solutions for their integration in Morocco or reintegration into their country of origin. The SOPs ensure children receive comprehensive social, educational, and professional support without replacing existing institutional systems.

Looking ahead, UNICEF aims to continue the third phase of the Himaya project (2025-2026), deepening these efforts to ensure access to justice for children in conflict with the law through collaboration with social actors, provide coordinated support for children at risk or victims of violence within territorial protection systems, and improve access to rights and essential services for children in migration situations, in line with international standards.

Justice for Children - A Reimagined Agenda for UNICEF

The RJ4C Agenda sets out a framework through which for justice for children can be achieved. The framework is made up of six interconnected and mutually reinforcing priority actions for child protection programming which are underpinned by a foundation of non-discrimination. These six pillars are:

1. Every child knows and can claim their rights
2. Every child can access free legal aid, representation and services
3. **Every child in conflict with the law can be diverted**
4. **Every child is protected from detention**
5. Every child survivor of sexual violence, abuse or exploitation received justice
6. **Every child can access alternative dispute resolution or child friendly courts**

Looking at the pillars, UNICEF's programme aligns closely with **Pillar 4** of the agenda, ensuring every child is protected from detention. UNICEF initiatives have prioritized protecting children, including those on the move, from detention by promoting alternatives such as family reintegration and community-based measures.

UNICEF programme also align with **Pillar 6**, which advocates for access to alternative dispute resolution and child-friendly courts. The initiatives have created child-friendly spaces within the judicial system, ensuring children in contact and conflict with the law are treated with dignity and respect. By offering alternatives to formal court processes, these initiatives have worked to make the justice system more accessible and appropriate for children. Additionally, the programme contributes to **Pillar 3**, focusing on diverting children in conflict with the law away from detention and toward more rehabilitative and supportive measures. While challenges remain, the programme represents significant progress in aligning Morocco's child protection practices with the RJ4C Agenda. The UNICEF initiatives work towards a justice system that prioritizes the best interests of the child and reduces reliance on detention.

Further, UNICEF Morocco's project reports highlight that the Himaya projects align with the overall RJ4C Agenda. Given this it is crucial to explore the influence the RJ4C Agenda has had on the development and implementation of these projects, as well as on future interventions in Morocco's child protection and juvenile justice systems.

By focusing on Morocco, this case study not only supports the Agenda's goal of ending child detention but also provides valuable insights into how legal and policy reforms can better protect children in complex and politically sensitive contexts.

¹⁴¹ UNICEF Morocco, Final Project Report for the Himaya Plus Project "Acting to prevent risks & strengthen the protection of children in contact with the law", 2023.

¹⁴² Ibid.

¹⁴³ UNICEF Morocco, Final Project Report for the Hjra wa Himaya Plus (HwH+) project, April 2023.

Research aim and scope

This study aims to assess detention practices and non-custodial alternatives for children, including children on the move, in Morocco. It will evaluate the effectiveness of UNICEF programme in protecting these children from detention and promoting their rights. The research will focus on *if* and *how* these initiatives have promoted alternatives to detention, strengthened coordination between the justice system and social protection services, and facilitated the integration of vulnerable children, including children on the move, into the national child protection framework.

Research Scope: The study will cover the implementation of the UNICEF programme, assessing their results at both national and provincial levels.

Research questions

Current practices and conditions in the care and detention of children

1. What are the current practices and conditions regarding the care and detention of children in conflict with the law in Morocco, including children on the move?
2. To what extent do the Child Protection Centres differ from detention facilities, and what are the conditions in the Centres as well as the conditions in detention facilities?
3. What non-custodial alternatives to detention are available for children, and how are they implemented? How do these practice differ for children on the move?
4. To what extent do factors relating to a child in contact with the law (age, profile, migration status and alleged offence) influence the nature and degree of implementation of alternatives to detention?
5. How effective are these alternatives in addressing the needs of children, including those for children the move (asylum-seekers, refugees, and migrant children)?
6. How do these practices align with the principles of non-discrimination and non-custodial measures outlined in the RJ4C Agenda?
7. How did the COVID-19 pandemic impact detention practices for children, including children on the move, in Morocco, and what role did UNICEF play in facilitating the release of children from detention during this period? Were the changes in practice brought about by COVID-19, sustained?

Effectiveness of the UNICEF Programme

1. How effective is UNICEF's programme in preventing detention of children, including children on the move and enhancing the support and access to services?
2. How has UNICEF's programme contributed to reducing the use of detention for children in Morocco?
3. To what extent has the UNICEF programme fostered alternatives to detention, such as family reintegration or community-based measures?
4. What gaps, if any, exist in the services provided by UNICEF for the protection of children on the move?
5. How have these initiatives improved coordination between the justice system and social protection services, particularly in relation to protecting them from detention?
6. What mechanisms are in place for coordination and collaboration?
7. Is there a skilled workforce, including judicial officers and social workers to support children in conflict with the law and implement non-custodial alternatives to detention?
8. How does UNICEF's programme contribute to sustainable protection solutions?
9. What are the enabling factors and barriers which influence the sustainability of the interventions?
10. To what extent has the intervention been institutionalised by the Government?

Alignment with RJ4C Agenda

1. To what extent has and is the Agenda guiding UNICEF's programme on implementing alternatives to detention and diversion?
2. How does the UNICEF programme align with the RJ4C Agenda's six pillars, and what lessons can be learned for scaling these efforts?

Scope

Thematic scope

The scope of the research has been refined in the inception phase in consultation with the UNICEF Country Office, and will look at the detention practices and non-custodial alternatives for children, including children on the move, in Morocco and analyse the effectiveness of UNICEF's programme in protecting these children from detention and promoting their rights.

Geographic scope

Whilst primary data collection is not feasible across all the country, secondary literature relating to the current practices and conditions regarding the care and detention of children in Morocco will be analysed and incorporated. The proposed geographic base location for in-person data collection will be locations where the main interventions have been piloted and will include Rabat, Tangier, and Oujda. The number of sites depends on the feasibility of travel across the five days allocated to data collection, and will be finalised upon consultation with the UNICEF Morocco CO.

Time scope

The time scope for the research spans from 2016 covering the period when UNICEF's Himaya programme was initiated.

Methodology

The methodology adopts an **equity-informed and human rights-based** approach. The methodology is also rooted in the CRC, Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the CRPD, the UN Guidelines on Alternative Care for Children and other key international child rights standards, including the general principles of the CRC (best interests of the child as a primary consideration; right to life, survival and development, non-discrimination including on the grounds of gender and disability, and the right to be heard). Further, the methodology is framed around UNICEF's broader strategic priorities, including the '**Leave No One Behind**' Agenda (the approach to ensure that every child is protected, healthy and educated, focusing on children left behind by wider economic and social progress)¹⁴⁴.

The research methodology will be **qualitative**, in order to obtain an in-depth, contextual understanding of the protection risks and needs of children in conflict with the law and unaccompanied asylum-seeking children in Morocco along with an examination of the systems and services in place to respond to these needs. Qualitative methods are particularly useful for exploring subjective and contextual issues. They place human subjects at the centre of discussions and analysis, enabling them to express their realities and lived experiences and to focus on the problems that they identify as most important.

The methodology has been designed to be **participatory**, with methods that are designed to generate an understanding of the research topics from the positioning of displaced children and families / carers themselves.

Research process and phasing

It is proposed that the research be carried out according to the following phases:

Inception phase: This will include the development of the methodology, data collection tools, data collection plan and ethical protocol development and review;

Desk based contextualisation: This will include a desk review, mapping of governance structures, analysis of findings relevant to the case study from the legislative analysis report;

In-country data collection phase to be completed by February 2025.

Data analysis and report drafting: This will include thematic coding and analysis of the data.

Validation and finalisation of report: This will include a range of interactions with key stakeholders to ensure the validity of the findings.

Data collection methods

Desk review

A desk review of relevant UN reports, academic articles and news articles available in English related child protection and the situation of children in conflict with the law including children on the move in Morocco. Academic articles including literature from NGOs will also be included in the desk review. Relevant literature will be provided by UNICEF Morocco and gathered through interviews with key informants. Importantly, the desk review will include literature relating directly to the Reimagine Justice for Children (RJ4C) Agenda.

Key informant interviews will make up the most significant part of the primary data collection for the case study. Key informant interviews will be conducted with stakeholders at the national level as well as at the subnational level within the geographic coverage of research locations. Interviews will be conducted with stakeholders who have in depth, expert and practical knowledge relating to the juvenile justice and child protection system. In addition, KIIs will be held with UNICEF staff and local stakeholders who have been involved with UNICEF's project.

¹⁴⁴ UNICEF ECARO, *Our mandate: no child left behind*, accessed from <https://www.unicef.org/eca/our-mandate-no-child-left-behind> on 18 October 2023.

The aim of these interviews will be to gather information relevant to the research question, including

current practices and conditions regarding children in conflict with the law and unaccompanied migrant and asylum-seeking children; the role of UNICEF in advocating for the rights and protection of all children including children in conflict with the law and unaccompanied asylum-seeking children, and how will this contribute to the broader RJ4C Agenda framework.

Semi-structured topic guides have been developed to guide interviews. A number of key informant interviews may be conducted online due to the limited number of days budgeted for in-person data collection; however, the majority will be conducted during in-country data collection. It is likely that should online data collection be undertaken, it will be national-level stakeholders who are engaged in this format, in order to ensure sufficient time can be spent at the sub-national level within the limited days allocated to data collection.

Sampling

Candidates for key informant interviews (KIIs) will be selected through purposive sampling, targeting key stakeholders involved in justice for children. This includes representatives from public institutions, civil society organizations (CSOs), local NGOs, child protection professionals, and judicial actors involved in implementing UNICEF's project. The research team will collaborate closely with the UNICEF Morocco Country Office to identify participants best suited for the KIIs. This approach ensures that the research includes participants with direct, relevant expertise while incorporating a range of perspectives.

We anticipate conducting key informant interviews with:

UNICEF staff at both national and subnational levels, particularly those working in justice and child protection programming, and Himaya projects as well as Hjra wa Himaya Plus (HwH+) project.

Government stakeholders, including representatives from:

- Ministry of the Interior - Directorate of Migration and Border Control;
- Ministry of Solidarity, Social Integration and Family;
- Ministry of Health and Social Protection;
- Ministry of Culture, Youth, and Sports (responsible for child protection centers);
- Public Prosecution Office;
- Royal Foundation for the Rehabilitation of Detainees;
- National Mutual Aid ("Entraide Nationale");
- Moroccan League for the Protection of Children (LMPE), Association Bayti / Fondation Aman pour la Protection de l'Enfance

NGOs and CSOs working on child protection, juvenile justice and with children on the move (Association Cahbiba / APISF)

Other UN agencies and donors involved in child protection and juvenile justice including on migration issues (e.g., UNHCR, IOM, UNDP, OHCHR, EU).

A final list of stakeholders for the KIIs will be developed in consultation with the UNICEF Morocco Country Office and finalized before data collection begins.

Focus group discussions

Focus group discussions (FGDs) will be conducted with local stakeholders and community members during the in-country data collection phase. These discussions aim to gather insights related to the research questions, focusing on the protection needs and legal challenges faced by children in contact with law and unaccompanied migrant and asylum-seeking children, as well as the broader impacts of UNICEF's project and child protection reforms in Morocco.

Sampling

As with KIIs the sampling will adopt a purposive approach, targeting key stakeholders involved in the care and protection of children in conflict with the law including migrant and asylum-seeking children in Morocco. Additionally, the sample may include community members and individuals with direct experience of the services provided, such as caregivers, if deemed feasible and appropriate by UNICEF CO. If including them separately is not considered suitable, they can instead participate in FGDs designed for community members, where their perspectives can still be captured in a collective setting. Focus group discussions will be guided by a set of structured questions with scope to adapt and respond to individual participants and their experiences (Annex A).

Focus group discussions with children

Focus group discussions (FGDs) will be conducted with children (aged 12-17) in conflict with the law and children on the move during the in-country data collection phase. These discussions aim to gather insights related to the research questions,

focusing on the experiences of and challenges faced by children in conflict with the law during detention and following release, as well as, experiences and challenges in implementing the alternatives to detention, as well as the broader impacts of UNICEF and partner interventions.

Sampling

Children will be selected in consultation with UNICEF. The participant selection will be finalised prior to data collection and will follow the 'do no harm' principle as set out in the **Error! Reference source not found.**

The following selection criteria will be considered in the participant selection:

Practical considerations: Cases must be selected where participants are willing, available and contactable.

Specific groups: this may include children under protective orders, and children in conflict with the law or victims of criminal offences, as well as children on the move.

Total sample sizes

Type of data collection	No.
Key informant interviews	12 -20
FGDs	3- 5
Total estimate:	15 -24

The sample sizes may be subject to small change once stakeholder mapping has been completed in consultation with UNICEF CO. The sample sizes have been based on the number of days allocated to data collection - five days of data collection.

Analysis

All interviews will be transcribed in English and uploaded into MAXQDA software (a software package that facilitates the organisation and analysis of qualitative data). Data will then be reviewed and coded to identify themes, connections and explanations to the research questions. The team will use a thematic analysis approach to exploring qualitative data.

Drafting, validation and finalisation of report

Following the conclusion of the data collection and data analysis, the case study research report will be drafted and finalised with written feedback from UNICEF.

Quality control

In order to ensure that all aspects of our projects and work are delivered to a high standard, and within the required time frame, the Coram International team will undertake a number of general measures to ensure quality control and assurance. These measures are as follows:

Quality control and time management: Our team is experienced in producing high quality, detailed products, within tight timeframes according to deadlines agreed in advance with our clients. Our approach to time management is governed by forward strategic planning, which involves our management team assigning roles and responsibilities to team members to ensure that deliverables are completed within agreed time frames to the highest standards. Each of our projects are overseen by the Team Leader who ensures overall quality control of the project by overseeing project management and providing technical input. The Team Leader also works closely with Coram International's project management team, who ensures the planning, administration, coordination and financial control of our contracts from inception to completion.

Flexibility: We appreciate the methodology of this study may change or evolve during the project, depending on the outcomes of consultations, priorities of national partners and the political and economic situation on the ground. Our team has extensive experience of working on contracts of this nature with UNICEF and are able to adapt our approach to meet the needs of UNICEF and national partners.

Multi-disciplinary approach: Our team members come from a range of different disciplines, drawing upon a diversity of skills, experience and expertise. This will ensure that our approach and deliverables integrate the multi-sector perspectives required to work across international child rights standards. Our team members have expertise in legal and social research, policy analysis and development and monitoring and evaluation. All our members have a particular specialism in protecting and promoting the rights of children within their respective areas of work.

Child rights and equity-based approach: the process and content of this consultancy will be rooted in international child rights standards. Special attention will also be paid to particularly vulnerable, disadvantaged and excluded groups of children, including girls, children with disabilities, economically vulnerable children, children living in remote areas and other marginalised groups of children. The UN Convention on the Rights of the Child, its Optional Protocols, the General Comments of UN Committee on the Rights of the Child, and its Concluding Observations in response to the periodic State reports of the countries in the region, will be the foundation of the conceptual framework and approach to our work.

Collaboration and participation: Our team will adopt a collaborative approach with national partners to ensure that recommendations are practical and rooted in the realities of the situation 'on the ground'. This approach is also intended to encourage national stakeholders to take ownership of the deliverables, contributing to them utilising and taking forward the recommendations that arise from the review.

Context-specific: our participatory approach will ensure that our deliverables are tailored to the country and regional context, are action-oriented, and form a solid basis for further reform initiatives in line with international best practice.

Limitations, Mitigation Strategies and Ethical considerations

Research may be influenced by reporting bias and recall bias. Professional stakeholders may selectively reveal or suppress information, hoping to 'look good', rather than to present the realities of their work. On the other hand, families who have experienced traumatic experiences may inaccurately recollect memories or omit certain details during interviews, leading to errors in the data collected. To mitigate against reporting bias, the research team will emphasise the anonymity of the data collection process to all stakeholders, in order to encourage honest and transparent responses. Interview tools for children and their families will be carefully constructed as to minimize the risk of recall bias.

Limited in-country data collection days. The budget allocated to this research case study allows for five days of data collection. This limits the number of data collection activities which can be undertaken in the scope of this study. In order to ensure that sufficient data is available for analysis, some data collection may be undertaken online (in the form of key informant interviews). In addition, secondary data will be analysed as part of the case study, including programmatic monitoring data.

Child participation: Given the sensitive nature of this research topic, accessing children in conflict with the law and unaccompanied migrant and asylum-seeking children and their families may present challenges. Some families may be reluctant to participate due to fears of repercussions or a lack of trust in authorities. To address these challenges, interviews will only be conducted with participants who fully understand the research's purpose and have provided informed consent. If there is any doubt that they might face any negative consequences, interviews with children will not be held. Furthermore, participant selection will be finalized in collaboration with UNICEF. Every effort will be made to ensure that participation is voluntary and that families feel comfortable and secure throughout the research process and in line with the Ethical Protocols and Guidelines.

Work Plan

Proposed team

The research team for this research case study consists of the following members:

Prof. Dame Carolyn Hamilton, team leader, who has overall responsibility for managing the research team, assuring the quality and timely delivery of all research products, and leading the development of this inception report, participating in all online meetings, data analysis and report-writing phases.

Ms Sihana Bina as an international researcher, who is responsible for participating in the development of this inception report, in-country data collection, data analysis and report-writing.

Project timeline

The comprehensive workplan and timeline of the Morocco case study is as follows. Please note that the timelines provided are approximate and based on the assumption that ethical approval will be received within eight weeks of submission.

Task	Days	Timeline
Inception phase		
Literature review; development of methodology; tools	4 days	May – August 2024
Ethical review submission	1 day	October 2024

Data collection phase		
Data collection (virtual and in-person)	5 days	January 2025
Data analysis and reporting phase		
Data analysis	4 days	January 2025
Drafting case study report	6 days	February 2025



For further information, please contact:

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