

National Situation Analysis Report:

Women's Human Rights and Gender Equality

Morocco

*Enhancing Equality between Men and Women
in the Euromed Region (2008-2011)
Programme financed by the European Union*



EUROMED
GENDER
EQUALITY

EN

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*"This report has been drafted by independent experts.
It does not necessarily reflect the views of the European Union."*

Table of Contents

List of Acronyms	7
1. Executive Summary	9
Main Findings: Efforts Undertaken and Initiatives Deployed	10
Main Findings: Restrictions and Limitations	11
National Priorities and Perspectives for Future Action	12
2. Background and Objectives	15
2.1. Programme Context	15
2.2. Objectives of the situation analysis and expected results	16
3. Methodology	17
4. National Context	19
State of the population: an advanced demographic transition	19
Indicators of Human Development	19
The political system: A democratic process in progress	20
5. National legal framework and context: Women’s rights and gender equality	22
5.1. National legal framework	22
5.1.1. Family law	22
5.1.2. Criminal law	22
5.1.3. Civil status	23
5.1.4. Social legislation	24
5.1.5. Commercial legislation	24
5.1.6. The Nationality Code	24
5.2. Women’s participation in decision-making: public and private spheres	25
5.2.1. Participation in the private sphere	25
• <i>Women’s role in demographic changes</i>	25
• <i>Consent to marriage</i>	25

•	<i>Women’s role in decision-making and the family budget</i>	26
•	<i>Parental co-responsibility</i>	26
•	<i>Sharing of domestic responsibilities</i>	27
5.2.2.	Empowering women: health and education	28
•	<i>Illiteracy and access to education</i>	28
•	<i>Reproductive Health</i>	31
5.2.3.	Women’s participation in the labour market.	32
5.2.4.	Women’s participation in the political sphere	33
•	<i>Election to legislative office</i>	34
•	<i>Appointment to executive government and positions of responsibility</i>	36
6.	International Benchmarks	39
6.1.	International legal framework: the CEDAW and other treaties	39
6.1.1.	Reservations entered by the Moroccan State to the CEDAW	39
•	<i>Reservations pertaining to the settlement of inter-State disputes engendered by the Convention</i>	39
•	<i>Reservations and declarations pertaining to the content of the CEDAW</i>	39
•	<i>Debate on the reservations</i>	40
6.1.2.	Obstacles to CEDAW implementation	41
•	<i>The non-supremacy of international law</i>	41
6.1.3.	Other treaties and international agreements	42
6.2.	National benchmarks: royal discourse	43
7.	National initiatives: public policy and strategies for women’s human rights and gender equality	44
7.1.	Mechanisms for women’s affairs and ministerial departments	44
7.1.1.	Institutional mechanisms.	44
7.1.2.	Gender strategy: an integrated, cross-functional approach	46
7.1.3.	Studies and awareness campaigns	47
7.2.	Public policy and initiatives for women’s human rights and gender equality	48
7.2.1.	The Ministry of Foreign Affairs and Cooperation	48
7.2.2.	The Ministry of Finance and gender responsive budgeting	49
7.2.3.	The Ministry for Public Sector Modernisation	49
7.2.4.	The Ministry for Public Health	50
7.2.5.	The Ministry for National Education	51
7.2.6.	The Ministry for Employment and Professional Training	52
7.2.7.	The Ministry of Communication & the image of women in the media	52

7.2.8. The Ministry for Awqaf and Islamic Affairs	53
7.2.9. The Ministry for Culture	54
7.2.10. Civil society and women’s associations	54
7.2.11. International cooperation	56
7.3. Strategies and initiatives against gender-based violence	58
7.3.1. Governmental initiatives to protect women against violence	58
7.3.2. NGO initiatives	61
7.4. Implementation of the CEDAW and the Istanbul Conclusions: viewpoints of those interviewed	62
7.4.1. Recognised progress for women’s affairs and gender equality	62
7.4.2. The Istanbul Ministerial Conclusions	63
7.4.3. Challenges and debate.	63
• <i>The religious frame of reference.</i>	63
• <i>The status of Moroccans residing abroad</i>	64
• <i>Political will, discourse and practice.</i>	64
• <i>Challenges</i>	65
8. Analysis of findings and priorities for future action	66
8.1. Main findings of the situation analysis.	66
8.2. Priorities for future action	67
8.2.1. At the Constitutional level	68
8.2.2. At the institutional level	68
8.2.3. At the legal level	68
8.2.4. In the media	70
8.2.5. In terms of research	70
8.2.6. In terms of the role of civil society	70
9. Perspectives for future action	71
10. Bibliography.	73
1) Conference Reports	73
2) Campaigns	73
Campaigns Against Gender-Based Violence:	73
Campaigns for Political Participation:	73
Campaigns for Removal of Reservations:	73
3) Charters	73

4) Memoranda . . . . .	.74
5) Conferences . . . . .	.74
6) Studies . . . . .	.74
7) Ministries . . . . .	.75
8) Plans and Programmes . . . . .	.75
9) Reports . . . . .	.76
10) Recommendations and Conclusions . . . . .	.76
11) Strategies . . . . .	.77
12) Monitoring and Evaluation Reports . . . . .	.77
13) Statistics . . . . .	.77

List of Acronyms

AAWORD	Association of African Women for Research and Development
ADFM	Democratic Association of the Women of Morocco
ADS	Social Development Agency
AECID	Spanish Development Agency
AMDF	Moroccan Association for Women’s Rights
AMERM	Moroccan Association for Migration Study and Research
AMPF	Moroccan Association for Family Planning
CCDH	Advisory Council on Human Rights
CEDAW	Convention for the Elimination of all Forms of Discrimination Against Women
CHI	Compulsory Health Insurance
CIDA	Canadian International Development Agency
CMIDEF	Moroccan Centre of Information, Documentation and Studies on Women’s Issues
CNÉF	National Charter of Education and Training
COSEF	Special Commission on Education and Training
CPP	Code of Penal Procedure
CRC	Convention on the Rights of the Child
CSE	Higher Council for Education
CSP	Personal Status Code
DGSN	Directorate-General of National Security
ENA	National Management School
EU	European Union
FAES	Support Fund for Gender Equality
FFM	Moroccan Women Forum
GDP	Gross Domestic Product
GPI	Gender Parity Index
GRB	Gender Responsive Budgeting
HCP	High Commission for Planning

HD	Human Development
IER	Equity and Reconciliation Commission
IGA	Income-Generating Activities
ILO	International Labour Organization
LDDF	Democratic League for Women's Rights
MAEC	Ministry of Foreign Affairs and Cooperation
MAHR	Moroccan Association for Human Rights
MDG	Millennium Development Goals
MDSFS	Ministry for Social Development, Family and Solidarity
MEN	Ministry for National Education
MENA	Middle East and North Africa
MMSP	Ministry for Public Sector Modernisation
Moudawana	Personal Status Code, became the Family Code in 2004
MTP	Medium Term Plan
MTSAP	Medium Term Strategic Action Plan
MTSP	Medium Term Strategic Plan/Programme
NGO	Non-Governmental Organisation
NHDI	National Human Development Initiative
PC	Penal Code
PP	Political Parties
PPI	Political Participation Index
SEFEPH	Secretariat of State for Family Affairs, Children and the Disabled
SG	Secretariat-General
SNEE	National Strategy for (Gender) Equity and Equality
TL	Tubal Ligation
UAF	Women's Action Union
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women

1. Executive Summary

The programme “Enhancing Equality between Men and Women in the Euromed Region”, referred to as the Euromed Gender Equality Programme (EGEP) is of three years’ duration (15 May 2008-15 May 2011); it is funded through the European Neighbourhood and Partnership Instrument (ENPI) and is implemented in the nine countries of the southern part of the EU neighbouring area: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory (OPT), Syria and Tunisia.

The regional programme has three main ambitions:

- Purpose 1: Support and reinforce current dynamics that favour both de jure and de facto gender equality and that provide support to the promotion of women’s rights in the region;
- Purpose 2: Improve understanding and knowledge of the various forms of violence against women;
- Purpose 3: Ensure that the Istanbul Ministerial Conclusions on “Strengthening the role of women in society” are being followed up.

The present report has been drafted within the framework of Purpose 1 of the EGEP programme. With a view to support current dynamics and build the capacity of stakeholders acting in support of gender equality between men and women, Situation Analyses have been conducted in eight partner countries (Algeria, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia). This process has been twofold: the drafting of a *Situation Analysis* Report by a national expert and the presentation, discussion and validation of the findings of that *Situation Analysis* Report during a national, multi-stakeholder validation workshop.

The **overall objective** of this national report is to conduct a situation analysis of gender equality and the human rights of women, with an emphasis on legal reforms, women’s participation in decision-making, both public and private, and gender-based violence. The **specific objective** of this report is to provide an inventory of national efforts made towards the actualisation of the human rights of women, as analysed through the prism of CEDAW and the Istanbul Ministerial Conclusions, and with an emphasis on principles common to both documents for an analysis of the national context.

The **methodology** adopted in this situation analysis is based on an examination of both primary and secondary sources, as well as on assessment interviews with stakeholders.

Main Findings: Efforts Undertaken and Initiatives Deployed

The democratic evolution launched in the early 1990s has led to greater recognition of the issue of gender equality and the introduction by the government of a proactive policy of promoting women's affairs for better equality between the sexes. Since the drafting of the National Strategy for Equity and Equality, new programmes have been launched and new policies adopted. The universal nature of the question of social relations between the sexes has been recognised, new plans have been created, and sectoral strategies have been formulated and implemented. In parallel, new partnership schemes with women's associations have been explored and tested.

With respect to the basic rights of women, political will has translated into significant reforms and the adoption of new laws and legal measures:

- the adoption in 2002 of proportional representation and the national women's list. On the basis of an agreement among political parties, this national list of 30 seats is reserved for women in order to ensure women are represented in the Assembly of Representatives;
- the reform of the Personal Status Code (Moudawana, 1957-1993), which became the Family Code in 2004;
- the integration of the gender approach in public policy via implementation of the Gender Responsive Budget in 2005 ;
- the launch in 2005 by the Ministry of the Interior of the National Human Development Initiative (NHDI), overseen by the first woman to be appointed to the position of governor in Morocco;
- the adoption of the National Strategy to Combat Violence and its operational plan;
- the adoption in 2006 of the National Strategy for Gender Equity and Equality for integration of the gender approach into developmental policies and programmes;
- the 2007 reform of the Nationality Code (1958);
- the nomination of seven female ministers in 2007;
- the 2007 publication of the Exhaustive Analysis of Gender Sensitive Statistics;
- the 2007 distribution of the Prime Minister's Memo to all departments, calling upon them to integrate the gender approach across all their policies, plans and initiatives;
- the adoption in 2009 of measures intended to improve female representation, consisting of: (1) supplementary constituencies guaranteeing women access to 12% of local council seats and (2) the establishment of support funds. These measures are supported by those provisions of the Communal Charter pertaining to the drafting of local development plans based on a gender sensitive approach and the establishment of a commission on equality and equal opportunity.

Enhanced by women's access to education and employment, the role of women in Moroccan society is becoming increasingly visible in those spaces where social relations are both built and dismantled.

Main Findings: Restrictions and Limitations

Despite a favourable political environment, implementation of the CEDAW continues to face certain difficulties that are inherent to the spaces where gender relations are constructed. Some of these challenges arise from the current legal system and call into question the recognition of the CEDAW by the internal legal system, others are more of an institutional nature, challenging the ability of the legislative and executive branches of government to implement policies specific to women's affairs, while others still question the nation's socio-economic conditions that serve to reinforce opposition and are often directly interdependent with the burden of mental attitudes.

Debate on legal discrimination, particularly with respect to family law, was renewed with the king's announcement in December 2009 of removal of the CEDAW reservations that Morocco had entered when it ratified the convention in 1993. Moreover, the double frame of reference, both religious and universal, leads to differing interpretations of laws and their application, with the religious prevailing in questions of family affairs and personal status while the universal tends to dominate relations in the public arena. In its current reading, the religious frame, although limiting in certain domains, should be mobilised via *ijtihad* in order to improve the status of women; nonetheless, various interpretations remain contradictory.

Disparities persist between the law itself and its actual application. Day-to-day, some women continue to be subject to discrimination and violence, especially in the private sphere; **illiteracy** is more prevalent among women, especially outside urban areas; and high unemployment among university graduates is a larger problem for women than men. The high drop-out rate among girls is often the consequence of family decisions based on social notions and traditional culture, such as teenage marriage or preference given to educating boys over girls.

As regards access to **employment**, the participation of women in the labour market has increased over the past few years but remains markedly inferior to the participation rate of men and is additionally characterised by the risk women face of underemployment and lack of professional security in their role as unpaid caregivers. Poverty and a lack of social protection most often affect women. In addition, it is more difficult for women to obtain **management-level positions** and their career development is hobbled by family responsibilities, men's lack of involvement in the private sphere and the absence of social organisations providing

care-giving services that would better enable women to reconcile family and professional life. As regards **women's entrepreneurship**, significant progress has been made, but the lack of financing and loans opportunities, along with challenges to building a commercial network and the lack of a qualified workforce are the predominant obstacles to the development of women-run businesses.

In the political sphere, the position of women is still weak, according to the Gender Empowerment Measure (GEM), which evaluates gender inequalities in economic and political decision-making. Efforts made with regard to the political participation of women in elected bodies have, however, improved the nation's GEM rating. Nevertheless, a general lack of knowledge regarding the existence of legislation promoting gender equality, combined with the absence of effective mechanisms for monitoring the protection of these rights, means that affirmative action initiatives and newly acquired rights are rarely exploited by the women themselves, neither at home nor in the public domain.

National Priorities and Perspectives for Future Action

Despite the positive progress made in women's rights in Morocco, the task of strengthening the role of women in Moroccan society requires a number of pressing measures, each at a different level and the sum total of which cannot be implemented but by means of an increased budgetary effort.

Political will must be given concrete expression with the provision of express constitutional measures pertaining to:

- The principle of gender equality across all rights: civic, political, economic, social and cultural;
- The principle of the supremacy of international standards over internal standards;
- The principle of adopting affirmative action measures (quotas) in order to improve female representation in all public bodies and narrow the gender gap.

At the institutional level, the cross-functional nature of women's issues demands:

- either the appointment of an autonomous ministry responsible for women's affairs and endowed with the appropriate human and financial resources,

- or substantial reinforcement of the capacities of the Ministry for Social Development, Family and Solidarity in order to render it capable of ensuring the coordination, monitoring and evaluation of the National Strategy for Equity and Equality;
- as well as an “equality” coordinative body within each department in order better to facilitate inter-departmental coordination and thereby ensure the monitoring and evaluation of initiatives deployed to promote women’s affairs, and
- a watchdog body for gender equality.

At the legislative/judicial level, the following priorities have been identified:

- Proceed with Morocco’s adherence to conventions on human rights: the Convention on the Nationality of Married Women (1954); the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages (1962); the International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights; the Optional Protocol of the CEDAW (1999);
- Proceed with the removal of reservations to the CEDAW;
- Eliminate discriminatory provisions in existing legislation, including the Penal Code, the Code of Penal Procedure and the Family Code, inter alia polygamy and the four pages of the family register [*livret de famille*] provided for such purposes, as well as divorce granted in return for compensation (*Khul*);
- Recognise petitions for paternity judgments for children born outside wedlock, with priority given to medical expertise (DNA testing);
- Relax the procedure for the exequatur of judgments pronounced abroad for members of the Moroccan community residing abroad;
- Enact an agreement with the EU that provides for the resolution of legal conflicts relating to recognition of the Family Code by the European legal system;
- Amend article 10 of the Nationality Code to make foreign spouses of Moroccan women eligible for Moroccan nationality;
- Accelerate the adoption of the law pertaining to domestic work, as the Labour Code does not apply to this category of worker, who thus benefits from no form of social protection;
- Review regulations pertaining to the pension scheme so that, upon her death, the mother’s legal claimants can inherit her pension in the same capacity as those of the father;
- Review the system whereby pensions are paid out to a widow provided that the marriage was entered into at least two years before the death of the husband or if one or more children were born to the couple;
- Eliminate discriminatory regulations pertaining to women’s access to landed estate, in particular shared land;
- Ban marriage between a man who has committed a rape and consents to marry his underage victim;

- Eliminate article 496 of the Penal Code, which stands in conflict with the establishment of shelters for female victims of violence, who can be pursued for “the abduction, detention and lodging of married women”;
- Open the debate on the legal framework for medically-recommended abortions when the mother’s health is at risk;
- Create family courts that stand independent of courts of first instance;
- Accelerate the establishment of the familial mutual assistance fund created by the financial law of 2010 to mitigate debtors’ insolvency;
- Create family mediation bodies to help ease the burden on judicial family divisions;

At the stakeholder level, the following must happen:

- Multiply programmes that promote the culture of equality and place value on the role of women in society, eradicate derogatory images of women, and involve women in all programmes, regardless of theme or field;
- Promote research into and encourage field studies on questions of equality, violence, inequality and in particular, questions considered taboo;
- Reinforce the role of civil society: provide material support to the activities of NGOs that promote women’s issues and more deeply involve these organisations in the development, implementation, monitoring and evaluation of all projects that promote women.

From among the various priorities and potential paths for prospective action identified by this analysis of the current Moroccan context, ten major priorities have been singled out. These priorities represent a consensus on perspectives for future action. They are:

- Put gender equality and parity on the agenda for Constitutional revision;
- A better application of the Family Code;
- Accelerate the establishment of the familial mutual assistance fund created by the financial law of 2010 to mitigate debtors’ insolvency;
- Enact a Morocco-EU agreement pertaining to legal conflicts and the exequatur procedure as regards to family law;
- Create a watchdog body for gender equality;
- Reinforce women’s political empowerment by institutionalising quotas;
- Support application of the Communal Charter;
- Open the debate on the legal framework for medically-recommended abortions;
- Involve media in the promotion of the culture of equality;
- Target migrant and refugee women for programmes aimed at eradicating violence;
- Involve men in the sharing of domestic responsibilities in order to establish a culture of equality.

2. Background and Objectives

2.1. Programme Context

The regional programme “Enhancing Equality between Men and Women in the Euromed Region” (EGEP) has been developed within the framework of the Istanbul Ministerial Conclusions on “Strengthening the Role of Women in Society” and is of three years’ duration (May 2008 - May 2011). It is funded through the European Neighbourhood and Partnership Instrument (ENPI) of the European Union (EU). The programme is implemented in the nine countries of the southern part of the EU neighbouring area: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Occupied Territory, Syria and Tunisia.

The overall objective of the programme is to enhance equality between men and women by building the capacity of key stakeholders, particularly those operating within government, via support for existing positive trends and dynamics relating to the role of women in decision-making, both public and private, and to provide follow-up to the Istanbul Ministerial Conclusions.

The programme is structured around the following objectives:

- **Purpose 1:** Support and reinforce current dynamics that favour both de jure and de facto gender equality and that provide support to the promotion of women’s rights in the region;
- **Purpose 2:** Improve understanding and knowledge of the various forms of violence against women;
- **Purpose 3:** Ensure that the Istanbul Ministerial Conclusions on “Strengthening the role of women in society” are being followed up.

With a view to supporting current dynamics and building the capacity of stakeholders acting in support of gender equality, Situation Analyses have been conducted in eight partner countries (Algeria, Israel, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia). This process has been twofold: the drafting of a Situation Analysis Report by a national expert and the presentation, discussion and validation of the findings of that Situation Analysis Report during a national, multi-stakeholder validation workshop.

2.2. Objectives of the situation analysis and expected results

The **overall objective** of this national report is to conduct a situation analysis of gender equality and the human rights of women, with an emphasis on legal reforms, women’s participation in decision-making both in the public and the private sphere, and gender-based violence.

This report has the following **specific objectives**:

- report on the evolution of the role of women in Morocco across various spheres;
- identify progress made in various domains in light of ratified international conventions and commitments made by Morocco (CEDAW, Beijing Platform for Action, Barcelona +10 Conclusions, Istanbul Conclusions and Action Plan of the European Neighbourhood Policy);
- evaluate the impact of the various actions undertaken by the main elements of Moroccan society on the role of women in society;
- analyse obstacles to the full citizenship of women;
- identify priorities to strengthen women’s role in society;
- contribute to the drafting of a governmental agenda on gender equality with a view to implementing the CEDAW and other international commitments; and
- raise the awareness of political decision-makers and civil society actors on the challenges facing implementation of the CEDAW and the Istanbul Conclusions.

3. Methodology

The **general methodology** adopted in the conducting of this situation analysis is based on a desk review of secondary sources, as well as upon an examination of primary sources in the form of rapid assessment interviews with stakeholders. Analysis of findings from the desk review and rapid assessment is anchored upon the frameworks of the CEDAW and Istanbul Ministerial Conclusions.

This situation analysis does not aim to formulate new evaluations but rather to draft a status report and compile existing information in order to enable State actors, civil society organisations and other regional and international partners to ensure consistency and reinforce synergies among various efforts and interventions. Interviews were conducted with a representative sampling of stakeholders in order to evaluate efforts made towards and challenges still facing the promotion of the human rights of women on a national level.

At the final stage of the situation analysis process, a national validation workshop was organised (Rabat, 25 September 2009) to enable stakeholders to discuss and validate the findings of the situation analysis and agree on a set of national priorities. Planning and organisation of the workshop was conducted under the management of and/or in close collaboration with the National Women's Machinery in order to ensure a process of ownership and involvement on the national level. The workshop brought together representatives of the National Women's Machinery, line ministries, parliamentarians, researchers, civil society and women's organisations, journalists and representatives from donor organisations. Report findings were discussed and validated by all participants with a view to building a consensus on findings, priorities and perspectives for future action.

National findings of the situation analysis and national priorities, both as validated by the national workshop, were presented and discussed at a regional roundtable organised in Brussels on 15-17 March 2010. This roundtable brought together representatives from southern and northern Mediterranean countries for the purpose of sharing, discussing and finalising the *National Situation Analysis* reports and the regional compilation report, which was itself based on the national reports.

This report is based along **three primary axes**:

- Axis 1: General context for the human rights of women, gender equality and gender-based violence in Morocco.

In light of actions undertaken by all components of society in support of gender equality, this axis primarily sets out to highlight the extent to which the question of gender equality preoccupies decision-makers, civil society actors and partners, and how such preoccupations

translate into female contributions to decision-making at all levels and across all spheres. The level of interest accorded to the question of gender-based violence provides an appraisal of progress made and obstacles encountered.

- Axis 2: Implementation of the CEDAW and the Istanbul Conclusions in Morocco

This axis relates primarily to measures taken in Morocco since 2006 to implement the CEDAW and the Istanbul Conclusions. An analysis of obstacles is essential to understanding the process towards implementation for international and regional plans relating to the realisation of gender equality in Morocco.

- Axis 3 : Diagnosis and situation analysis

This axis will make it possible, on the basis of analysis, to evaluate actions undertaken in favour of women and to shine a light on remaining obstacles and challenges. The aim of this diagnosis is to identify priorities and measures still needed within the framework of drafting a governmental agenda for gender equality.

4. National Context

State of the population: an advanced demographic transition

According to the general survey on human habitat and population, Morocco's population was estimated at 31.7 million in 2008, nearly triple its 1960 figure (11.6 million), with 60.7% of the population aged between 15 and 59 years. However, the percentage of the population aged 69 (8.1%) will grow quickly starting in 2015 - 2020.

The illiteracy rate remains high at 43%, with, according to the 2004 survey, higher rates in rural areas (60.5%) and, especially, among women (64.4%).

There has been significant change in the rate of urbanisation. Starting in the early 1990s, Morocco's population became primarily urban, growing from 42.7% in 1982 to 56.8% in 2008. According to the projections of the High Commission for Planning (HCP), this figure will reach 65% in the next fifteen years. Two thirds of the urban population inhabits large cities, which leads to high demand for lodging and basic services. This demographic pressure gives rise to the multiplication of unsafe habitats (8-9%), which are characterised by a serious lack of access to essential services and basic infrastructure (running water, electricity, transportation system, etc.).

Indicators of Human Development

With a per capita GDP of 3800 dirhams in 2008, Morocco is considered a developing country¹. The country ranks number 126 in the world according to the Human Development Reports of 2007-2008². In the past decade, despite a difficult international economic climate, the nation's economic and social situation has gained ground, a testimony to the efforts made by the government to improve economic performance and promote social welfare. A Human Development Observatory was created in October 2008 to evaluate public policy pertaining to human development and to draft national indicators.

¹ The evolution of GDP per capita impacts Morocco's ranking. In 2003, it was ranked number 136 versus 148 in 2008. UNDP website – Human Development Index - 2008.

² Human Development Report in *The Economist*, 12 December 2007.

Life expectancy has increased (71 years on average as of 2007). Nonetheless, the maternal mortality rate remains high in comparison with countries of similar socio-economic level (227 deaths per 100,000 live births, of which 187 in urban zones and 267 in rural areas). The infant mortality rate stands at 40 per 1000 live births.

The social debt caused by the structural changes Morocco has undergone since 1983 still weighs upon an economy whose growth remains unable to break free of its dependence on the agricultural sector. The poverty rate, 9% in 2008 (2.8 million inhabitants), and the rate of unemployment, 9.6% in that same year, have decreased slightly. In this context, emigration has become a significant social phenomenon and the tendency towards emigration has achieved considerable strength³. At the same time, Morocco, long a transit zone for thousands of sub-Saharan migrants, is increasingly becoming a place where migrants settle⁴, which gives rise to numerous questions regarding how best to deal with this new population in economic and social terms.

The political system: A democratic process in progress

The Moroccan political system is a monarchy that bases its legitimacy on religion and which adopted its first Constitution in 1962. Between 1972 and 1992, power was heavily concentrated in the royal authority. The Constitution of 1992, however, made the first provisions for the appointment of ministers nominated by the Prime Minister; the Constitutional reform of 1996 further introduced a bicameral parliament: in the Assembly of Representatives, 325 representatives are elected by direct suffrage for a period of five years; in the Assembly of Councillors, 270 members are elected to represent local councils, professional chambers and wage-earners.

According to the first article of the 1996 Constitution, Morocco is a constitutional, democratic and social monarchy. The king is the commander of the faithful, keeping watch over respect for Islam and guaranteeing the rights and liberties of citizens, social groups and communities. Article 5 of the Constitution specifies that “all Moroccans are equal before the law”.

The politico-legal system is based on political pluralism; it guarantees basic liberties and the principle of the separation of power.

³ See Mohamed Khachani: *Moroccans Elsewhere*, AMERM publication, Rabat 2004, Report on Employment, Migration and Development -ILO-June 2009

⁴ See Mohamed Khachani: *Sub-Saharan Migration to Morocco*. AMERM publication, 2006

The changes that have taken place over the past decade convey the political will to include recognition, protection and promotion of human rights such as they are universally recognised as part of the national agenda (Preamble to the Constitution of 1996). Such being the case, this political will faces challenges to accomplishing its objectives: significant gaps between urban and rural areas, between rich and poor social classes, and between men and women.

5. National legal framework and context: Women's rights and gender equality

5.1. National legal framework

The Ministry of Justice, tasked with ensuring respect for the law and application of legal standards with permanent oversight and objective assessments, launched serious measures in the ten-year period 1999-2009 in support of gender equality.

5.1.1. Family law

The enactment by Parliament of the new Family Code, which went into effect in February 2004 and represented a wholesale break from the logic of the Personal Status Code of 1957, has, according to relevant publications from the Ministry of Justice (informational booklets, leaflets, annual reports, statistics, etc.), been accompanied by the adoption of measures, both on the national level and on an international scale⁵, that aim essentially to make known the new provisions of the Code, raise the awareness of various elements in Moroccan society, train judges and court clerks and ensure an annual evaluation of the Code's application by new family divisions set up within the kingdom's courts of first instance.

Nevertheless, the familial mutual assistance fund, provided for in the financial law of 2010 and which aims to guarantee, to divorced mothers in whose care the couple's children remain, payment of the alimony determined by court judgment should the father prove insolvent, has not yet been implemented and represents a significant lacuna in terms of application of the Code.

5.1.2. Criminal law

Amendments to criminal legislation have enabled:

- Criminalisation of sexual harassment as abuse of authority;
- Introduction of aggravating circumstances to a rape when the victim is pregnant;

⁵ 10% of Morocco's population resides abroad and is subject to the Family Code by virtue of the rule of unification that gives priority to Moroccan nationality.

- Increased sentencing when the victim of an act of pandering is pregnant or when the author of the crime is the victim's spouse;
- Eradication of prejudices against women: sentencing for cases in which blows, wounds or murders are committed by one spouse against another when discovered committing adultery in flagrante delicto. Before removal of this prejudice, only the husband could claim provocation as a mitigatory defence;
- Abolition of the professional confidentiality to which medical professionals are bound in the event that the practitioner observes domestic violence, of which women are more frequently the victim, and when a child is the victim of abuse;
- Increased sentencing when blows or wounds are voluntarily inflicted by one spouse against another, the penalty is doubled for a repeat offence;
- Strengthening of equality within the Code of Penal Procedure (2002) by means of:
 - repeal of article 336 of the Code of Penal Procedure, which disallowed a married woman from instituting a civil action against her husband without the prior authorisation of the office of the prosecution;
 - raising of the age of criminal majority from 16 to 18 in compliance with the CRC, ratified by Morocco in 1993.

In order to better comply with the Operational Plan of the National Strategy to Combat Violence Against Women, a bill has been submitted to various institutions for assessment; it would admit substantial, gender approach-based revisions to the Penal Code of 1962. This bill seems to introduce into the legal framework, in a more comprehensive fashion, the question of gender-based violence for which women's associations are currently demanding specific legislation. The bill on domestic violence, drafted by the MDSFS, was introduced to legislative channels in February 2010.

5.1.3. Civil status

Enactment of law no. 37-99 pertaining to the civil status system in Morocco (2002) confirms:

- the recognised right of the father and mother to declare births;
- the right of the child born to an unknown father to receive a fictitious name in the event that the mother's family opposes passing its name to the child;
- the recording of data relating to marriage and divorce on the family register;
- the right of a divorced woman responsible for the care of children to obtain a duplicata of the family register.

5.1.4. Social legislation

The enactment of the new Labour Code (2003) has enabled:

- first-time recognition by the Labour Code of the principle of non-discrimination on the basis of gender, as regards employment, salary, promotion and any other advantage related to employment;
- criminalisation of sexual harassment in the workplace, considered, for the first time, a “serious offence”;
- lengthening of the duration of maternity leave to 14 weeks;
- banning of child labour – girls and boys alike – before the age of 15;
- a bill prohibiting the domestic employment of children, especially young girls, was introduced to legislative channels in April 2009.

5.1.5. Commercial legislation

In the commercial legislation, the requirement of the husband’s authorisation for a married woman to engage in commercial activities has been eliminated (art. 17 of the Commercial Code).

5.1.6. The Nationality Code

Revision of the Nationality Code in 2007 has made possible two major innovations:

- the mother, in the same capacity as the father, transmits her nationality to her children born to a foreign father. This initiative, with ex post facto application, complies with the CRC and the CEDAW.
- A child cared for within the framework of the *kafala* – limited adoption – receives the nationality of the *kafil*, and single women also possess the right to adopt children.

These amendments and revisions make it possible to establish progressive equality with respect to legal rights and have opened the door for the removal of certain reservations entered by Morocco at the time of its 1993 ratification of the CEDAW, rendered null and void by these reforms.

In addition, in order to strengthen and mainstream gender equality, the Department of Justice established a gender unit in 2005; this unit encompasses several focal points whose primary mission consists in identifying legal prejudices contained within the law, combating gender disparities within the Department of Justice itself and both ensuring the presence

of women and improving their representation across all domains and at different levels of the court system.

5.2. Women’s participation in decision-making: public and private spheres

5.2.1. Participation in the private sphere

Women’s role in demographic changes

Several decades ago, the patriarchal family was the basic unit on which Moroccan society was built. Inter-gender relations were most often characterised by women’s subordination to men and a separation between the public, masculine sphere and the private, feminine sphere. With the increasing education of women and, in particular, their entrance into the labour market and their contributions to the financial management of the household, family behaviours have changed, with a movement from large houses to small homes and a shift from the extended family to the nuclear family, most especially in urban areas within the kingdom’s larger cities.

The population of Morocco is no longer growing at the same rate and is, in fact, an aging population. In 1980-1985, population growth stood at 2.53%, falling to 1.77% in the following decade; it now stands at 1.62% for 2000-2005. The average number of children born per woman has likewise fallen from 5.52 in 1982 to 2.58 in 2002. It is unknown whether the age of first sexual experience has decreased, but the average age for first marriage has markedly increased, currently 27 for women and 31 for men; the age gap between spouses has also narrowed significantly.

Consent to marriage

Since codification of family law in 1957, the **consent of both spouses** is a required condition for validity of the marriage contract, regardless of the age of the bride or groom for marriage between legal adults. Statistics provided by the Ministry of Justice indicate that marriages before the age of legal majority, 18, represent less than 10%⁶ of all marriages and require the consent of both spouses, the presence of the marriage guardian⁷ and judicial

⁶ See Statistics pertaining to the marriage of minors, Ministry for Justice, 2006.

⁷ See Ministry for Justice Report, 2007.

authorisation. Civil society organisations put forward a more elevated number (22.5%) for 2005-2006 and maintain that, in practice, girls under 16 years of age were able to get judicial authorisation to marry⁸. In theory, when the girl is a minor, the judge is required to submit the marriage request to medical experts prior to authorising the marriage. According to the judges consulted in the drafting of this report, marriage candidates who do not obtain judicial authorisation for marriage before the age of legal majority nevertheless find various ways to circumvent the law⁹.

Regardless, an increasing number of girls are choosing their own husbands, deciding the conditions of their marriage, exercising this power without significant parental coercion, and demanding the presence of their parents.

Women's role in decision-making and the family budget

In common practice, the unilateral decision of the man as head of household remains predominant. A study¹⁰ has shown that important decisions are made by the man alone in the majority of cases (60.7%) and by the man and woman together in 31.9% of cases, but rarely by the woman alone.

Along with the sharing of domestic responsibilities and decision-making, management of the household budget is an indicator of the democratic and equitable functioning of the family unit. Employment and salaries enable women to achieve autonomy and thereby represent assets enabling women to wield certain powers, improve their status within the family unit and negotiate more equitable relations within the marriage. Sociological surveys¹¹ have signalled that an evolution is already under way in this regard. The prevailing state of affairs for wage-earning, urban couples is the management of separate accounts. This change indicates that, for many couples, assets are pooled and jointly managed in a relationship aimed at equality: equality by choice, but also in all likelihood obligatory equality given that women are working in increasing numbers and thereby sharing expenses to improve the family's living conditions or ensure its subsistence.

Parental co-responsibility

With respect to parental rights, Moroccan legislation has improved women's legal status, but inequalities between men and women in terms of legal representation have not been eradicated on several points: the Family Code of 2004 did not institutionalise the parental role of legal representative. The mother, bound by the same obligations as the father with

⁸ See Reports by the Democratic League for Women's Rights (LDDF), 2005 – 2007.

⁹ See The Family Code: Perceptions and Judicial Practices. Publication of the Friedrich Ebert Foundation, January 2007.

¹⁰ Op. cit. (AAWORD, Morocco 2007).

¹¹ Idem.

respect to the children (art. 54), cannot exercise the role of legal representative except in cases where the father is deceased, unable to exercise the role or absent. The authority of the father alone is recognised and based on the incapacity of women to exercise the role of guardian in the presence of the father. And yet, on a daily basis in the majority of cases, it is the mother who takes responsibility for the education, health, spare time activities, communication, and academic progress of the child.

Sharing of domestic responsibilities

This question provokes the greatest resistance, not only from men but also from some women. The survey conducted in Morocco on African perceptions of gender equality indicated that 71.14% of those interviewed accept the idea of sharing household tasks in a couple where both individuals are employed outside the home. A large gap, however, exists between men and women, with 41.59% of women agreeing with this concept against 28.90% of men.

Nonetheless, although women subscribe in greater numbers to the concept of sharing housework, both sexes are more or less committed to the traditional social roles that characterise the divide between public and private spheres, with the private sphere continuing to be perceived as the domain of women even when they are involved in a professional activity. The reticence of women to share household duties with men requires some clarification: they seem to consider the home their own area of expertise and so, experiencing the private sphere as a personal sphere of power, they refuse men access to it. The traditional place of female expression of power is the family and the home. Women thus seem to encounter difficulties in relinquishing their traditional role for fear (conscious or not) that social roles within the family be dissolved. In addition, the media actors consulted in the drafting of this report do not seem mindful of the question despite the important role of the media in changing behaviours and mindsets.

Economic pressures seem the predominant cause for which couples are increasingly obliged to share the responsibility of caring for the family. This seems to arise from the current economic and social context, which sees men facing increasing difficulty in bearing sole responsibility for providing for the family, especially in the larger cities. Nevertheless, men continue to wield the most economic power and to control the decision-making process within the household. Studies that would enable verification of this hypothesis are rare, but according to the results of several qualitative surveys¹², the relationship in which the woman demonstrates obedience to her husband is not, in general, distinctly different from the relationship that prevails in the extended family. The wife's income is then often considered a

¹² African Perceptions and Representations of Gender Equality - AAWORD Survey, Morocco. Dar Al Kalam publication, Rabat, 2007.

simple supplement to that of the husband. All in all, the husband generally remains the head of household and assumes the role of decision-maker for the family.

The percentage of women who manage a household is not insignificant, especially in the cities, where it reaches 22.5%. In rural areas, although the number of female heads of household remains low, they still represent 10.3% of families. This urban-rural disparity is explained both by the nature of families living inside and outside the cities (for instance, 71.6% of rural households include three or more generations, as compared to only 57.1% in urban areas) and by the more advanced emancipation of urban women¹³.

5.2.2. Empowering women: health and education

Illiteracy and access to education

Today, women are better-educated and better-integrated into the labour market. An examination of the current situation, however, reveals the existence of certain inequalities in terms of access to education, especially in rural areas, where women face the greatest hindrances.

With a deadline of 2015, Morocco has set objectives for the spread of literacy and the narrowing of these gaps in accordance with the Millennium Goals¹⁴. The National Charter of Education and Training (2000) serves as a reference document for educational policy in Morocco. The government, mindful of the importance of education for achieving developmental goals, has declared the decade 2000-2009 as the decade of education and training.

Despite political will and the progress made to date, Morocco's **illiteracy rate** remains high. Illiteracy continues to affect nearly half of Morocco's population aged 10 and above (49%). In rural areas, this number grows to 68% while it drops in urban zones to 34%. Illiteracy affects 62% of women against 37% of men, with rural women more greatly affected than those living in the cities: nearly 84% of rural women (approximately 9 out of 10) are illiterate, as compared to less than 45% of urban women. Outside the cities, female illiteracy has only dropped 16% in the past 40 years while male illiteracy has plummeted 40%. The gender parity index for rural areas changed from 1.2 in 1960 to 1.7. Urban zones, which absorb the underprivileged from rural areas, scored 2.2 in 2002 as compared to 1.2 in 1960.

Significant progress has, however, been made in combating illiteracy, particularly as a result of literacy efforts undertaken by NGOs, which affect the greatest number of citizens receiving literacy training (55%), followed by activities within the framework of the general programme (27%), activities carried out by public providers (17%) and, finally, business-led efforts (1%).

¹³ Perceptions... op. cit.

¹⁴ See MDG Report. HCP publication, 2005.

These combined efforts have lowered the illiteracy rate by approximately 10 points between 1994 and 2005. According to the figures released by the relevant ministerial department, 80.2% of individuals enrolled in literacy programmes (that is, 469,206 individuals) are women¹⁵.

Launched in May 1997 to combat illiteracy among uneducated or undereducated youth aged 9 to 15, **the informal education programme** has been able to reach more than 163,543 children, of which approximately 65% are girls, with the addition of 20,442 new beneficiaries on average per annum. These figures fall short of covering the target population, estimated in 2000 at more than two million individuals. According statistics from the Ministry for National Education, the number of enrollees in the informal education programme has dropped: the programme comprised 69% girls in 1999/2000, but only 65% in 2002/2003, which equals roughly two thirds of the beneficiaries of these trainings on the national level. In rural areas, girls account for 73% of the total. The current Gender Parity Index (GPI) is 1.83 for female beneficiaries as compared to male beneficiaries.

In education, the total percentage of girls was 41% for 1993-1994, which grew to 46% in 2005-2006, or an increase of 5% according to statistics from the Ministry for National Education. This leads to a reduction in disparities and demonstrates the efforts being made to increase the educational level of young girls.

Educational indicators by age group, locale and gender

2006-2007		4-5 years	6-11 years	12-14 years	15-17 years
National %	Total	59.7	94.0	74.5	48.1
	Girls	51.0	91.6	67.9	43.4
Rural %	Total	45.6	92.6	53.9	20.9
	Girls	28.5	88.7	43.5	14.4

Source: Ministry for National Education, Higher Education and Executive Training, 2006-2007

The general implementation of **pre-primary education** scheduled for 2004 in the National Charter of Education and Training was not achieved. For girls, the enrolment rate at this level shifted from 25.1% in 1990 to 26.2% in 1995, showing slight progress. As of 2000/2001, this number jumped to 40.7%, but has remained steady with 40.8% of girls receiving pre-primary education in 2004/2005. In rural areas at the start of the 2004/2005 school year, the net enrolment rate in pre-primary education was 51.3%, with a greater number of boys than girls.

¹⁵ *Libération*, issue of 24-10-05

In rural settings, **primary education** enrolment rates for girls have seen significant improvement, starting in 2001 with 83.1%. In urban zones, these rates are near equal for boys and girls at more than 95%; gender gaps persist in rural areas (84.2% enrolment for girls as compared to 93.4% for boys). It is interesting to note that the number of [students] who complete the fifth year of school drops in rural areas to 50.7% for girls and 57.2% for boys. Between 1990/1991 and 2004/2005, the number of students enrolled in primary education grew 63% (an average of 3.8% a year). Female enrolment grew 88% (an average of 4.6% a year, higher than the national average).

According to the findings presented in the National MDG Report, it is possible to foresee general implementation of primary education for urban zones. In rural areas, however, efforts for the education of girls must be ramped up in order to narrow gaps between genders and locales. Questions remain concerning to what extent early leavers affect schooling rates.

In **secondary education**, the number of girls in lower middle school between 1990/1991 and 2004/2005 rose by 65.2%, an average of 3.7% per year. The rate of school leaving among girls is less pronounced than that among boys, a different trend from that seen for primary education: a greater number of girls enter the first year of lower middle school than the number of boys who finish the secondary cycle (55.22% of urban girls and 22.7% of rural girls, as compared to 46.8% and 17.4%, respectively, of boys belonging to the same locales).

It is generally accepted that the number of women in **higher education** bears relevance to the country's developmental level. The number of Moroccan women in higher education has grown significantly over the past few years and has even outstripped the increase seen for men; though this narrows the gender gap, the overall percentage of women in higher education remains inferior to that of men. According to official statistics, there were 42,628 female university graduates in 1985; twenty years later in 2005, this number had grown to 146,001, an increase of 342%, whereas the number of male university graduates grew from 120,518 in 1985 to 268,519 in 2005, an increase of only 222%. Compared to the numbers for all university graduates, the proportion of women grew from 26.13% in 1985 to 35.23% in 2005.

Although better-educated, women are proportionally underrepresented in the labour market, with the unemployment rate for female graduates remaining higher than that for male graduates.

Reproductive Health

The report on population and family health presented in September 2004 by the Ministry for Public Health introduced the following findings¹⁶:

- 85% of urban women receive reproductive health care, as compared to 48% of women in rural areas;
- The contraceptive prevalence rate among married women is less than 60% and women do not have the power to determine the size of their families or the contraceptive methods to use, especially in rural areas;
- More than one in three pregnancies proceed without any medical monitoring, more than 50% of births take place at home and only 20% of women receive any medical care despite the fact that the number of birthing centres in existence is constantly growing. Women are not permitted to see a doctor on their own; they must request the authorisation of their husband and be accompanied by either their husband or mother-in-law. With the rising of intolerance, an increasing number of men are preferring that their wives be examined by a female doctor;
- Facilities providing reproductive health care are not easily accessible, most especially for women living in rural areas;
- The maternal mortality rate remains high despite efforts to lower it: 227 deaths per 100,000 live births, of which 187 in urban zones and 267 in rural areas. The infant mortality rate stands at 40 per 1000 live births.

The Penal Code continues to criminalise induced abortions while simultaneously allowing medically-recommended abortions when the mother's life is at risk. It also considers criminal sexual relations outside marriage and does not recognise petitions for paternity judgments; as a result, the number of single mothers is on the rise and is no longer limited exclusively to urban zones. The unequal division of responsibility within a couple in terms of contraception which persists despite new express provisions in the Family Code, along with the banning of abortion, seriously call into question women's autonomy and shine a light on the problem of their status and their rights in terms of reproductive health.

Inequality in terms of family planning within male-female relationships is one of the primary factors in the spread of STIs/AIDS, as social monitoring, primarily conducted on women, turns them into the foremost victims: 12% of women have been infected by their husband, as compared to 1% of men infected by their wife.

The impact that the cultural and social environment has on the reproductive health of women is by necessity reflected in social gender relations, the status of women within the family

¹⁶ See Population and Family Health Report – Rabat – 2004 (Ministry for Public Health)

and the question of their autonomy¹⁷. Thus, despite progress achieved, numerous factors continue to block women's full enjoyment of rights in terms of productive health. Along with poor infrastructure, especially in rural areas, a lack of human resources, social resistance, rising intolerance, legislative limits and the lack of coordination among various stakeholders reveal the diversity of challenges facing reproductive health policy. Finally, in order to improve the reproductive health of women, the legal framework must first be reconsidered and endowed with a health code in which the rights of women, in terms of reproductive health, are recognised, protected and guaranteed.

5.2.3. Women's participation in the labour market

Economic and demographic factors have led to profound changes in the Moroccan labour market. Although women's participation in the workforce remains on a smaller scale than men's participation, statistics have shown that female participation is on the rise, having grown from 13% to 23% between 1994 and 2000, and then from 25% to 28% between 2000 and 2007. An increasing number of women are professionals and involved across labour sectors despite the impact of neoliberal policies that undermine their opportunities in the labour market¹⁸. Likewise, an increasing number of women are taking the initiative to create their own businesses in spite of the various hurdles they face.

Data show, however, inequitable access to economic activity to the detriment of women, with women tending to occupy less-qualified and underpaid positions and having limited access to positions of responsibility. Young women aged 15 to 24 years are affected by unemployment more than men. This trend is reversed in rural areas, where 2007 saw 1.7% unemployment for women against 4.8% for men; however, 80.6% of women belong to the category of caregivers, seasonal workers, at-home workers and apprentices, as compared to only 37.5% of men. Certain obstacles thus stand in the way of women's integration into the economic sphere. Studies have observed that:

- a significant percentage of women work in the informal economy and therefore lack any social protection;
- women are concentrated in undervalued trades: in agriculture, the seasonal workforce, and in artisanry, at-home work and domestic work. As of 2003¹⁹, 54.5% of women's socio-professional activities were concentrated in the field of care-giving;
- they have limited access to positions of responsibility and continuing education;
- women have little involvement in labour unions;

¹⁷ See A. Yaakoubd in *Feminine – Masculine*: op.cit. p. 233 et seq.

¹⁸ See *Gender and Neoliberal Policies in Africa – Conference Report*. AAWORD publication – Rabat – 2006

¹⁹ HCP- Directorate of Statistics: *Business, labour and unemployment*. 2003 and 2004

- the persistence of prejudices and stereotypes limits women’s employment opportunities;
- difficulties inherent to the reconciliation of family obligations with professional involvement limit their access to employment;
- higher unemployment than among men;
- few women hold the status of employer (14%)²⁰.

The revision of the Labour Code, adopted in June 2003, introduced several amendments that aimed to improve equality (art. 4, 9 and 346). In addition to an extension of maternity leave from 12 weeks to 14, the law formalises the principle of non-discrimination on the basis of gender with regard to employment and salary. It provides for equality in:

- working conditions: schedule, hygiene, safety, rest periods and leave (article 101),
- salaries and compensation (article 100);
- union membership (article 87);
- access to literacy programmes.

In terms of specific protection for female wage-earners, the new Labour Code provides for:

- respect for the right to maternity leave (article 87);
- respect for the right to breastfeed (1 hour per day for 12 months);
- the right to a special location for breastfeeding;
- the right to any and all conditions facilitating night work (breaks and transportation).

The new Labour Code regulates the banning of women from certain activities that endanger their health, safety or life. Sexual harassment of an employee and provocation to resign by the employer or head of the company or institution are explicitly cited as “serious offences”.

Despite this progress on the legal front, the daily experience of female wage-earners is out of step with the legislation, particularly in terms of salary. While disparities exist in the public sector in terms of position and advancement, salaries in the private sector are incongruous with a disparity of more than 25% between women and men²¹. Likewise, women’s lagging membership in unions and general unawareness of their rights expose many women to exploitation and discrimination.

5.2.4. Women’s participation in the political sphere

Since Morocco’s independence, successive Constitutions have affirmed men’s and women’s equal political rights. Article 8 sets out that: “men and women enjoy equal political rights.

²⁰ See World Bank Report – Women in MENA Countries – 2007

²¹ See HCP Statistics, 2003.

Citizens of both sexes having reached the age of majority and enjoying their civil and political rights may act as voters". Article 9 stipulates that "the Constitution guarantees all citizens freedom of association and the freedom to join any and all unions and political organisations of their choosing". In Morocco, women have voted and been candidates since the first local council elections of May 1960.

Nonetheless women's place in the political sphere is highly contingent on both political will and the various measures taken to strengthen their position and representation in elected bodies and high office.

Election to legislative office

Three main periods distinguish women's political participation and their election to Parliament and to local councils.

Prior to 1993, women's minimal access to elected bodies was limited to local councils. 1993 marked a break with past practices as two women were elected to Parliament for the first time; that is, 0.66%.

The period between 1993 and 2002 saw no progress: in the elections of 1997, the percentage of women elected remained 0.66%. This was a period of stagnation. Gender inequality was the norm for local, regional and national elected bodies, as well as in appointed positions in executive government, political parties and unions.

2002 was a watershed year for women's political participation. Thanks to the process of democratisation under way in Morocco, political parties and unions alike added more women to their ranks; for the first time in the country's history, 35 women were elected to Parliament. This same year saw adoption of the consensual quota based on the national list, reserving 30 seats for women. 35 women were thus elected to the Assembly of Representatives: 10.77% of elected representatives. In the world classification released by the Inter-Parliamentary Union, Morocco jumped from number 118 to number 69. In the Arab world, Morocco now ranks second behind Tunisia²². This form of affirmative action, however, did not benefit women in the local council elections of 2003, in which the percentage of women elected remained extremely low.

The fundamental law governing organisation of the Assembly of Representatives specifies in its first article that among the 325 members elected by list poll, 295 are to be elected in electoral constituencies while 30 are elected at the national level. The idea behind the national list, to which political parties must ethically commit, was to reserve seats for women. This has resulted in a substantial increase in the number of female candidates and elected

²² See www.ipu.org/wmn-f/classif.htm.

members: 269 women stood for election out of 5865 total candidates on municipal lists; 47 women headed up municipal lists, that is, 5% of all candidates or approximately 12 times the number of candidates as in the parliamentary elections of 1997. With the national lists, more than 966 candidates ran and 35 women were elected (30 from the national lists and 5 from municipal lists) out of a total of 325 representatives, a 17.5-fold increase over 1997.

Likewise, progress has been made in terms of appointment of women to various supervisory roles: in October 2003, at the parliament's second reconvening, one woman was appointed to the position of second vice president, another to one of three positions as parliamentary administrator and a third to the role of committee president and group leader. Women have since been represented within the supervisory bodies of the Assembly of Representatives.

It is important to note that this progress was not achieved without a certain number of setbacks. The proposal of a national list reserved for women encountered a legal problem of constitutionality, but was ultimately accepted politically by means of a gentlemen's agreement made among the various political parties. Thus, since this "quota" system has not been adopted for elections to the Assembly of Councillors and no legislative modifications have been made in its regard, the number of women in this legislative body remains negligible. Likewise, in the most recent local council elections, held in 2003, few women were elected, representing only 0.56% of the elected representatives from municipal lists. Progress thus remains contingent on the prevailing political context and political will. The outcome of this situation is the existence of an "artificial" quota with no clear legal basis, founded instead on the volition of political parties to register (or not) the names of 30 women as candidates for elections to the lower house.

All this sheds some light on the vigilance with which the women's movement monitors the situation, exhibiting both realism and pragmatism. During the debate over women's political participation that took place in March 2006, and in order to increase female representation in the parliamentary elections of 2007, the primary proposals dealt with:

- the need resort to affirmative action measures;
- the need to insert into the Constitution, via the revision demanded by certain political parties, a provision expressly granting the legislator the right to resort to affirmative action measures in support of gender equality within elected bodies;
- the need to defend the benefits of the national list;
- the need to defend the method of voting by list as the method most favourable to women;
- the need to strengthen and expand these benefits:
 - increase the quota of women on the national list;
 - establish a quota system for local council elections;
 - "institutionalise" affirmative action measures to which political parties would be bound rather than making do with reciprocal respect of a gentleman's agreement;

- introduce financial incentives/sanctions to guarantee the eligibility of women and not merely their “candidatability”.

These proposals made it possible to maintain female representation in the parliamentary elections of 2007, which saw seven women appointed to ministerial positions. It should be noted that, since August 2009, there remain only five female ministers as the portfolios of the Ministry for Culture and the Ministry for Youth and Sports have since been assigned to two men.

In order not to repeat the results of the local council elections of 2003 and instead align with the logic of the parliamentary elections of 2002 and 2007, and despite the term “supplementary constituencies” reserved for women, but also thanks to the “movement for a third of seats towards parity” campaign led by the women’s movement and the awareness raising and mobilisation programme conducted by the Ministry for Social Development, Family and Solidarity in accordance with royal inclinations (speech given on 10 October 2008), as well as the support and involvement of all stakeholders (government, legislators, political parties), the local council elections of 12 June 2009 saw women carry 12.3% of seats across the country. The fact remains that these advances need to be strengthened by legislative sanction as widespread political disinterest, attested by poor voter turnout in the most recent elections, including the parliamentary elections of 2007 (less than 30% turnout) and the local council elections of 2009 (less than 55% turnout), runs the risk of negatively impacting the culture of equality and the full citizenship of women.

Appointment to executive government and positions of responsibility

Article 12 of the Constitution stipulates that “all citizens may obtain public posts and employment under identical conditions” and the law recognises the possibility of women occupying almost any position in the civil service. And yet, few women do. The history of Morocco is marked by a long period of low female participation at this level, which has continued into recent years.

The early 2000s saw a shift: the number of women occupying decision-making positions grew across all sectors. Women entered every field: political, economic, social and cultural. They are now ministers, ambassadors, engineers, professors, pilots and business leaders. They are also represented in the religious domain, having sat on the Council of Ulema since 30 April 2004; in March 2009, more women were appointed to the Council. By royal decree, women may matriculate to directorial studies at the Kenitra school for executives, which was previously closed to women.

Strengthening women’s access to positions of responsibility has been the subject of several Prime Minister’s Memos (4 January, 25 September and 26 September 2001), aiming to take a census of the women exercising positions of responsibility within the various ministries,

to assess women's place in senior administration within the senior civil service with a view to pinpointing gender inequalities, to take stock of progress made on gender issues and to take the required action.

In the executive branch of government:

- In 1997, for the first time, four women were royally appointed to the position of Secretary of State on a Council of thirty. Since then, women have been represented on all subsequent Councils of Ministers. This date was the turning point for the inclusion of women in the executive branch.
- In 1998, two women were appointed Secretary of State by the opposition government, one responsible for cooperation with the Ministry of Foreign Affairs, the other for disabled persons.
- The reshuffle of September 2000 brought the first woman in the history of Morocco into the position of deputy minister. In this administration, no other ministry was directed by a woman. In addition, this ministry was charged with "women's affairs, children and the disabled", encompassing areas related to social development.
- Finally, the October 2002 appointment of three women to the Council of Ministers bears out the trend. The ministerial departments in which women are represented, however – "Family", "Moroccans Residing Abroad" and "Literacy and Informal Education" – all remain in the social sector.
- In 2004, after a ministerial reshuffle, only two women remained on the Council.
- In 2007 and following the parliamentary elections, seven women were named ministers, for the first time with diverse portfolios that did not confine them to the social sector alone.
- The local council elections of 2009 brought a woman to the mayor's office in Marrakech and positioned 13 women as presidents of local councils.

As concerns employment in senior civil service, women's representation in positions of responsibility has improved but remains low. No woman holds the position of wali and only two women hold the position of governor: the first is the director of the Urban Agency of Casablanca, the second is in charge of the NHDI under the aegis of the Ministry of the Interior. In terms of diplomatic representation, Morocco has ten women ambassadors and several female consuls.

An assessment of the period 2001-2009 reveals real progress in the representation of women in decision-making positions, as well as limitations to this progress. It is particularly in terms of governmentally-appointed positions, such as councillor, wali or president of governmental organisations, that women's representation is lacking in the senior civil service.

As concerns senior administration within the senior civil service, the proportion of female executives occupying decision-making positions in the upper ranks of central government

varies administration by administration but is, on the whole, small: in 2006, 18 women held directorial positions out of a total 189 positions of that rank²³. Although women hold the same diplomas and qualifications as men, the glass ceiling remains unbroken. Women are underrepresented in the ministries deemed “masculine”, such as the Ministry of the Interior or the Ministry of Defence, whereas they are well-represented in ministries whose remit covers domains traditionally considered feminine, such as education, health or culture. But even here, at the highest levels, women are few in number. This is the case for the Ministry for Higher Education (central and regional government), where there is only one female university president.

Women’s presence in the judiciary is improving, although women remain underrepresented at the decision-making level (559 female judges out of a total 3000).

²³ MEMOMAP, the guide to the decision-makers, 6th edition, 2005-2006, Agence Maghreb Presse.

6. International Benchmarks

6.1. International legal framework: the CEDAW and other treaties

6.1.1. Reservations entered by the Moroccan State to the CEDAW

In Morocco, the practice of entering reservations is used essentially for conventions dealing with women's rights. These reservations are of various characters. Some pertain to the method for settling disputes that could arise from the application or interpretation of conventions, some deal with the object of the conventions, while still others are submitted in the form of declarations.

Reservations pertaining to the settlement of inter-State disputes engendered by the Convention

Article 29, paragraph 1 of the CEDAW stipulates that: "any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to [...] the International Court of Justice"; the government of Morocco considers that "any dispute of this kind can only be referred to arbitration or to the International Court of Justice by agreement of all parties to the dispute"²⁴. This attitude is in accordance with the principle of optional jurisdiction by virtue of which, unlike disputes between individuals in a context of domestic law, States are only subject to the jurisdiction of the International Court for a given dispute should they consent to it.

Reservations and declarations pertaining to the content of the CEDAW

In advance of the Fourth World Conference on Women, held in Beijing in September 1995, and 14 years after its adoption in 1979 by the UN, Morocco ratified, in June 1993, the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW), which, despite the declarations made and reservations entered, constituted an undeniable step forward for the nation.

²⁴ See Declarations of Morocco attendant ratification of the CEDAW in 1993.

Reservations pertain, in particular, to articles 9 and 16:

- Article 16 pertaining to the equal rights and responsibilities of spouses prior to the nuptials, during the marriage and after dissolution of the union;
- Article 9 pertaining to the granting of the nationality of the mother to children born of a mixed marriage between a Moroccan woman and an alien.

As with the reservations entered towards certain provisions of the CEDAW, the Moroccan government additionally submitted declarations at the time of ratification. These declarations limit succession to the throne to males.

These reservations and declarations aim to ensure respect of domestic law, in particular the Constitution, family law (Moudawana) and the Nationality Code. However, article 28 of the CEDAW specifies that no reservation which is incompatible with the object and purpose of the convention shall be permitted. This provision is in accordance with conditions required by the Vienna Convention, which specifies “reservations may only be submitted so long as they are not prohibited by the treaty”. Reservations that uphold discrimination are therefore positioned in contradiction with the provisions of article 2 of the CEDAW, by virtue of which States Parties must guarantee the enjoyment of these rights without gender-based discrimination and take all appropriate measures to this effect. Likewise, by only entering reservations that concern the family, Morocco has adopted a selective attitude that stands in contradiction to the universal purpose of the CEDAW, which presents itself as a global text whose objective is the recognition of the integrity of women’s rights and the elimination of all forms of discrimination against women.

Debate on the reservations

The principle of designating women’s rights as human rights constitutes the foundation for integrating women’s rights into the human rights dynamic. This principle, however, clashes with debates in which cultural particularism challenges the universality of human rights and equal rights for women, especially in the private sphere. The clash between the universality of women’s and men’s human rights and particularisms reveals the cultural domain to be a domain of bias as, in the name of religion, cultural differences have been deepened and reinforced and the essential value of human rights contested.

Cultural particularism has already fuelled debate over the reform of the Personal Status Code. It has caused the failure of multiple efforts at revision and has, for some forty years, pitted supporters of equality against conservatives. This situation stands in the way of the adoption of anti-discriminatory measures and impedes progress in the movement to eradicate discrimination.

This is why, during examinations of the initial report in 1997 and of the second periodic report in 2003, the CEDAW Committee included the question of the removal of reservations among its primary concerns and recommendations. These recommendations were reiterated in January 2008 during the presentation of the report combining both the third and fourth periodic reports, as well as during the process of the Universal Periodic Review (UPR, April 2008).

In Morocco, the question of the removal of CEDAW reservations has long mobilised women's associations and human rights organisations. On International Women's Day in March 2006, a press release from the Ministry of Justice announced the removal of certain CEDAW reservations no longer justified given the 2004 revision of the Personal Status Code and the 2007 revision of the Nationality Code.

Following the regional "equality without reservation" campaign launched in Rabat in June 2006 by the women's movement, the Moroccan government announced its intention to re-examine reservations pertaining to articles 9 and 16 of the CEDAW in light of changes to Moroccan law, including the Family Code and the Nationality Code. This intention translated into the establishment of the Inter-Ministerial Commission for Civil Liberties and Human Rights, chaired by the Prime Minister, who appointed an inter-ministerial oversight committee. This process was inaugurated and debate opened essentially with H.M. King Mohammed VI's announcement of the upcoming removal of reservations for the sixtieth anniversary of the Universal Declaration of Human Rights. In fact, the drafting of a *dahir*, a royal decree, on the matter was begun in 2009 and, according to information provided by the Ministry of Justice, is currently under review by the High Council of Ulema²⁵. Nevertheless, documents relative to the removal of reservations have yet to be submitted to the UN Secretariat.

6.1.2. Obstacles to CEDAW implementation

Advances made in the ten-year period 1999-2009 place Morocco in a context of appreciable progress on the regional level. These advances are all more significant given that they are, on the one hand, the result of political will formulated at the highest level and, on the other hand, the outcome of the mobilisation and efforts of the women's movement, as well as the dynamism of civil society. Nonetheless, as a result of certain weaknesses and loopholes, various discriminations persist in the law and legal practice, as well as in behaviour.

The non-supremacy of international law

Since Moroccan independence, every successive Constitution has failed to make express provision for the primacy of international standards over internal standards. The Constitution

²⁵ Information provided by the Ministry for Justice on 9 June 2009.

of 1996 broke new ground by including in its Preamble the desire for Morocco to align itself with respect for universally-recognised human rights. The ideological debate over the legal significance of the Preamble has not necessarily facilitated the recognition and application of international instruments, all the more so given that regulations governing family law are considered as falling under the scope of domestic government.

A revision of the Constitution, demanded by certain political parties, would put an end to this debate were it to follow the lead of other nations in expressly embracing the principle of supremacy of international standards over internal standards. It would then enable judicial bodies to enforce those conventions that Morocco has already ratified without reservation.

6.1.3. Other treaties and international agreements

Morocco, as a member of the international community, has participated in the key international conferences pertaining to women's rights: Mexico in 1975, Copenhagen in 1979, Nairobi in 1985 and Beijing in 1995. Beijing marked a turning point in how the question of gender equality was regarded, a question of which the international community was reminded at the Beijing +5 and Beijing +10 reviews.

Overall, Morocco has ratified the general instruments that formalise the principle of non-discrimination on the basis of gender. Thus, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (1966) were ratified on 3 May 1979. The optional protocol related to the International Covenant on Civil and Political Rights and the optional protocol to the CEDAW are both in the process of being ratified.

For those conventions dealing directly with women's rights, Morocco adopts different positions. In 1976, it ratified the Convention on the Political Rights of Women, but did not subscribe to either the Convention on the Nationality of Married Women (1957) nor the Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962). Indeed, if ratification of most international conventions seems a routine procedure, it actually takes on, as regards women's rights, a critical nature given the adjustments these laws involve with respect to the internal legal system especially insofar as they conflict with the existing patriarchal system and require an alignment of the universal frame of reference with the religious one.

Women's associations have been behind most advocacy efforts, as well as awareness raising and training initiatives. Their efforts have manifestly influenced the political agenda and the visibility of certain questions, such as reform of the Personal Status Code, the question of violence or women's representation in elected bodies, and their involvement on both the

regional and international level has led to the creation of networks, the strengthening of coalitions and the drafting of shadow reports.

6.2. National benchmarks: royal discourse

Political opening reform, initiated by the late King Hassan II during the “alternance” government and furthered by H.M. King Mohammed VI, who accelerated the pace of reform, has played a significant role in the legitimisation of calls for equality and has contributed to the introduction of the question of women’s rights and gender equality into the political agenda. In this regard, royal discourse represents an important benchmark for Morocco by orienting and lighting the way for national policy trends.

The question of women’s rights has acquired a place of prominence in the speeches of His Majesty, a testament to political will at the highest level. For instance: “Our attachment to human rights is thus reaffirmed as its principles stand in accord with our religious and civilisational identity. In this respect, we continue to work to equip the Moroccan woman with the means for active involvement in the institutional and democratic process by encouraging her to participate in the life of the nation and to occupy, in an inclusive manner, various positions in the civil service. We are also vigilant that she may enjoy growing, equitable representation within the government, the Parliament, local councils and all centres of decision-making. In view of the recognised qualities of the Moroccan woman, in this case skill, self-discipline and patriotism, in addition to her social consciousness, we intend to strengthen her effective contribution, in the footsteps of the Moroccan man, to the construction of a democratic nation and the process of development”²⁶.

²⁶ Excerpted from the Royal Message of the first Moroccans of the World Encounter, “Moroccans from here and elsewhere”, Marrakech, 19/12/2008

7. National initiatives: public policy and strategies for women’s human rights and gender equality

7.1. Mechanisms for women’s affairs and ministerial departments

7.1.1. Institutional mechanisms

In the days following independence, Morocco created several institutions to tackle women’s affairs. Although there was no single, dedicated ministerial office, a department was set up within a number of different ministries to handle promotion of women’s issues. After its creation in 1993 (the same year that saw ratification of the CEDAW), the Ministry for Human Rights created a woman’s department, thereby including women’s affairs at the very core of human rights issues .

In 1998, the “alternance” government assigned the promotion and coordination of initiatives targeting women to the **Secretary of State** in charge of social protection, family affairs and children within the Ministry for Social Development, Family, Solidarity and Professional Training. This period was characterised by the *Integrating Women into Development Action Plan* (PANIFD), initiated by the Secretariat in charge of National Mutual Aid (Entraide Nationale) and subsequently absorbed, developed and finalised by the Secretariat of State in charge of social protection, family affairs and children. In parallel, a *dedicated inter-ministerial commission on women’s affairs*, chaired by the Prime Minister, was established.

September 2000 saw the creation of the first ministerial office whose title bore mention of a purpose in support of women: **the Deputy Minister** in charge of women’s affairs, the family, children and social inclusion of the disabled. And yet, in spite of this large step forward, the limiting association with social development persists. Two years later, in 2002, the Ministry for women’s affairs was eliminated and women’s affairs assigned to the *Secretariat of State under the Ministry for Employment, Social Affairs and Solidarity in charge of family affairs, children and the disabled*. This new department inherited the problems faced by its predecessors: in terms of autonomy, it is dependent on another ministry, the connection to social development persists and the financial resources allocated leave little room for manoeuvre in initiating the ambitious programmes required. These difficulties, combined

with the insufficient manpower assigned to these various structures, served to reduce the department's effectiveness.

The Moroccan Centre of Information, Documentation and Studies on Women's Issues was created in 2004. Its stated objectives confirm the choice of a gender approach for all studies conducted.

In 2007, women's issues, reintegrated into family affairs, were handed over to the Ministry for Social Development, Family and Solidarity. Despite the aforementioned obstacles, and thanks to this department's dynamic efforts, a number of new programmes were launched, in particular with the support of United Nations agencies (inter alia UNIFEM, UNDP and UNFPA), the EU and bilateral cooperation programmes (Germany, Spain, Denmark, Belgium and France, among others). Although from an institutional point of view women's affairs remain confined to the domain of social development and linked to questions of the family, the approach adopted is no longer purely social but rather global, the result of organising the programmes in such a way as to further establish the existing interdependencies among all aspects of the issue, moving closer to mainstreaming a true gender approach.

Nevertheless, an advisory body on women's issues, long a demand of the woman's movement, has yet to be created. In addition, the absence of a dedicated structure for women's affairs and gender equality, ideally cross-functional and situated within the organisation of **the various ministerial departments**, is the primary cause behind the poor coordination among activities undertaken by ministerial departments in favour of women. The meetings taken with various ministerial departments and women's and human rights NGOs in drafting this report revealed a two-fold need:

- for civil society: the creation of an autonomous ministerial office endowed with the necessary human and material resources and tasked with women's affairs is needed to ensure better coordination and, above all, better monitoring and evaluation of initiatives undertaken in support of women's issues;
- for representatives from ministerial departments: within each ministry, a body responsible for women's affairs must be created to ensure coordination and monitoring of the National Strategy for Equity and Equality.

Given the cross-functional nature of women's affairs, poor coordination among actors, noted by all those interviewed, prevents proper monitoring and evaluation of efforts undertaken. Interviewees are advocating the creation of a **watchdog body for gender equality** whose responsibilities would include monitoring progress and, via annual reports, documenting such progress. Without such a body, it is difficult to analyse women's situation, understand changes happening in terms of gender relations and identify the various kinds of resistance met, thereby hindering formulation of the appropriate responses to the issue. A project to

create such a watchdog body has been initiated by the law faculty of Rabat University and is currently under discussion²⁷.

7.1.2. Gender strategy: an integrated, cross-functional approach

Directed since 2007 by a female minister strongly in favour of women's rights, the Ministry for Social Development, Family and Solidarity has made women's issues one of its main priorities.

In order to establish equality in terms of rights, both in fact and in behaviour, the Ministry has launched various initiatives and blazed a number of new trails:

- Drafting of a governmental equality agenda 2010-2015 for implementation of the National Strategy for Gender Equity and Equality, adopted in 2006;
- Implementation of the TAMKINE programme, a multi-sector programme to eradicate gender-based violence by means of women's empowerment along four axes: understanding the problem, raising public awareness, drafting a violence bill and providing services to female victims of violence;
- Drafting of a charter to improve the image of women in the media²⁸;
- Launching of awareness campaigns on women's access to participation in decision-making and in political life;
- Mainstreaming of gender and its integration into public policy.

On International Women's Day in March 2007, a Prime Minister's Memo underlined the importance of the National Strategy for Equity and Equality, inviting ministries, walis and governors alike to work to integrate questions of gender into all policies and developmental programmes, both regional and sector-specific. Today, this strategy is the benchmark strategy for all stakeholders and initiatives in support of women's issues. With a view to uniting and coordinating all efforts currently under way, this strategy invites the various elements of society to mainstream gender equality across five different domains:

- equal access to civil rights;
- political representation and participation in decision-making;
- equal access to social and economic rights;
- combating sexist stereotypes and sexist images in the media;
- anchoring the culture of equality across institutions, policies, action plans, attitudes and behaviour.

²⁷ See Interview with the Adjunct Dean of the Rabat Faculty of Law, 9/6/09

²⁸ See National Charter for Improving the Portrayal of Women in the Media – March 2005.

This strategy refers to:

- The gender approach over the “women’s approach”;
- An integrated approach to public policy aspiring to sustainable human development;
- A participatory process, embracing institutional partners, women’s associations, support centres, etc.

In order to support public policy, ensure better coordination among stakeholders and share best practices, the Ministry for Social Development, Family and Solidarity has set up a Gender Cooperation Committee. The Ministry has also launched an inter-sector Gender Audit process within its departments and certain institutions, such as the Social Development Agency (ADS).

7.1.3. Studies and awareness campaigns

In 2008 and in advance of local council elections, the Ministry for Social Development, Family and Solidarity launched a broad information and communication programme for better female representation in elected bodies; the programme was carried out via several specific campaigns:

- the “Women’s Political Participation, Lever for Social Development” campaign of 8 March 2008;
- the “Women’s Political Participation in Rural Areas, Lever for Social Development” campaign of 16 July 2008;
- the “Women on Local Councils, Lever for Local Governance” campaign of 8 March 2009.

These campaigns benefitted from the collaboration of the Ministry of the Interior and were conducted in partnership with women’s associations, political parties, legislators and the media, and supported by a number of other partners.

In terms of **violence against women**, a study on “The Impact of National Campaigns for the Eradication of Violence Against Women” and on national behaviour is currently under way. In the same context and with an aim to supporting awareness campaigns on gender-based violence begun in 2003 while simultaneously expanding the role of support centres and legal counselling for female victims of violence and improving the care provided to them, the Ministry for Social Development, in partnership with other ministerial departments and various women’s associations, has set up new support centres (eight in the Marrakech-Tensift-El Haouz (MTH) region and three in the Oriental region). In order to ensure better protection for victims of violence, the MDSFS, in partnership with the Ministry for Public Health, the Directorate-General of National Security (DGSN) and the Royal Moroccan Gendarmerie, has taken the following measures:

- collection of data relating to gender-based violence via the information system;
- set-up of a hotline;
- general training of police and gendarmerie personnel.

In May 2008, the TAMKINE programme²⁹: “a multi-sector programme to eradicate gender-based violence by empowerment of the women and girls of Morocco” was launched (with financing from the Spanish MDG support fund). This programme emphasises the various processes of gender-sensitive planning, programming and budgeting, as well as the promotion of the culture of equality in order to transform gender relations.

In this same vein and with a view to evaluating the impact of the Family Code (which came into force in 2004) on the perceptions, attitudes and behaviour of Moroccans, male and female alike, the Ministry initiated a national survey in August 2009 (with the support of UNIFEM).

7.2. Public policy and initiatives for women’s human rights and gender equality

In order to promote sustainable, equitable development for the benefit of the nation’s underprivileged, the National Human Development Initiative (NHDI) was launched in 2005 by royal dictum. This initiative is Morocco’s primary campaign for equal opportunity and combating poverty on the local level. Women’s issues are addressed in terms of combating regional disparities, poverty and all forms of exclusion, as well as empowering women and strengthening their participation.

In addition, within the framework of implementing the MDGs and the gender strategy, a number of ministerial departments have launched initiatives in support of women’s rights and gender equality.

7.2.1. The Ministry of Foreign Affairs and Cooperation

Via the Ministry of Foreign Affairs and Cooperation (MAEC), Morocco has participated in all international and regional conferences on women’s rights; it has made international commitments to improve women’s role in society (CEDAW, Beijing Platform, CRC, MDG, Istanbul Conclusions) and submitted periodic reports.

²⁹ See the TAMKINE 2008 Guide, French and Arabic

Within the framework of the implementation of the National Strategy for Equity and Equality, the MAEC has multiplied its partnerships in support of women's initiatives and has backed the proposals of the Group of 77 plus China relative to an overhaul of UN systems and strengthening the role of a "women's" agency.

7.2.2. The Ministry of Finance and gender responsive budgeting

Achievement of the objectives of the National Strategy for Equity and Equality, such as the implementation of all conventions, plans and policies relating to development (CEDAW, MDG, NHDl) depends in large part on the ability of the Ministry of Finance to financially support the execution of women's initiatives. Recognition of existing inequitable gender relations raises the issue of how financing allocated within the national and regional budgets is split between men and women.

Since 2002, Morocco has launched (with the support of UNIFEM) initiatives that aim for a shift to gender responsive budgeting on a national level, with the creation of awareness raising and training tools for implementing a shift towards gender responsive budgeting. In this context, the Ministry of Finance has appended a Gender Report to each budget bill since 2005.

Ministerial departments are now required to include gender in performance indicators associated with methods of budget preparation and execution. This reform has created a general framework for analysis and a global methodology to assist in the shift to gender responsive budgeting (GRB).

7.2.3. The Ministry for Public Sector Modernisation

The Ministry for Public Sector Modernisation (MMSP) plays a central role in mainstreaming and institutionalising gender equality. In 2006, it launched (with the support of the CIDA) a medium term strategic programme (MTSP) aiming to modernise public administration and promote the value of human resources³⁰.

The programme is focused along four axes:

- mainstreaming of gender equality within the structure and practices of the MMSP via strengthening of institutional capacity;

³⁰ See Medium Term Strategic Programme for Mainstreaming Gender Equality in the Public Administration Sector. MMSP publication, December 2006, 88p.

- narrowing the gender gap in terms of human resources management via capacity building and encouragement of stakeholders and decision-makers within the MMSP and other ministries;
- increased women's representation and participation in decision-making positions;
- promotion of a balance between family life and professional life.

By involving all ministerial departments, this programme seeks to correct a number of previous failures and to propel the nation towards the establishment of true gender equality. It is broken down into seven projects, two of which, considered top priorities, have already been set in motion³¹ in partnership with the CIDA, the ENA and the High Commission for Planning.

These two priority projects aim to correct two issues:

- In terms of the civil service: as of 2007, a total of 471,756 staff worked in the civil service, of which only 150,078 were women, representing 31.81% of total personnel;
- In terms of positions of responsibility: women occupy just over 10% of positions of responsibility, with 12.69% working as departmental heads but only 7.08% working in general management.

A programme embracing awareness raising, training and encouragement to integrate gender equality into recruitment, selection and appointment processes was launched in July 2007 in partnership with the ENA and the CIDA. As a correlative to this programme, the MMSP also launched a design study for a new compensation system within the civil service for 2008-2009. This study's finding should enable revision of the grading scale and the implementation of a new compensation system based on complexity of the role, qualification for the role and individual effort, all within the context of a gender approach.

7.2.4. The Ministry for Public Health

In terms of family planning, the contraceptive prevalence rate has seen a sharp increase, growing from 19% in 1980 to 63% in 2003-2004, with modern methods predominating: 55% as compared to 8% for traditional methods. A breakdown by place of residence reveals a higher rate of usage in urban zones (65.5%) as compared to rural areas (59.7%) for 2003-2004. Disparities by highest educational level achieved are small: 68.8% of women who completed secondary education versus 61.2% of uneducated women. For long-term or permanent contraceptive methods (intrauterine device (IUD) and tubal ligation (TL), respectively), prevalence stood at 11% in 2006.

³¹ Idem.

As regards maternal mortality, the department has implemented a Strategic Action Plan for 2008 – 2012 with two primary objectives:

- Reduce the maternal mortality ratio (MMR) to 50 deaths per 100,000 live births;
- Reduce the infant mortality rate (IMR), currently at 40 per 1000 live births, to 15 per 1000.

The results to date have been mediocre.

7.2.5. The Ministry for National Education

The National Charter of Education and Training, adopted in 2000, reiterated the right of each child, male or female, urban or rural, to education (article 12). The Charter expressly recognises the need to increase efforts to ensure girls living in rural areas get access to this basic right to education and to take all necessary measures to encourage families to invest in the education of their daughters; it is reaffirmed by the government's educational strategy (2009-2010), which, by royal directive, is focused along four primary axes:

- General implementation of basic education with an aim to progressively making such education compulsory;
- Improvement of educational quality;
- Management of the educational system;
- Improving reform financing.

The Najah Emergency Plan has already been instituted (2009-2012) and applies to all educational cycles; it defines 23 specific projects based on a gender approach and whose objectives have been determined by the Higher Council for Education:

- Enforce compulsory education up to 15 years of age;
- Encourage initiative and excellence at the upper secondary and university levels;
- Confront the cross-functional issues facing the current system;
- Avail the nation of the means for success.

Likewise, the image of women in educational materials can be improved by combating both sexist stereotypes and violence in the educational environment. The CIDA is currently providing support for the Medium Term Strategic Action Plan for Mainstreaming Gender Equality (2008-2011) while a number of other partners are supporting loan grants and student centres to promote the education of girls from rural areas.

Further support is provided by a campaign to distribute educational materials and school supplies to students from underprivileged families; in 2007, some 213,000 students received

this kind of assistance. This campaign was bolstered in 2008 by the Royal “One Million School Bags” Initiative for students enrolled in schools located within the NHDJ target zones.

7.2.6. The Ministry for Employment and Professional Training

In order to better align training levels with labour market demand, the government has made job creation a top priority since 2006.

Measures have been taken to integrate the gender approach in initiatives like *Idmaje* (integration), *Taahil* (empowerment), *Mokawalati* (entrepreneurship).

Special attention is given to women in rural areas with the Ministries of Employment, National Education and Agriculture all launching coordinative projects in favour of rural women (IGAs, microcredit, cooperatives). In this way, the number of cooperatives created by women almost doubled in the period between 2004 and 2007, growing from 376 cooperatives to 648 (there were only 102 cooperatives in 1997). The capital controlled by women’s cooperatives has increased to more than 10.5 million dirhams, of which 49.5% is generated in the artisanry sector, 42.2% in agriculture and 6.3% in industries relating to argan products. Nonetheless, the lack of relevant studies prevents an understanding of the real impact IGAs are having on women’s empowerment.

7.2.7. The Ministry of Communication & the image of women in the media

A National Charter to improve the image of women in the media has been adopted. Its primary objectives are:

- respect for women’s dignity across all media channels and products;
- mainstreaming and integration of the gender approach into national media policy;
- mobilisation of media, political, social and economic actors to encourage the establishment and defence of a culture of gender equality and respect.

In spite of the Charter, it is undeniable that the media remains relatively uninvolved in strengthening the role of women in society. Visual media, television in particular, which have a strong capacity for influencing behaviour and lending value to the role women play in society, do not broadcast enough positive images of women and have yet to develop and acquire reflexes in favour of gender equality. A great number of televised political and economic programmes completely ignore female expertise.

Given this reality, the Ministry of Communication launched training sessions in 2004 for ministerial officials and certain media actors; these sessions led to the creation of a committee for monitoring gender equality in the media.

Likewise, conscious of the importance of the way in which women are portrayed in the media, which tends to reproduce established social roles and engrained stereotypes, the Ministry undertook a diagnostic study, based on the National Charter to improve the image of women in the media, in order to identify priorities and potential obstacles³². The findings of this study made possible the drafting of a medium term action plan focused along three primary axes:

- Strengthen the ministry's ability to consider gender equality across governmental structures, media groups and behaviour;
- Strengthen the ability of main media actors to establish a culture of gender equality and improve the image of women in the media via:
 - training and awareness raising programmes targeting media actors from various spheres: decision-making, cooperation and civil society;
 - a series of trainings for student journalists favouring both the gender approach and the mainstreaming of gender equality;
- Support gender equality by promoting women to decision-making positions.

Another study on diffusion of the culture of equality is currently being finalised; it will enable implementation of a three-pronged strategy: the educational environment, the religious environment and the media environment.

7.2.8. The Ministry for Awqaf and Islamic Affairs

The religious domain, long closed to women, represents an area of progress that is both significant and symbolic of the changing roles of women and shifting gender relations within Moroccan society. The Ministry for Awqaf and Islamic Affairs has taken measures across various domains:

- On a legislative level, a bill eliminating the right to attribute the status of "*habous/waqf*" to a property by male lineage alone is currently under adoption by Parliament;
- In terms of positions of responsibility, 20 women were promoted to various posts within the Ministry;
- In terms of Islamic education in, 149 women have been appointed to positions within the various institutions and 1213 scholarships granted to girls to continue their education in these institutions;

³² See Medium Term Programme for Mainstreaming Gender Equality in the Communication Sector. Rabat, August 2006.

- The number of women involved in mosques for the fight against illiteracy has seen a sharp increase: from 179 women in 2004 to 2500 in 2009. Between 2006 and 2007, 98,314 women benefited from this initiative;
- In terms of training, in accordance with royal directives, the Ministry launched the 50 Morchidates training programme for women in 2005; graduates of this programme will, like their male counterparts, provide counsel to the Moroccan population, both domestic and international;
- Since 2003, each Ramadan, a woman is nominated to present a lecture before H.M. the King as part of the Al Hassania curriculum. Although, at the outset, the subject matter of these lectures revolved primarily around women's issues, they have branched out over the past three years to focus on more varied social themes;
- Women now sit on the Councils of Ulema, both on the local level and on the High Council;
- In order to ensure the visibility of women's role in the religious domain, the Ministry supports the publication of works of a religious scope produced by women.

7.2.9. The Ministry for Culture

Measures in support of women's affairs have been undertaken on two different levels.

In terms of positions of responsibility: three of the four ministerial departments are headed up by women, including Administrative and Financial Affairs, the Book Industry, and the Arts. The first woman has been named Inspector-General of the Ministry and two others appointed Secretary-General of the Higher Institute of the Theatre Arts and Culture and of the National Institute of Fine Arts, respectively.

In terms of initiatives, the Ministry has supported the Tetouan Festival of Women's Voices and the International Festival of Women's Self-Expression. Other activities are under way to promote the cultural rights of women and increase the visibility of female self-expression and women's issues.

7.2.10. Civil society and women's associations

Civil society, in all its components, especially human rights, development, and women's associations, have played an important role in both mobilisation around and awareness raising on women's full citizenship, with advocacy at the regional, national and international levels.

The top issues are:

- revision of Moroccan law, notably the Family Code, to align it with universal values;

- women’s political representation in elected bodies and women’s access to political and economic decision-making;
- violence suffered by women in all arenas;
- improvement of women’s socio-economic situation.

Civil society was unrelenting in its efforts for enactment of the **Family Code** in 2004, a battle that took place in often difficult conditions given the political and socio-cultural stakes of family law. Civil society’s mobilisation around the National Action Plan for Women’s Integration in Development (PNIFD), including the creation of a support network for the plan, the launch of a plan support front and the enormous efforts of the “Springtime of Equality” movement, finally led to the adoption of the Family Code in February 2004.

In terms of **policy-makers**, several memoranda were sent by women’s associations to various political decision-makers. The last such memorandum, dated May 2001, aimed to set the stage for the elections planned for September 2002. A proposal to amend electoral law, entitled “In Support of the Promotion of Women to Positions of Responsibility” and signed by 20 organisations, including a great many women’s associations, put forward concrete ideas relative to the quota – set at 33% with a minimum threshold of 20% – and to revision of the balloting method, inviting the various political parties, unions and professional chambers to implement a strategy for facilitating women’s participation in their organisation’s activities by applying this same quota to the structure of management and raise the awareness of members.

With regard to women’s **socio-economic rights**, civil society, primarily via unions, has played a significant role in several areas:

- enactment of the Labour Code,
- combating the labour of young girl housemaids³³,
- demanding the government speed up enactment of a law relating to domestic work;
- adoption of compulsory health insurance;
- combating illiteracy;
- combating poverty and exclusion with income-generating activities.

In terms of the issue of **violence**, a number of women’s associations have opened support centres to provide assistance and legal counsel in order to combat violence against women. Awareness campaigns have been organised, focusing on sexual harassment, physical violence and sexual violence against women. *The National Strategy to Combat Violence Against Women*, designed to be a nationwide instrument to combine synergies in the fight against

³³ Moroccan League for the Protection of Childhood “Study and Reflection Day on Young Girls Working as Housemaids Outside the Home”, Rabat, 19/01/1996.

violence, is considered “a model of governmental capitalisation of initiatives led by women’s rights organisations”³⁴.

Partnerships between the State and civil society, along with the new culture of participation, have marked a turning point in the past few years. After a long period of relative distrust, which only ended in the mid-1990s, this partnership is now unifying the efforts of various stakeholders around an ever-increasing number of themes. In terms of the question of equality, this partnership has enabled greater progress in the fight against illiteracy and gender-based violence.

Thematic partnership initiatives are regularly organised: with the Ministry for National Education, targeting the introduction of a culture of gender equality in educational curricula; with the Ministry of Finance, relating to the portion of the State budget allocated to programmes promoting women’s issues in Morocco³⁵; on illiteracy, with the Secretary of State in charge of the fight against illiteracy; and with the Ministry for Health, concerning the handling of problems relative to HIV/AIDS and STIs.

Within the framework of a diversified partnership, civil society continues to carry out various initiatives to establish full and unimpaird citizenship for the women of Morocco, examining weak points in the new Family Code via monitoring activities³⁶ and in laws relating to sexual harassment, participating in initiatives against gender-based violence and mobilising its efforts for reform of the Nationality Code. Civil society continues to propose improvements to legal and political norms in terms of equality: campaigns against violence (1999-2008), campaign for revision of the Nationality Code (2005-2006), campaign for adoption of the national list (2002), “equality without reservation” regional campaign (2006) and campaigns for “the movement for a third of seats towards parity” in parliamentary elections (2007) and local council elections (2008-2009). Additionally, on the international level, a number of initiatives have been launched, including the drafting of shadow reports³⁷.

7.2.11. International cooperation

Various policies in favour of women’s issues (National Strategy for Equity and Equality, Strategy to Combat Violence, literacy, training on gender methodology tools, gender responsive

³⁴ Mr. Aït Azizi, “Integrating Gender into Developmental Programmes: Initiatives for Mainstreaming Gender Questions in Morocco”, in “Understanding Gender Inequalities. The Gender Approach: Theory and Practice”, Conference report on the conference organised by the GREGED (Research and Study Group on Gender and Development), Fedala Press, Rabat, 2005

³⁵ ADFM, Seminar: “Participative Budget – Parliament and Civil Society: Collaborative Mechanisms”, 13-14 June 2002, Rabat.

³⁶ ADFM - LDDF

³⁷ See Shadow reports drafted by women’s NGOs relating to implementation of the CEDAW.

budgeting) have been launched in partnership with UN agencies, bilateral agencies, the European Union and international NGOs, among others. Financial and technical support has been provided by developmental agencies and international NGOs, various ministerial departments and civil society organisations within the framework of activities in support of women.

As part of the new EU neighbourhood policy, whose objective is the establishment of deeper political relations with the prospect of greater economic integration, action plans drafted with partner countries provide for stronger alignment with EU legislation, norms and standards, as well as the creation and implementation of various policies and measures targeting social cohesion, poverty reduction and the promotion of economic growth and employment. These have been launched in Morocco and include women's issues. In addition, the European Union is contributing towards gender equality by application of the principle of gender mainstreaming and by supporting civil society initiatives for the promotion of women's rights within the framework of the *European Initiative for Democracy and Human Rights*. Since 2006, the EU has financed seven projects targeting the promotion of women's rights. The projects deal with, among other things, actions for improving women's political representation and their performance in terms of advocacy, participation and intervention in public policy, as well as initiatives for training and raising awareness on women's rights, equal opportunity, young girls' right to education and the fight against gender-based violence.

Within the framework of the regional *Meda* programme and in partnership with civil society organisations, the EU is currently funding projects targeting the "improvement of women's opportunities for integration into economic life". Morocco is participating in three of these regional projects:

- Regional project *Women Entrepreneurs in the Mediterranean*;
- Regional project *Creating New Opportunities and Simplifying Networking for Underprivileged Women Working in the Home*;
- Regional project *Sustainable Economic Opportunities for Women in the MENA Region*.

Although these partnerships have made possible a number of achievements, they do raise the issue of the permanence of initiatives financed and supported by the international community. This question was strongly emphasised by the various ministerial departments and Moroccan NGOs consulted in the drafting of this report.

7.3. Strategies and initiatives against gender-based violence

Up until recently, the phenomenon of gender-based violence was not publicly understood, not only as a result of its “established” nature (men and women alike considered violence “normal”), but also because of the resistance of female victims to go public. Gender-based violence fell into the realm of those things left unsaid, in particular as it was rife in the closed world of connubial relations and the family, that is, the private sphere. Nonetheless, progress in this domain has shown that the question of gender-based violence has achieved greater visibility in Morocco. In this regard, women’s NGOs have, since the opening of the first support centre in Casablanca in the 1990s, been the first organisations to make gender-based violence visible³⁸, later followed on the institutional level by the Ministry for Social Development, Family and Solidarity, the police, the gendarmerie, the courts and national health services.

7.3.1. Governmental initiatives to protect women against violence

Following upon initiatives led by women’s NGOs, ministerial departments have progressively taken notice of the phenomenon of violence against women and implemented measures to better understand the phenomenon and raise the awareness of various stakeholders with the aim of better protecting women. In general, these measures are implemented in partnership with women’s NGOs and with the support of the international community.

In this way, the Ministry in charge of women’s affairs organised a first national campaign against gender-based violence in November 1998, followed by the drafting of the Strategy to Combat Violence Against Women (2002), which was officially presented to the public in March 2002 during the national forum entitled “Together Against Gender-Based Violence” and via various awareness campaigns (1998-2004). This led to the adoption of the operational plan, presented in 2004 before the Prime Minister, and the creation of a high-level steering committee (2005). This strategy is a testament to the government’s desire to include the question of violence against women among its priorities.

In 2005, a large-scale campaign was launched as part of the operational plan in the fight against gender-based violence and a hotline was set up. The fifth National Campaign to Combat Violence Against Women (2007) targeted the youth population with the watchword “Mobilising Youth in the Fight Against Gender-Based Violence” and made available

³⁸ See Brochure – List of support centres for psychological and legal assistance for female victims of violence, published by the MDSFS, November 2007.

to female victims of violence a guide to the nation's support centres for psychological and legal counselling³⁹.

The sixth (2008) and the seventh (2009) campaigns were themed around mobilising efforts for a law against domestic violence and saw great support via partnerships with NGOs operating across the country.

The **steering committee**, set up in March 2006, has four targets:

- Research;
- Training and awareness raising;
- Care for victims of violence;
- Set up of the ANARUZ network, whose objectives include a unified information system, drafting of reports, a training and awareness raising programme and advocacy efforts targeting decision-makers.

In order to unite efforts and mainstream the question of gender-based violence, a **multi-sector programme for combating gender-based violence** by empowering the women and girls of Morocco (2008-2011) has been implemented with the support of multilateral and bilateral agencies, predominantly European, and supported by the UN. This programme brings together 13 ministerial departments and eight United Nations agencies, as well as several NGOs.

The primary objective of this programme is to achieve, by a combination of stakeholder efforts and via women's empowerment, the mainstreaming and territorialisation of the fight against gender-based violence.

Likewise, the **Ministry for Public Health** has created, within the university medical centres of Rabat and Casablanca, units for female victims of violence. These units are required to systematically record all forms of violence suffered by women, regardless of whether the violence was inflicted in the public or the private sphere. In order to promote this initiative, law-makers have released doctors from their obligation to professional confidentiality when the victim is a woman or an abused child.

In partnership with the ministerial body in charge of women's issues, the **Directorate of Law Enforcement**, within the Directorate-General of National Security (DGSN), has moved forward on implementing a Gender Focal Point tasked with combating domestic violence. To this end, the Directorate has sent a memorandum to all police stations nationwide requesting that they track incidents of violence suffered by women and provide the Directorate with a monthly report on the numbers.

³⁹ See Pamphlet for the "Mobilising youth for the combat against gender-based violence" campaign, November 2007.

In order to understand gender-based violence more fully, the **High Commission for Planning**, tasked with producing and reporting statistics disaggregated by gender, launched a nationwide investigation in 2008, with a focus on the prevalence of the phenomenon, its various forms and the socio-demographic characteristics of both female victims and male perpetrators.

To strengthen understanding and bolster the various initiatives under way, the Ministry for Social Development, Family and Solidarity drafted a **bill** on domestic violence in 2009, which was introduced to legislative channels in February 2010.

The first survey on the prevalence of gender-based violence was carried out in 2009 by the High Commission for Planning within the framework of the TAMKINE programme. The findings are still coming in.

Despite these numerous initiatives and the manifest progress made in terms of visibility of the phenomenon, violence, especially domestic and family violence, continues to be considered as falling within the private sphere, which, in a certain fashion, reduces the gravity of the problem as it is ultimately not recognised as a serious violation of women’s basic rights. This perception of gender-based violence, committed against women within the closed confines of the family, has in large measure contributed to the serious lacunae in public understanding and in the definition of appropriate policies and programmes.

Thus, several forms of violence against women continue to be tolerated today: conjugal physical violence (grievous bodily harm) and sexual harassment, both in the workplace and in the public sphere in general. Infringements upon women’s freedom of movement, economic violence and institutional violence are just so many forms of the violence reflecting the reality of gender relations in Morocco and impacting the role of women in the public domain.

For several years, as a result of **clandestine migration** and refugee status granted to certain sub-Saharan migrants, sub-Saharan women, in addition to the extremely precarious situations in which they live in Morocco, face a number of different forms of violence en route to and during their stay in Morocco⁴⁰. NGOs are starting to include this question as part of their advocacy and awareness raising efforts⁴¹. Studies conducted on the question have enabled the identification of the various forms of violence to which women migrants and refugees are exposed both en route to and during their stay and eventual establishment in Morocco (inter alia physical and sexual violence, trafficking, forced prostitution); they have also made it possible to call upon decision-makers to consider the question of the recognised human

⁴⁰ Violence against female migrants and refugees in the Euro-Mediterranean region, December 2008, pp 78-89.

⁴¹ See AMERM publication relating to clandestine migration in Morocco, chapter entitled “Gender and Migration”. Rabat, 2008.

rights of migrant workers and their families, regardless of status, and the enactment into law of provisions of the Convention on Migrant Worker's Rights, ratified by Morocco in 1993.

7.3.2. NGO initiatives

Initiatives led by civil society organisations, especially women's associations, were launched in the 1990s. Broad-ranging, they focus on several different areas:

- Raising public awareness and the awareness of various stakeholders, including judges, police officers, social assistants, medical personnel, family and spouses, on the issues of violence against women;
- Advocacy targeting political decision-makers in order to put the question of gender-based violence onto the governmental agenda and introduce reforms to criminal law;
- Raising the awareness of victims of violence in order to break through the wall of silence;
- Creation of support structures for victims, including open-door hours in which psychologists and lawyers could provide pro bono assistance and counselling to victims of violence;
- Organisation of field research and surveys of the phenomenon;
- Training for stakeholders in how to care for victims;
- Drafting of reports on the phenomenon;
- Creation of networks to better organise actions and make them more professional.

Generally speaking, a majority of support centres offer women assistance provided by specially trained female counsellors. In the first phase, women expressing the need to talk about their pain are helped by volunteer psychologists. In a second phase, they are then involved in the process of seeking solutions to the problem, with the centre providing guidance and legal counselling via the support of volunteer lawyers (both male and female).

These associations, however, do not feel that these efforts are sufficient. Aware of the need for legal reform and the multi-faceted nature of violence against women, they have been dynamic in their efforts advocating legal reform, putting forward proposals for amendments to the Penal Code, the Labour Code and the Nationality Code, as well as proposals for changes to family law.

Finally, to lend greater visibility to the issue and break through the wall of silence, certain women's associations have rapidly launched field research initiatives to measure the extent of the problem, understand its causes and consequences for individuals and society alike, and evaluate the cost to society of the problem. This explicit knowledge of the actual situation on the ground, indispensable to any such effort at reform, is being gathered simultaneously by several associations, enabling better assistance for victims of violence. Today, given the scope of the problem of gender-based violence and the interdependent, inseparable nature

of women’s rights, most women’s associations have created support centres for female victims of assault⁴².

These support centres that have been set up by women’s associations are thus essential partners in the gathering of information useful in improving the quality of assistance and advocacy. Nevertheless, efforts in this regard face a lack of financing for their continued deployment.

7.4. Implementation of the CEDAW and the Istanbul Conclusions: viewpoints of those interviewed

7.4.1. Recognised progress for women’s affairs and gender equality

Before proceeding with the analysis of certain viewpoints on implementation of the CEDAW and the Istanbul Conclusions, we should note that, in the majority of ministerial departments consulted, women’s affairs had been assigned to a woman; only the Ministry of Finance employed a man in this regard, with gender responsive budgeting falling under the responsibility of the Budget Director.

The interviews with ministerial departments, women’s NGOs, partners and other key informants conducted in the drafting of this report revealed unanimous recognition that women’s affairs have seen great progress in Morocco and that women’s rights across all spheres have significantly improved. The initiatives led by various departments testify to the interest given to the issue. NGO accomplishments are substantial and predominantly fall under the universal frame of reference, tending to implement the CEDAW and the Istanbul Conclusions, which provide the framework for the National Strategy for Equity and Equality. Partners consulted are aware that the issue of women’s rights is central to the future success of the democratic process while simultaneously serving as a lever for sustainable development.

For the various individuals interviewed, the 2004 reform to family law represents the cornerstone for change, followed by women’s political participation and the presence of seven female ministers in the current government.

⁴² AMDF, UAF, LDDF, ADM, JOSSOUR, AMAL Association, etc.

When asked about the problem of violence against women, interviewees noted that the issue mobilises different elements of Moroccan society and that women are now better protected with women's NGOs playing a significant role in making the phenomenon of violence more visible and providing substantial support to female victims of violence. Likewise, the State continues to increase its involvement in the fight against gender-based violence, as seen in the awareness campaigns launched and the actions deployed by various departments. Those working within these departments affirm that the issues of gender-based violence and women's empowerment currently mobilise considerable funding.

7.4.2. The Istanbul Ministerial Conclusions

In contrast, the Istanbul Conclusions are not widely known. For the majority of those interviewed, it seems the Conclusions were not communicated and disseminated, with most officials unaware of their content, despite the fact that the preliminary work took place in Morocco. These officials placed the responsibility on the departments in charge of the issue, either Foreign Affairs or the Secretariat of State in charge of the Family, which became the Ministry for Social Development, Family and Solidarity in 2007. Most women's NGOs do not seem any better informed, with the exception of several associations that are more involved on the regional and international levels (ADFM, MAHR, OMDH) and members of the Euromed Platform. Key informants involved in women's affairs are equally uninformed.

Current instruments existing within the framework of the Euromed partnership are inadequately known and understood, especially in terms of women's rights. The advanced status given to Morocco, the association agreement and the question of migration are all better understood than the Istanbul Conclusions in support of women.

The most-oft cited frame of reference and the basis on which actions in favour of women's issues are carried out is unquestionably the CEDAW, together with the Beijing Platform for Action and the National Strategy for Equity and Equality.

7.4.3. Challenges and debate

The religious frame of reference

As regards the family sphere, decision-makers and certain NGOs believe that significant efforts have been made and that the religious frame of reference, itself an expression of cultural identity, must be mobilised via an interpretation most favourable to women. By contrast, some women's and human rights NGOs feel that the religious frame of reference, regardless of any progressive interpretation, cannot guarantee women's emancipation and instead complicates the situation for all Moroccans residing abroad.

The status of Moroccans residing abroad

In fact, the situation of Moroccans residing abroad (10% of the Moroccan population) has been highlighted by human rights organisations. By virtue of Moroccan nationality as a connecting factor, all Moroccans are subject to the Moroccan Family Code for all questions pertaining to their personal status regardless of the host country in which they reside. This situation, which causes suffering, drama and countless complex problems (such as the kidnapping of children by a parent exercising visiting rights) that cannot be resolved by techniques normally employed in situations of conflict of law, calls for immediate legislative intervention⁴³.

Political will, discourse and practice

When asked if there is true political will behind support for equality, interviewees responded in the affirmative, with the various ministerial departments and partners consulted noting that clear efforts are under way and that policies implemented are systematically evaluated with respect to gender and equality. Women's and human rights NGOs, on the other hand, feel that current policies remain limited and do not match discourse on the question. According to these organisations, policies are more closely tied to statistics on gender gaps and to combating certain flagrant forms of discrimination, such as gender-based violence, than to initiating policies with a clear strategy for making gender equality a concrete reality.

As regards the **removal of CEDAW reservations**, ministerial officials give no clear-cut opinion, noting that, given the sensitivity of the issue, a commission is currently addressing the question; by contrast, the majority of NGOs are unanimous on an understanding of royal discourse announcing the removal of reservations.

Officials admit that application of the law, in this instance the **Family Code**, faces several problems, primarily in terms of the human and financial resources available to judicial family divisions. By contrast, NGOs deem judicial mindset the greatest obstacle to application, with the mentality of judges blocking respect for provisions of the Family Code; these organisations also insist that support measures are lacking, for instance the absence of the fund for paying out alimony. Various partners support different monitoring efforts to improve application of the law and help the Moroccan population adopt the values of equality embodied within the Family Code⁴⁴.

Nevertheless, a slight disparity exists between the positions of civil society organisations and the views expressed by ministerial officials and partners, with the optimism of the lat-

⁴³ Malika Benradi: Introductory report "Gender, Migration and Rights", Tangiers Colloquium, 22- 25 May 2007. Impacts of the New Family Code on Private International Law. Lecture given at the Paris Symposium, La Sorbonne, 22-23 June 2009 (Tempus project: Gender Politics and Poetics: Women's Rights on Both Sides of the Mediterranean).

⁴⁴ UNIFEM, the ABA, the Danish Embassy, the Friedrich Ebert Foundation, etc.

ter balancing the caution of the former, which, while tinged with pessimism, translates into a desire to rapidly accomplish certain aims that officials consider somewhat unrealistic (for instance, the criminalisation of spousal rape).

Challenges

Ministerial officials underscore three fundamental challenges:

- Lack of coordination between ministerial departments, associations and partners; officials cite as an example the fact that international agencies often finance the same activity, such as initiatives against gender-based violence;
- Weak or absent monitoring and, in particular, analysis;
- Lack of funding: all initiatives are financed by partners, which casts doubt on the permanence of such initiatives and on State involvement via a mobilisation of its own financial resources.

By contrast, women's and human rights NGOs, as well as key informants, believe the primary challenge to be political will, which they feel requires greater concrete expression, at all levels, via more proactive policies to combat all forms of discrimination on the basis of the universal frame of reference, adopted in the Preamble of the Constitution and clearly signalled by the king in his message to the CCDH on the occasion of the sixtieth anniversary of the UDHR in December 2008.

8. Analysis of findings and priorities for future action

8.1. Main findings of the situation analysis

The issue of women's rights has been in constant evolution, but rapid progress is a recent phenomenon. This progress has been achieved over several stages, but visibility on the issue only gained ground in the early 1990s, driven by political opening and efforts by civil society, primarily women's associations.

The past five years have marked a turning point in terms of quality of action. Primary stakeholders have improved their initiatives, both in number and in calibre. Political will is manifest, as the State has launched new programmes for the promotion of women's affairs, adopted the principle of the cross-functionality of women's issues and created gender focal points. Nevertheless, to date no independent body, endowed with sufficient human and financial resources, has been established. Across all departments concerned, the creation of gender focal points has made it possible to move forward in terms of the visibility of existing gender gaps, especially those in decision-making positions.

With regard to women's legal status, progress has been made, but much remains to be done for alignment with international standards, as evidenced by the continued existence of reservations to the CEDAW. In family law, for instance, there remains a certain incongruity between domestic law and international law. In this way, recognition of international instruments by the Moroccan legal system continues to be an area of conflict between modernity and tradition, universality and specificity. The system also finds itself confronting a restrictive interpretation of the religious reference texts, as with the marriage of a Muslim Moroccan woman to a non-Muslim, issues of adoption or the very sensitive question of inheritance.

In the political and socio-economic domains, Morocco is moving towards alignment of its internal standards with international law, particularly as concerns social legislation and labour conditions. However, the full enjoyment of socio-economic rights remains contingent on Morocco's socio-economic choices or the political context.

Despite progress on the legal and political front, socially-constructed perceptions, shared by men and women alike, prevent them from fully integrating the principle of equality into their personal behaviour. Social roles and traditional values still represent obstacles to effective gender equality. In this regard, the educational system and the media play key roles: they mould perceptions, influence attitudes and behaviour, and make gender equality a de facto

reality. As such, the principal factors that gave rise to this qualitative change in women's status in Morocco have been analysed in depth while the impact of these factors on gender relations remains relatively unknown. In this respect, the creation of an Observatory for gender equality is needed to monitor the progress of women's situation, understand changes taking place and resistance met, and provide appropriate responses.

The role of the media in promoting values of equality remains obscure. There is a pressing need for media actors to be sensibilised on the issue of equality. It is also important to strengthen instruction on the culture of equality within the educational system and support application of the Family Code with more widespread training on the subject for judges and other stakeholders. In today's context, where the Moroccan population is still torn between modernity and tradition, formal progress in favour of women's issues must be bolstered by measures that seek a larger-scale transformation of the societal mentalities.

8.2. Priorities for future action

Despite progress for women's rights in Morocco, a number of measures must still be taken for the reality of the gender gap to be understood and eradicated, and for women, like men, to fully enjoy their basic human rights, recognised to each individual regardless of gender.

On the institutional level, effective gender mainstreaming is frustrated by inherent deficiencies in the ability of certain ministries with regard to project management, planning and internal communication, all consequences of an administrative system that lacks efficiency and renders impossible the drafting of rational strategies based upon clearly defined objectives and specific results. Cross-functional policy is in its infancy and needs to be reinforced. In addition, certain ministries are only partially involved in the various gender/women's programmes. The gender focal points, provided with only slim human and material resources and lacking a clear, meaningful status, have revealed their limits.

Thus, gender mainstreaming continues to run up against lingering discriminatory laws, the fact that the principle of equality has not been adopted into the institutional structure and the lack of mechanisms and correlative measures to reinforce general respect for laws enacted in favour of women.

Meanwhile, civil society continues to run up against fund-raising problems and, regardless of the will and determination of such organisations, they cannot stand as a substitute for the State.

Strengthening the role of women in Moroccan society, on the basis of the CEDAW, the European Neighbourhood Policy Action Plan and the Istanbul Conclusions, still requires the deployment of a number of priority actions. These actions cut across all levels of society and government and can only be achieved via an increased budgetary effort.

8.2.1. At the Constitutional level

Political will should be given concrete expression in express constitutional provisions pertaining to:

- The principle of gender equality across all rights: civic, political, economic, social and cultural;
- The principle of the supremacy of international standards over internal standards;
- The principle of adopting affirmative action measures (quotas) in order to improve female representation in all public bodies and narrow the gender gap.

8.2.2. At the institutional level

The cross-functional nature of women’s issues calls for:

- either the creation of an independent ministry tasked with women’s affairs, endowed with the necessary human and financial resources,
- or a substantial strengthening of the capacities of the Ministry for Social Development, Family and Solidarity in order to permit it to ensure the coordination, monitoring and evaluation of the National Strategy for Equity and Equality;
- the creation of a cross-functional “Women’s Affairs” structure within all ministerial departments to ensure better coordination and enable monitoring and evaluation of actions deployed in support of women’s issues;
- the creation of an Observatory for gender equality.

8.2.3. At the legal level

The reservations entered to the CEDAW, legal loopholes and the persistence of certain discriminatory laws prevent alignment with democratic demands and hinder implementation of the National Strategy for Equity and Equality, which requires Morocco’s participation in non-ratified conventions, regulation of certain rights, the elimination of discriminatory laws and the amendment and revision of the law in accordance with CEDAW provisions.

Morocco's failure to ratify certain international conventions should be reconsidered, for instance: the Convention on the Nationality of Married Women (1954); the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages (1962); the protocols of the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights; and the Optional Protocol to the CEDAW (1999).

Elimination of discriminatory legal provisions pertains primarily to:

- Polygamy and the four pages of the family register provided for such purposes;
- Divorce granted in return for compensation (*Khul'*);
- Recognition of petitions for paternity judgments for children born outside wedlock, with priority given to medical expertise (DNA testing);
- Relaxing the procedure for the exequatur of judgments pronounced abroad for members of the Moroccan community residing abroad;
- Enactment of an agreement with the EU that provides for the resolution of conflicts relating to recognition of the Family Code by the European legal system.

Article 10 of the Nationality Code should be amended to make foreign spouses of Moroccan women eligible for Moroccan nationality by virtue of marriage rather than via naturalisation procedures.

With respect to women's status and equal rights in the public sphere, the following measures should be taken:

- Accelerate the adoption of the law pertaining to domestic work, as the Labour Code does not apply to this category of worker, who thus benefits from no form of social protection;
- Review regulations pertaining to the pension scheme so that, upon her death, the mother's legal claimants can inherit her pension in the same capacity as those of the father;
- Review the system whereby pensions are paid out to a widow only provided that the marriage was entered into at least two years before the death of the husband or if one or more children were born to the couple;
- Eliminate discriminatory regulations pertaining to women's access to landed estate, including shared land;
- Eliminate marriage between an underage victim and her assailant who consents to marry her and, given the age of the victim, initiate in such cases criminal proceedings for rape with aggravating circumstances;
- Eliminate article 496 of the Penal Code, which stands in conflict with the establishment of shelters for female victims of violence, who can be pursued for "the abduction, detention and lodging of married women";
- Open the debate on the legal framework for medically-recommended abortions when the mother's health is at risk.

On the legal level, this means:

- Creating family courts that stand independent of courts of first instance. The judicial family divisions set up in 2004 are hindered by a lack of human and material resources and cannot operate independently;
- Accelerating the establishment of the familial mutual assistance fund;
- Creating family mediation bodies to ease the burden on judicial family divisions and meet the needs of families seeking to resolve conflicts outside the court system.

8.2.4. In the media

Priorities are:

- multiplying programmes that place value on women’s role in society;
- eradicating derogatory images of women, portrayed in degrading traditional roles for advertising purposes;
- involving women in all programmes, regardless of theme or field.

8.2.5. In terms of research

Morocco needs to promote research into and field studies on women’s issues, in particular questions considered taboo, such as the inheritance rights of women, women’s sexual rights, sharing domestic responsibilities and violence against women.

8.2.6. In terms of the role of civil society

Priorities focus on providing financial support to NGOs that operate, using the CEDAW as a point of departure, in support of women’s issues and to involve such organisations to a greater degree via a more participatory process in the drafting, implementation, monitoring and evaluation of all projects undertaken in favour of women.

9. Perspectives for future action

From among the various priorities and potential paths identified for prospective action on the basis of an analysis of the Moroccan context, ten perspectives for future action have been singled out:

- Revise the Constitution

Integrate across all rights not only the principle of gender equality but also the supremacy of international standards over internal standards, which requires the appropriate alignment therewith of Moroccan law.

- Proceed with measures for better application of the Family Code
- Accelerate the establishment of the familial mutual assistance fund
- Enact a Morocco-EU agreement on conflict of laws and the procedure for exequatur of family law
- Create the Observatory for gender equality
- Strengthen women’s political participation by institutionalising affirmative action measures
- Support implementation of the Communal Charter via:
 - set-up of a commission on equality and equal opportunity within each municipality;
 - drafting of a local development plan based on a gender sensitive, participatory approach;
 - gender responsive budgeting on the local level;
 - diffusion of the culture of equality across all local-level initiatives and actions.
- Open the debate on the legal framework for medically-recommended abortions

Medically-recommended abortions are those abortions carried out when the mother’s health is at risk; in addition, Morocco needs to draft a health code in which women’s rights to reproductive health are recognised, protected and guaranteed.

- Involve the media in promoting the culture of equality

Create training programmes designed specifically for media actors, as well as awareness raising programmes targeting the general public.

- Target migrant and refugee women for programmes combating gender-based violence
- Involve men in the sharing of domestic responsibilities in order to establish a culture of equality

The inclusion and participation of men and boys are important and must begin within the family, must be promoted by the educational system and must be further strengthened by the media. Men's involvement is essential for global societal progress and for moving towards a shift in mentalities, in particular with regard to combating gender-based violence, equal participation of men and women in the nation's public and political life, reproductive health and a healthy balance between family and professional life. Over the long-term, such involvement will result in de facto gender equality as the natural order of society.

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