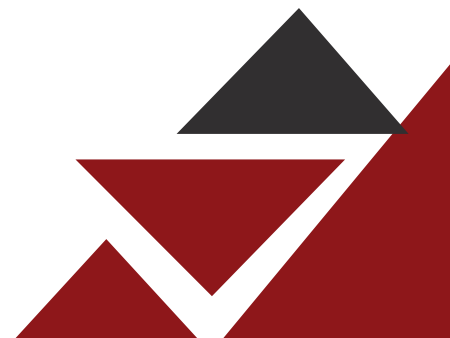


# Violence Against **Women** in Morocco

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## I—Legislative Framework

### 1. International Conventions

International treaties mirror the government’s commitments regarding their populations and the international community. Given that it is a basic principle of international law that a state party to an international treaty should ensure that its domestic law and practice are consistent with what is required by the treaty. These rights and guarantees are only truly available to individuals when incorporated into national law and policies.

#### **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>1</sup>**

Internationally, Morocco took a leap forward towards promoting human rights and advancing women’s rights with the lift of reservations made when ratifying the Convention on the Elimination of All Forms of Discrimination against Women in 1993. These reservations were made based on The 1969 Vienna Convention on the Law of Treaties that permits States to make a reservation at the time of ratification or accession to a treaty.

On April 8th, 2011, the Government of the Kingdom of Morocco notified the UN of its decision to withdraw its reservations made upon Articles 9(2) and 16. Article 9 (2) affirmed that “States Parties shall grant women equal rights with men with respect to the nationality of their children”. Article 16 of the Convention concerned matrimonial and family law.<sup>2</sup> The reservations to Articles 9 (2) and 16 of the Convention read as follows:

Regarding Article 9, paragraph 2, the Law of Moroccan Nationality allows a child to bear the nationality of the mother only in the case where the child is born to an unknown father. This, regardless of the place of birth, or if the father is stateless. When born in Morocco, there is a guarantee for each child to have full right to nationality. Furthermore, a child born in Morocco from a Moroccan mother and a foreign father may acquire the nationality of his/her mother by

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<sup>1</sup> <https://www2.ohchr.org/english/bodies/cedaw/docs/co/cedaw-c-bgd-co-7.pdf>

<sup>2</sup> Article 16 "1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: "(a) The same right to enter into marriage; "(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; "(c) The same rights and responsibilities during marriage and at its dissolution; "(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; "(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise those rights;"(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship, and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount; "(g) The same personal rights as husband and wife, including the right to choose a family name, a profession, and an occupation; "(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property, whether free of charge or for a valuable consideration. "2. A child's betrothal and marriage shall have no legal effect. This means that all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."

declaring—within two years of reaching the age of majority—the desire to acquire that nationality; provided that on making such declaration, the customary and regular residence is in Morocco.

With regard to Article 16, the Government of the Kingdom of Morocco made a reservation concerning the provisions related to equality between men and women particularly with reference to the rights and responsibilities in marriage. This equality is considered incompatible with Islamic Sharia—referring to “God's divine law as contained in the *Quran* and the sayings and doings of Muhammad (hadith) ”<sup>3</sup>— which guarantees each of the spouses’ rights and responsibilities within a framework of equilibrium and complementary in order to preserve the sacred bond of matrimony as stated in the text of the reservations withdraw

The provisions of the Islamic Sharia oblige the husband to provide a nuptial gift upon marriage and to support his family, while the wife is not required by law to support the family. Moreover, at the dissolution of marriage, the husband is required to pay maintenance. On the other hand, the wife enjoys complete freedom of disposition of her property during the marriage, and upon its dissolution without supervision by the husband, the husband has no jurisdiction over his wife’s property. For these reasons, the Islamic Sharia confers the right of divorce on a woman only by the decision of a Sharia judge.<sup>4</sup>

Concerning the reservations and their effect, it is important to stress that the CEDAW Committee has frequently emphasized that states could consider the overall effect of a group of reservations; as well as the effect of each reservation on the treaty's integrity. States could not systematically reduce the obligations to those presently existing in less demanding standards of domestic law, thereby leading to a perpetual non-attainment of international human rights standards.

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<sup>3</sup> <http://www.oxfordislamicstudies.com/print/opr/t125/e1107>

<sup>4</sup> [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-8&chapter=4&clang=en#82](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&clang=en#82)

Articles 2<sup>5</sup> and 16<sup>6</sup> are key components of the Convention. According to the CEDAW Committee, Article 2 is significant to the Convention's object and purpose, therefore traditional, religious, or cultural practice cannot justify violations of the Convention. Similarly, the Committee considers that reservations to Article 16, whether lodged for national, traditional, religious, or cultural reasons, are irreconcilable with the Convention and thus impermissible, and that they could be reconsidered, changed, or withdrawn.

Despite the reservation's lift on Articles 9(2) and 16 of the Convention, Morocco maintained its interpretative declarations concerning Article 2. The Government of the Kingdom of Morocco expressed its readiness to apply the provisions of the article if they are without prejudice to the constitutional requirements that regulate the rules of succession to the throne of the Kingdom of Morocco. They should, also, not conflict with the provisions of the Islamic Shariah<sup>7</sup>.

These declarations also concern Article 15(4), that affirms that "States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile". In it, the Government of the Kingdom of Morocco declared that it can only be bound by the provisions of this paragraph—in particular, those relating to the right of women to choose their residence and domicile—to the

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5 Article 2 : States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle; (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women; (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; (e) To take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise; (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices which constitute discrimination against women; (g) To repeal all national penal provisions which constitute discrimination against women.

6 Article 16 : 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; (c) The same rights and responsibilities during marriage and at its dissolution; (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights; (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship, and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount; (g) The same personal rights as husband and wife, including the right to choose a family name, a profession, and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property, whether free of charge or for a valuable consideration. 2. A child's betrothal and marriage has no legal effect. A person has to be of legal age before they could be legally allowed to marry.

7 [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&midsg\\_no=IV-8&chapter=4&clang=en#82](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&midsg_no=IV-8&chapter=4&clang=en#82) : *With regard to article 2:*

The Government of the Kingdom of Morocco expresses its readiness to apply the provisions of this article provided that:

— They are without prejudice to the constitutional requirement that regulate the rules of succession to the throne of the Kingdom of Morocco;

— They do not conflict with the provisions of the Islamic Shariah. It should be noted that some provisions contained in the Moroccan Code of Personal Status according to women rights that differ from the rights conferred on men may not be infringed upon or abrogated. This is because they derive primarily from the Islamic Shariah, which strives, among its other objectives, to strike a balance between the spouses in order to preserve the coherence of family life.

extent that they are not incompatible with articles 34<sup>8</sup> concerning the decision about the possessions the wife brings with her to the marriage in case of dispute and 36<sup>9</sup> of the Moroccan Code of Personal Permanent Impediments.

The scope of these declarations goes beyond simple interpretation and limits Morocco's obligation to fully apply these provisions as long as it does not contradict Sharia Law.

### **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa<sup>10</sup>**

The African Union adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa on 11 July 2003 at its second summit in Maputo, Mozambique. This Charter then came into effect on 25 November 2005, after ratification by the required 15 member nations of the African Union. Although this protocol is one of the most advanced legislative tools promoting African women's human rights, it has not been signed by Morocco.

### **Convention on the Political Rights of Women, New York, 31 March 1953**

On March 31st, 1953, The Convention on the Political Rights of Women was adopted by the United Nations General Assembly during the 409th plenary meeting with the aim to codify a basic international standard for women's political rights.

Upon its ratification on November 22nd, 1976, Morocco declared that "The consent of all the parties concerned is required for the referral of any dispute to the International Court of Justice."<sup>11</sup> This, regarding Article IX of the convention that specifies:

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<sup>8</sup> Article 34 Article 34 Tout ce qu'apporte l'épouse sous forme de Jihaz (trousseau de mariage et ameublement) ou de Chouar (objets précieux) lui appartient. En cas de contestation au sujet de la propriété du reste des objets, il est statué selon les règles générales de la preuve. Toutefois, en l'absence de preuve, il sera fait droit aux dires de l'époux appuyés par serment, s'il s'agit d'objets habituels aux hommes, et aux dires de l'épouse, après serment, pour les objets habituels aux femmes. Les objets qui sont indistinctement habituels aux hommes et aux femmes seront, ensuite serment de l'un et de l'autre époux, partagés entre eux. Cela, à moins que l'un d'eux ne refuse de prêter serment alors que l'autre le prête, auquel cas, il est statué en faveur de ce dernier. En ce qui concerne les meubles de la maison, cet article considère que tout apport effectué par l'épouse, en guise de trousseau et literie, amenés de la maison de ses parents au foyer conjugal, lui appartient à titre exclusif. Pour le reste des effets du foyer conjugal, l'affaire doit, en cas de litige, être tranchée selon les règles générales de la preuve. Dans le cas où les conjoints ne peuvent pas produire la preuve en ce qui concerne ces effets, l'on peut dégager trois solutions : - si lesdits effets appartiennent habituellement aux hommes, ils doivent revenir au mari, après prestation de serment par ce dernier ; - s'ils appartiennent d'ordinaire aux femmes, les effets doivent revenir à l'épouse après prestation de serment par cette dernière ; - s'ils appartiennent indistinctement aussi bien aux hommes qu'aux femmes, les conjoints sont tenus de prêter serment et de procéder à leur partage à égalité. Ces dispositions sont applicables à moins que l'affaire ne comporte de fortes présomptions qui confirment les déclarations de l'un des conjoints et dont le tribunal serait convaincu pour fonder son jugement.

<sup>9</sup> Article 36 "Est prohibé, pour cause de parenté, le mariage de l'homme avec ses ascendantes et descendantes, les descendantes de ses ascendants au premier degré, les descendantes au premier degré de chaque ascendant à l'infini."

<sup>10</sup> <https://www.ohchr.org/Documents/Issues/Women/WG/ProtocolontheRightsofWomen.pdf>

<sup>11</sup> [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVI-1&chapter=16&clang=en#EndDec](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVI-1&chapter=16&clang=en#EndDec)

“Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of this Convention [which can not be] settled by negotiation, shall—at the request of any one of the parties to the dispute—be referred to the International Court of Justice for decision unless they agree to another mode of settlement.”<sup>12</sup>

### **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women<sup>13</sup>**

The bill approving the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which the Government of Morocco had acceded in June 1993, was adopted at the unanimity, July 7, 2015.

The General Assembly adopted the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women in 1999. It requires signatory States to recognize the competence of the Committee on the Elimination of Discrimination against Women; as well as to receive and consider complaints expressed by individuals or organized groups of civil society who believe they are victims of rights violations as guaranteed by the Convention. In comparison to the previous method of delivering frequent reports, this creates a powerful accountability mechanism for acts of discrimination against women.

When ratified, it becomes possible for Moroccan women who are victims of discrimination to file a complaint with the CEDAW Committee, once all national remedies have been exhausted. Anonymous complaints as well as complaints referring to events preceding the signature of the protocol by the country concerned are not permitted. This protocol also allows the Committee to entrust one or more of its members with a field investigation; in particular, if it receives documented information proving that serious or systematic violations of the rights set out in the Convention have been committed.

## **2. The Moroccan Constitution**

By the end of 2010, a wave of pro-democracy protests started in North Africa challenging authoritarian regimes in the region. The wave of uprisings started in Tunisia by popular demand and ended by toppling Ben Ali's regime. The Tunisian movement inspired its neighbours and other countries in the Middle East. People took the streets to demand for change and express their political and economic grievances.

On February 20, 2011, Moroccans across the country marched seeking political reforms and democratic change in the political leadership of the country. One of the demands was to

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<sup>12</sup> <https://www.jus.uio.no/english/services/library/treaties/02/2-04/political-rights-of-women.xml/>

<sup>13</sup> <https://www.ohchr.org/en/professionalinterest/pages/opcedaw.aspx>

establish a constitution based on more social justice and as a result, the 2011 Constitution came to light.

The 2011 Constitution adheres to new rights, promotes human rights, and increases the capacity of parliament and the government. Most importantly, for women, the new constitution commits the state to fight any sort of discrimination and establishes the authority for parity.

The preamble of the Moroccan Constitution states that the Kingdom of Morocco commits itself to ban and combat any sort of discrimination whether it is on the basis of sex, colour, beliefs, culture, social and regional origin, language, disability, or whatever personal circumstances.<sup>14</sup>

Article 19 of the Constitution is considered one of the most important articles related to equality where the constitution explicitly states in clear language that:

“Men and Women enjoy, in equality, the rights and freedoms of civil, political, economic, social, cultural and environmental character, enounced in this Title and in the other provisions of the Constitution,” as well as in “the international conventions and pacts duly ratified by Morocco and this, with respect to the provisions of the Constitution, of the constants of the Kingdom and of its laws.”

However, this article was greatly criticized because of its ambiguity and textual inconsistency where it gives prominence to the respect of the constants of the country, among which is religion.

Article 6 in the Moroccan Constitution states equal participation of men and women in political, social, and economic life and that the public powers “work for the creation of the conditions permitting the effectiveness of liberty and of the equality of citizens to be made general,” as well to “their participation in political, economic, cultural and social life.”<sup>15</sup> In addition to Article 30, which emphasizes equality between men and women in political representation, participation, and leadership.

More articles promote the equal right to representation of men and women in political parties (Article 10), equal right to present motions in legislative matters (Article 14), equal right to present petitions to public powers (Article 15), and equal access to property and ownership (Article 35).

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<sup>14</sup> [https://www.constituteproject.org/constitution/Morocco\\_2011.pdf](https://www.constituteproject.org/constitution/Morocco_2011.pdf)

<sup>15</sup> [https://www.constituteproject.org/constitution/Morocco\\_2011.pdf](https://www.constituteproject.org/constitution/Morocco_2011.pdf)



### 3. The Penal Code

The Moroccan penal code was first introduced on November 26th, 1962. It has witnessed various changes over the last decades. For instance, the criminalization of sexual assault and harassment, certain types of conjugal violence, and certain aspects of gender-based discrimination. The change also included the strengthening of sentencing and punishment in crimes of rape and indecent assault targeting women. For example, following efforts of civil society and certain parliamentary groups in 2014, the Moroccan Parliament adopted a legislative amendment repealing subparagraph 2 of Article 475 of the Penal Code.

The article stated that rapists were able to avoid prosecution by marrying their victim if she is at least 18 years of age. Following pressure by local feminist movements and the international community, the said article was revoked. Despite the fact that the article was officially cancelled, national institutions and civil society expressed their dissatisfaction with the government's response. They argued that the creation of a comprehensive law on violence against women is more efficient than scattered and partial amendments of the Penal Code.

Moroccan law does not prohibit acts of marital violence such as theft or fraud, nor does it cover protection against all types of violence. It specifically fails to criminalize marital rape and some forms of psychological and economic violence against women. Moreover, laws are lacking specificity in terms of protective measures, remedies, and sanctions for domestic violence.

There is no provision expressly criminalizing marital rape in Morocco. In practice, marital rape cases are qualified as violence or other offences but not as rape. Article 486 of the Penal Code criminalizes rape but does not expressly prohibit marital rape. Rape perpetrated on a male person is not considered rape (see definition in Article 486), but rather indecent assault (Article 485). Also, rape is classified in the Penal Code as a crime against "family order and public morality" rather than a crime against individuals.<sup>16</sup>

Article 486 of the Penal Code: "Rape is the act in which a man has sexual relations with a woman against her will. It is punishable by imprisonment for five to ten years. However, if rape was committed against a minor under the age of eighteen, a disabled person, a person known to have weak mental faculties, or a pregnant woman, the penalty is imprisonment for ten to twenty years."<sup>17</sup>

Article 485 of the Penal Code: "Any indecent assault committed or attempted with violence against persons of either sex is punishable by imprisonment for five to ten years. However, if the crime is committed against a child under the age of eighteen, an

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<sup>16</sup> [https://www.amnesty.org/en/news/2013/0311\\_3855.html](https://www.amnesty.org/en/news/2013/0311_3855.html)

<sup>17</sup> Morocco Penal Code, Available from: <https://www.ilo.org/dyn/natlex/docs/SERIAL/69975/69182/F1186528577/MAR-69975.pdf>

incompetent person, a disabled person, or a person known for his or her weak mental capacities, the guilty party is punished by a prison term of ten to twenty years.”<sup>18</sup>

Article 488 of the Penal Code: “In the case provided for in articles 484 to 487, if defloration has ensued, the penalty is: Reclusion of five to ten years, in the case provided for in article 484. However, if the culprit falls into the category of those listed in article 487, the maximum penalty provided for in each of the paragraphs of the said article shall always be incurred.”<sup>19</sup>

This article is extremely discriminatory as some women are born without a hymen, it is difficult to determine the loss of their virginity due to sexual activity, or the inexistence of their hymen in the first place. This legislation remains unspecific and broad, which results in women referring from reporting rape or assault to avoid this confusion that could lead to their persecution.

Moroccan Law provides a complete defence or mitigation of sentences for gender-based violence offences based on honour, passion, provocation, loss of control, or other similar factors. Article 418 of the Penal Code excuses the killing, injury, or beating of one spouse and his/her lover by another spouse if the non-adulterous spouse catches his/her spouse in the act of adultery.

Article 418 of the Penal Code: “Murder, wounds and blows are excusable if they are committed by one of the spouses on the person of the other, as well as on the accomplice, at the moment when he surprises them in flagrante delicto of adultery.”<sup>20</sup>

Adultery is criminalised under Articles 491-493 of the Penal Code. A case against an alleged adulterer is only pursued if the offended spouse complains, or, if one of the spouses is outside of Morocco, the adulterous spouse (by common knowledge) may be prosecuted automatically at the prosecutor’s initiative.

Penal Code Article 491: “Any married person convicted of adultery is punished by imprisonment of one to two years. Prosecution shall be brought only on the complaint of the offending spouse. However, if one of the spouses is away from the Kingdom, the other spouse who is known to be in adulterous relations may be prosecuted ex officio at the instance of the public prosecutor.”<sup>21</sup>

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<sup>18</sup> Morocco Penal Code, Available from: <https://www.ilo.org/dyn/natlex/docs/SERIAL/69975/69182/F1186528577/MAR-69975.pdf>

<sup>19</sup> Morocco Penal Code, Available from: <https://www.ilo.org/dyn/natlex/docs/SERIAL/69975/69182/F1186528577/MAR-69975.pdf>

<sup>20</sup> Morocco Penal Code, Available from: <https://www.ilo.org/dyn/natlex/docs/SERIAL/69975/69182/F1186528577/MAR-69975.pdf>

<sup>21</sup> Morocco Penal Code, Available from: <https://www.ilo.org/dyn/natlex/docs/SERIAL/69975/69182/F1186528577/MAR-69975.pdf>

Despite these improvements on paper, implementation has faced resistance from some judges and police, especially in rural areas, diminishing the real effect of the reforms.

Article 490 of the Penal Code criminalizes pre-marital sex, calling for punishments ranging from one month to one year in jail. The criminalization of pre-marital rape hinders girls' and women's access to justice in case of rape or revenge porn.

Article 490 of the Penal Code: "Are punished by imprisonment from one month to one year, all persons of different sex who, not being united by the bonds of marriage, have sexual relations between them."<sup>22</sup>

Article 475 of the Penal Code specifies that a kidnapper or seducer of a minor girl can be acquitted if he married her: "Anyone who, without violence, threats or fraud, abducts or misappropriates, or attempts to abduct or misappropriate, a minor under eighteen years of age, is punished by imprisonment for one to five years and a fine of 200 to 500 dirhams. When a child has reached the age of majority and has been abducted or misappropriated in this way and has married her abductor, the latter can only be prosecuted on the complaint of persons entitled to request the annulment of the marriage and can only be sentenced after the annulment of the marriage has been pronounced."<sup>23</sup>

The 2007 standards for family planning state that a woman is only eligible for voluntary surgical contraception if: she is married (between the age of 30-45) with at least 3 living children (including a boy), and, the youngest child should be older than 2 years old. Moreover, the procedure can only be conducted with the husband's consent unless spousal consent cannot be obtained and doctors believe the procedure is medically necessary. Under Article 453 of the Penal Code, abortion in Morocco is only permitted for health reasons. Since pre-marital sex is illegal under Article 490 of the Penal Code, abortion can only be obtained in the context of marriage. Following a debate held in Morocco on illegal abortion, it was decided in May 2015 that in addition to cases where the mother's life and health are in danger, the authorization of abortion will be extended where pregnancy results from rape, incest, or fetus malformation.

The Penal Code strictly clarifies that abortion is illegal in Morocco and is punishable by law. However, factors such as poverty, the social stigma surrounding abortion and pregnancy out of wedlock, have contributed to a situation in which many women die or suffer severe health consequences of undergoing illegal abortions.

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<sup>22</sup> Morocco Penal Code, Available from: <https://www.ilo.org/dyn/natlex/docs/SERIAL/69975/69182/F1186528577/MAR-69975.pdf>

<sup>23</sup> Morocco Penal Code, Available from: <https://www.ilo.org/dyn/natlex/docs/SERIAL/69975/69182/F1186528577/MAR-69975.pdf>

Article 449 of the Penal Code: “Anyone who, by means of food, drink, medicine, manoeuvres, violence or any other means, procures or attempts to procure the abortion of a pregnant or supposedly pregnant woman, whether she has consented to it or not, is punished by imprisonment for one to five years and a fine of 200 to 500 dirhams. If death results, the penalty is imprisonment for ten to twenty years.”<sup>24</sup>

Article 453 of the Penal Code: “Abortion is not punishable when it is a necessary measure to safeguard the health of the mother and is performed openly by a physician or surgeon with the permission of the spouse. If the practitioner believes that the mother’s life is in danger, this authorization is not required. However, the opinion must be given by him to the chief medical officer of the prefecture or province. In the absence of a spouse, or where the spouse refuses to give consent or is prevented from doing so, the physician or surgeon may not perform the surgery or use the therapy which may result in the termination of the pregnancy unless he or she has received a written opinion from the chief medical officer of the prefecture or province that the health of the mother can be safeguarded only by such treatment.”<sup>25</sup>

During the month of Ramadan, Moroccan authorities conducted a wave of arrests of Moroccan citizens who break their fast in public spaces. This practice is completely legal by article 222 of the penal code which punishes with up to six months in prison people

Article 222 of the Penal code “who are identifiably Muslim who ostensibly break the fast in a public place during Ramadan, without benefiting from one of the exceptions Islam permits.”

This article is seen as an infringement religious freedom and liberty of choice seeing that the Article 3 of the Moroccan constitution says that “Islam is the religion of the State, which guarantees to all the free exercise of beliefs.”

Morocco also adheres to the pact on civil and political rights, which declares in article 18 “Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.”

These arrests not only included individuals who did not fast willingly, but also those who do not fast because of one of the exceptions in which Islam allows the break of fast, like for women who are on their period. A group of women was asked to prove that they were on their menstrual cycle to avoid an arrest.

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<sup>24</sup> Morocco Penal Code, Available from: <https://www.ilo.org/dyn/natlex/docs/SERIAL/69975/69182/F1186528577/MAR-69975.pdf>

<sup>25</sup> Morocco Penal Code, Available from: <https://www.ilo.org/dyn/natlex/docs/SERIAL/69975/69182/F1186528577/MAR-69975.pdf>

This act directly violates a human's physical integrity and is also a breach of the Human's rights pact signed by Morocco which states in article 7: "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

#### **4. The Family Code**

The relationships between society and law are dynamic and complex as laws are both the reflection of the society that creates them and the society over which they rule. This process is seen in Morocco where the Family Code has been undergoing various forms of reforms in order to increase the active participation of women in politics, social, and economic life.

Historically, the Family Code also known as "*Moudawana*" replaces the Personal Status Code or Family Code which was drawn up in 1958 immediately following independence, with reference exclusively to Muslim law. An important aspect of the *Moudawana* is the only section of Moroccan law that relies primarily on Islamic sources, rather than Spanish or French civil codes, which gave it a greater sense of immutability and contributed to the difficulty of reforming it later on. A state's family or personal status law has wide-ranging implications for citizens' daily lives, but many gender equality advocates point out its particular significance for women. The family code is the basic law covering persons and family relations that governs marriage, legal separations, property relations between spouses, and parental authority, among others.

Women seeking empowerment have been challenged by the fact that Moroccan family law in general and the Personal Status Code, in particular, enshrines the notion of "self" as impossible to disarticulate from a patriarchal, patrilineal kinship network and embeds this sense of self within Islamic discourse, making use of Sharia's power as a potent political symbol. This has been and still is accompanied by rhetoric asking women to stay in socially, culturally, and customarily sanctioned roles for the realisation of nationalist enterprises, equating their reluctance to do so as compromising the spiritual, political, and financial health of the nation.

The king established a panel to look into the prospect of altering the *Moudawana* in April 2001. In January 2004, the final text was approved. It established several fundamental rights for women, including the right to self-guardianship, divorce, and child custody. Polygamy was also declared illegal, and the legal age of marriage was raised from 15 to 18. Sexual harassment was also made illegal. However, polygamy, unilateral repudiation of the wife by the husband, separation by recompense, and discrimination in inheritance rules were not abolished.

The reforms of 2004 also expanded the right of a woman to file for divorce if her husband fails to meet any of the marriage contract's conditions, or if she suffers harm exercised by her husband, such as lack of financial support, abandonment, violence, or other forms of abuse, which promotes equality and equity between the two spouses. Another new clause establishes

the ability to divorce by mutual consent while being supervised by the courts. The reforms also incorporated clauses of international treaties ratified by Morocco into the *Moudawana* to protect children's rights. This was done by giving custody to the mother first, then the father, and finally the maternal grandmother, the best interests of the children are protected.

## **II—Women's Political Life**

Political life for women in Morocco has long been suppressed due to the law and a very conservative society. Recently, several aspects of female participation in civil and political affairs have changed for the better. After King Mohammed VI's revisions in the Moroccan Family Code, women were allotted a larger scope of activity.

Women played a crucial role in the 2011 uprisings. Women were participating in anti-government demonstrations and calling for their rights. Their involvement in the uprising went beyond direct participation in the protests to include cyberactivism. Social media has enabled women to contribute to demonstrations as organisers, journalists, and political activists. Moroccan women were vital for the revolution during the 2011 uprising. The movement promoted and boosted women's rights in Morocco. Over 30 associations formed a coalition calling for the protection of women's rights in the new constitution and launched a campaign for one million signatures to support their demands.<sup>26</sup>

The percentage of women holding parliamentary seats was only 1 percent in 2001. However, the progression of a quota for women's parliamentary seats was first changed to a minimum of 12 percent in 2007 to 27 percent in 2010.<sup>27</sup>

NGOs and CSOs have heavily impacted political life for women in Morocco over the past ten years. Groups like Mouvement pour la Democratie Paritaire, in partnership with the British Government, used the British Arab partnership fund to advocate for women's representation within government. The International Republican Institution helped amplify the voices of groups of women in Morocco who are often overlooked in rural areas. Rural areas in Morocco are known for having low rates of female unemployment, education, and literacy. The International Republican Institution supports women's political life in Morocco by providing women with the necessary tools to become active members in decision-making procedures.

### **Equality in political representation in the Moroccan Constitution**

Articles 19 and 30 of the Moroccan Constitution call for gender equality in terms of political

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<sup>26</sup> <https://www.fidh.org/IMG/pdf/femmesarabangbassdef.pdf>

<sup>27</sup> <https://borgenproject.org/political-life-for-women-in-morocco/>

participation and leadership.<sup>28</sup>

Article 30 states that:

“All citizens (men and women) major of age, enjoying their civil and political rights, are electors and eligible,” and the law shall “provide the provisions of a nature encouraging the equal access of women and men to elective functions.”<sup>29</sup>

Article 6 also requires that:

The “public powers work for the creation of the conditions permitting the effectiveness of liberty and of the equality of citizens [feminine] and citizens [masculine] to be made general, as well as their participation in political ... life.”<sup>30</sup>

Article 146 provides for the creation of an organic law that, among other things, encourages the participation of women in local governance.<sup>31</sup>

### **Equality in political representation in legislation, policy, and practice**

Two Moroccan laws, enacted as part of the 2011 constitutional reform, establish a quota system to ensure women occupy seats in the House of Representatives. Three hundred and five of the three hundred ninety-five members of the lower house are elected in 92 multi-member constituencies through a proportional representation system. Article 23(2) of Organic Law No. 27-11 reserves 60 seats for women, filled by winners elected through the proportional representation system.<sup>32</sup> Organic Law No. 59-11 reserves one-third of directly elected seats for women on regional councils. The law also provides for additional electoral constituencies reserved for women in the lower district and communal councils through a proportional representation system, as consistent with Article 146 of the new constitution. These laws were enacted during the 2011 electoral reforms and built upon an “honorary agreement” formed between the political parties in 2002, which reserved 30 seats for women.<sup>33</sup>

These laws have helped increase female representation in elected bodies in Morocco. Yet, women’s groups note that they have not increased the number of women in key decision-making positions or women’s participation in politics. In turn, compromising the mandates of Articles 6 and 30. Numerous political parties continue to resist female

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<sup>28</sup> MOR. CONST. arts. 19 and 30.

<sup>29</sup> MOR. CONST. art. 30

<sup>30</sup> MOR. CONST. art. 6

<sup>31</sup> MOR. CONST. art. 146

<sup>32</sup> Morocco: Organic Law No. 27-11 on the House of Representatives (2011), available at <https://aceproject.org/ero-en/misc/morocco-organic-law-no.-27-11-on-the-house-of/view>

<sup>33</sup> Drude Dahlerup, et al., Atlas of Electoral Gender Quotas, Institute for Democracy and Electoral Assistance (Jun. 20, 2014), available at <http://www.idea.int/publications/catalogue/atlas-electoral-gender-quotas?lang=en>.

representation on electoral lists and in leadership positions within parties.<sup>34</sup>

The Moroccan Constitution guarantees the equal exercise of public liberties for women and men. Hence, men are more represented in the decision-making field and the participation of women in economics and politics remains low in comparison with men. Factors such as the persistence of sexist stereotypes, discrimination in terms of access to resources, and the weakness of social structures keep on hindering gender equality in the political sphere. Only 95 of 395 (24%) parliamentary members were held by women. Women generally, rural women particularly, are frequently unaware of their political rights. There is a genuine communication problem in Morocco. Most literature regarding women's rights, political or otherwise, is written in Arabic and French, meaning it is inaccessible to large numbers of women. Some NGOs use Moroccan Arabic (Darija) and Amazigh in their outreach campaigns, but these efforts are insufficient, particularly in light of the high illiteracy rates among women.

The lack of literacy, female empowerment, socioeconomic and political exclusion of women, and the rise of fundamentalist ideologies constitute the core challenges for Moroccan women.

### **III—Women's Participation in Civil Society**

Since Morocco's independence from French rule in 1956, Moroccan women have long been active in the political sphere and fundamental to the production of knowledge and culture. The creation of *Union Progressive des Femmes Marocaines* is a landmark by being the first female civil society organisation in Morocco, which paved the way for many others to come.<sup>35</sup>

Moroccan feminists work to empower women through education, knowledge, and legal rights; they raise women's awareness about family law and the labour code through NGOs and community-based organizations. Women's activism has significantly aided democracy in the region. Particularly, in North African countries such as Tunisia, Morocco, and Algeria, as a result of their greater social involvement in social and political affairs; as well as the proliferation of women's associations and women's access to the media. Women's activism is critical to modernization and democratisation since it has contributed significantly to the advancement of civil society and democratic culture. Without full emancipation of women, it is impossible to imagine democracy succeeding in this part of the world.

The constitution requires the government to create mechanisms to promote more dialogue and cooperation with the public. The right to participate in the conduct of public affairs is one of the basic democratic principles ensuring that people can address problems that directly affect their

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<sup>34</sup> <https://www.mujierysconstitucion.cl/wp-content/uploads/2021/02/Brief-Ge%CC%81nero-y-Constitucio%CC%81n.pdf>

<sup>35</sup> <http://www.genderconcerns.org/the-situation-of-women-in-morocco>



lives. This right has been incorporated into Articles 12 and 13 of the 2011 Moroccan Constitution.<sup>36</sup>

Feminist activists have achieved significant victories in the region. These include the elimination of the husband's authorization for travel abroad (2004); for the practice of trade activity (1995); the revision of the labour code and the penal code (2003); and, the reform of the citizenship law, which now allows a Moroccan woman to transmit her citizenship to her children. The most notable achievement, however, is the reform of the family law (*Moudawana*, 2004), which came after feminists fought for more than 20 years.

On July 31, 2021, the Moroccan Parliament adopted a reform that did not receive much attention at first but showed promise in helping close the country's gender gap. It involves a newly amended law on public companies to promote the balanced representation of women and men in corporate governance bodies. The new law sets mandatory quotas for women on the boards of publicly traded companies, the goal is to have at least 30% female representation by 2024, and 40% by 2027.<sup>37</sup> This law is a result of the efforts of three major actors: government, parliament, and civil society, it was supported by the UN Women task force and the participation of the representatives of the NGO Club des Femmes Administrateurs.

## IV—Discriminatory Laws

### 1. Criminal Laws

Despite Morocco's many legal advances in women's rights, its lack of effective implementation and the existence of legislative loopholes undermines its advancement.

The 2011 Constitution guarantees equal protection and enjoyment of its laws for both men and women. The Parliament adopted Law 103.13 on combating violence against women on 14 February 2018. The country's progressive Family Law (*Moudawana*) secured important rights for Moroccan women, including the right to self-guardianship, the right to divorce, and the right to child custody. The legal marriage age changed from 15 to 18 years of age, and women are no longer required to have a male guardian approve their marriage. The criminal code has taken strides against acts of gender-based violence, cracking down on non-partner sexual assault and repealing the rape marriage law, which allowed a rapist to evade punishment by marrying his victim. However, some legislative gaps persist with disparities between the laws on the books

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<sup>36</sup> MOR. CONST. art. 12 and art. 13

<sup>37</sup> <https://blogs.worldbank.org/arabvoices/big-step-forward-womens-leadership-morocco>

and in practice. Some protections afforded under the 2004 *Moudawana* are left open to interference by gaps in the legislation.

Articles 20-21 of the Family Code provide that a minor (an individual below the age of 18) can marry with parental consent and authorization by a Family Affairs Judge.

Article 20 of the Family Code “The Family Affairs Judge in charge of marriage may authorise the marriage of a girl or boy below the legal age of marriage as stipulated in preceding Article 19, in a well-substantiated decision explaining the interest and reasons justifying the marriage, after having heard the parents of the minor who has not yet reached the age of capacity or his/her legal tutor, with the assistance of medical expertise or after having conducted a social inquiry. The decree granting the petition to marry for a minor who has not reached the age of legal capacity for marriage is not open to appeal.”<sup>38</sup>

Article 21 of the Family Code “The marriage of a minor is contingent on the consent of his/her legal tutor. The legal tutor’s consent is expressed by signing, along with the minor, the petition for marriage authorization, and being present during the conclusion of the marriage contract. If the minor’s legal tutor refuses to consent, the Family Affairs Judge rules on the matter.”<sup>39</sup>

Per Moroccan law, women and girls are protected against all forms of violence. However, it does not include marital rape. The Law could be criminalizing marital rape as a form of violence against women and strengthened it by clarifying the definition of domestic violence. There is no provision expressly criminalizing marital rape in Morocco. In practice, marital rape cases are qualified as violence or other offences but not as rape. Article 486 of the Penal Code criminalizes rape but does not expressly prohibit marital rape. Rape perpetrated on a male person is not considered rape, but rather indecent assault (Article 485). Also, rape is classified in the Penal Code as a crime against “the family order and public morality” rather than a crime against persons and their integrity.

Women are far less protected than men from gender-based harmful traditional practices. Although female genital mutilation is not practised in Morocco, girls are culturally required to be virgins before marriage. Although there are no documented cases, this practice might be taking place under religious execution. As girls engage in premarital sex, many resort to the surgical reconstruction of their hymens to make themselves more acceptable brides in the eyes of their own or the groom’s family.

Adultery is an offence under Article 491 of the Penal Code. Adultery is criminalised under articles 491-493 of the Penal Code. A case against an alleged adulterer is only pursued if the

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<sup>38</sup> Morocco Family Code. art.

<sup>39</sup> Morocco Family Code. art.

offended spouse complains, or, if one of the spouses is outside of Morocco, the adulterous spouse (by common knowledge) may be prosecuted automatically at the prosecutor's initiative. Any married person convicted of adultery is punished by imprisonment for one to two years. In principle, both spouses are treated the same under the law. Yet, it is the patriarchal mentality that tolerates adultery committed by the husband and not the spouse. Furthermore, the Moroccan Law does not cover revenge pornography, even though it has grown in popularity in the country.

When it comes to sexual orientation, homosexual conduct between consenting adults is a criminal offence under Article 489 of the Penal Code.<sup>40</sup> Yet, homosexual persons face daily discrimination owing to their sexual orientation. They even struggle in accessing the economic, political, and civic spheres. They even face discrimination in accessing health care services.

## 2. Personal Status Laws

Marriage, polygyny, divorce, inheritance, maintenance, and child custody are all governed by the *Moudawana*, which is related to the family unit. It may thus be claimed that a Moroccan woman's position is determined by the *Moudawana* (Personal Status Law/Code) throughout her life, beginning at birth, and includes her ability to own, inherit, and manage a property, her freedom to work, marry, divorce, and remarry, and her relationship with her children.

Polygamy is permitted by the Family Code, subject to strict conditions. The husband should provide a court with evidence of an “exceptional justification” for the marriage and to prove he has sufficient financial resources to cover family expenses, housing, and to ensure equal treatment of his wives.

The Family Code requires Sharia rules of inheritance to be applied. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive. The child of a deceased mother inherits from the maternal grandparents in the same way as a child of a deceased father.

According to Article 236, in the marriage, the father is a legal guardian of the children. The mother can get guardianship only if she has got a majority or if the father is deceased or absent.

Article 236 of the Moroccan Family Code “By law, the father is the tutor of his children unless he is disqualified by judicial order. The mother may manage the urgent affairs of her children in the event the father is prevented from doing so.”<sup>41</sup>

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<sup>40</sup> [https://arabstates.unfpa.org/sites/default/files/pub-pdf/Morocco%20Country%20Summary%20-%20English\\_0.pdf](https://arabstates.unfpa.org/sites/default/files/pub-pdf/Morocco%20Country%20Summary%20-%20English_0.pdf)

<sup>41</sup> Morocco Family Code. art. 236

All administrative decisions are devolved to the father, the mother coming in the second position. The husband holds the primacy of guardianship of the children.

In case of remarriage, the mother lost custody of her children. For some acts like travel, she needs to have the authorization of the father.

In the case of breaking marital bonds, women enjoy equal rights in most aspects of marriage and divorce. A court may grant a divorce based on mutual consent or on specified grounds. A man wishing to divorce unilaterally should apply for court permission. If the wife wants a divorce, but her husband does not consent, divorce may only be granted if the wife pays compensation.

The dispositions on succession give differences between women and men. Girls do not have the same prerogatives as boys in cases of inheritance because they are only entitled to half of what a man of the same degree of kinship (e.g., brother) should inherit, even those who have never had a direct link with the deceased father.

Since the reform of the Nationality Code in 2007, women have had the right to transmit their nationality to their children (Article 6). However, this provision only applies to the children of a marriage between a Moroccan woman and a Muslim non-citizen who married in accordance with the *Moudawana*. Furthermore, women do not have the right to pass their nationality to their foreign husbands, although men can transmit their nationality to their non-Moroccan wives (Article 10 of the Nationality Code).<sup>42</sup>

### 3. Labour Laws

Women in Morocco face unequal treatment in comparison to men—especially, regarding the working conditions and the non-respect of women workers' rights. These pertain but are not limited to: no contracts, low rates of registration to social security, verbal violence and harassment, non-compliance with minimum wage and legal working hours, lack of identity documents for workers, very difficult transport conditions, and non-compliance with health and safety standards in the workplace.<sup>43</sup>

Morocco's female labour force participation (FLFP) has decreased in the last two decades, making it one of the lowest in the world despite other rates increasing such as access to education, lower fertility, and higher GDP per capita. The labour force in Morocco is composed of mainly men, as only 16.7 percent of the labour force in Morocco in 2002 were women.<sup>44</sup> Labour conditions in fields such as domestic work, agriculture, informal economy, and textiles

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<sup>42</sup> Morocco Nationality Code. art. 10

<sup>43</sup><https://oxfamlibrary.openrepository.com/bitstream/handle/10546/560924/rr-morocco-working-conditions-berry-sector-011214-en.pdf?sequence=1>

<sup>44</sup> <https://www.statista.com/statistics/1266084/female-employment-rate-in-morocco/>

and clothing are difficult. Women face low pay rates, long working hours, and low to no access to health and social security—all while women remain the major labour force in these sectors.<sup>45</sup>

The reasons behind women settling for jobs in sectors with such challenging conditions are mainly the lack of education and the pressuring ideology of Moroccan society. In 2018, most of the uneducated women's jobs are in sectors with low labour productivity such as personal and housekeeping services (26 percent), followed by the textile industry (22 percent), and wholesale and retail trade (12 percent).<sup>46</sup> The continuity of such unequal treatment toward women in such a hostile environment is due to Morocco's failure to ratify the International Labour Organisation's Convention 87 on freedom of association and collective bargaining and organised efforts to defend these workers' rights.<sup>47</sup> Domestic and agricultural workers do not have the right to form unions as the 2003 labour code does not include them.

Moreover, women working at night are frowned upon by society, to the extent that trade unions are unable to operate and secure better working conditions and benefits, as women are often excluded from union activities that usually take place at night.

Decree No. 2-56-1019 of 1957 bans women from performing dangerous work, limiting their access to all labour sectors,<sup>48</sup> and construction and mechanical jobs are commonly reserved for men.

Article 346 of the 2003 Labour Code mandates equal pay for work of equal value, but because women are often concentrated in lower-ranking positions in practice, their wages are significantly lower than those of men.<sup>49</sup>

Private-sector employers typically refuse to hire or promote women at the same rates as men. This is due to benefits provided by laws such as Gender-based Protections regarding maternity leave that are essential for helping women balance their professional and private lives. The cost of those benefits is not absorbed by the state through a social security program, but it is passed to individual employers. A woman has the right to resume her job after giving birth without a penalty, and Act No. 20-94, promulgated by Decree No. 2-95-1 of January 24, 1995, extended maternity leave from 10 to 12 weeks with full pay. As for women who have given birth a year ago, they are granted daily one-hour breaks for the purpose of breastfeeding.

Domestic servants are subject to more than just social stigma but also to abuse and exploitation by their employers including sexual abuse, infanticide, suicide, dangerous forms of employment,

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<sup>45</sup> <https://www.morocoworldnews.com/2021/12/345916/minister-morocco-has-made-considerable-progress-on-female-empowerment>

<sup>46</sup> <https://ftp.iza.org/dp14218.pdf>

<sup>47</sup> [http://www.ituc-csi.org/IMG/pdf/WTO\\_report\\_Morocco\\_Final\\_EN.pdf](http://www.ituc-csi.org/IMG/pdf/WTO_report_Morocco_Final_EN.pdf)

<sup>48</sup> <http://www.dol.gov/ilab/media/reports/usfta/mlrr.pdf>

<sup>49</sup> [https://www.ituc-csi.org/IMG/pdf/WTO\\_report\\_Morocco\\_Final\\_EN.pdf](https://www.ituc-csi.org/IMG/pdf/WTO_report_Morocco_Final_EN.pdf)

and forced confinement. Domestic workers are also not included nor protected by the Labour Code. Under the Law on Domestic Workers of 2016, domestic workers have minimum rights, including entitlement to written contracts and a very low income.<sup>50</sup> While the government examines the legislation to regulate the work of domestic servants in terms of working hours, health insurance, and other protections, article 4 of the 2003 Labour Code encourages a separate law covering domestic workers. However, no such legislation has yet been implemented.

## **V—Protection framework, access to justice, and services to survivors**

### **Access to a non-discriminatory judicial and police system**

Morocco has sought to improve women's access to justice through reforming its code of criminal procedure. In 2003, several articles of the Penal Code were amended to impose heavier fines on a person who injures his or her spouse. Article 446 of the Penal Code was also amended to allow health care workers to waive the principle of professional secrecy in cases of suspected violence, and to report such incidents to the judicial or administrative authorities. Also in 2002, the Moroccan legislator created family courts to promote the application of the *Moudawana*.

However, when women seek help from Moroccan authorities in cases of domestic violence, sexual violence, or assault there's a total lack of interest shown by the police and gendarmes, as the latter would only interfere if the situation turned bloody.

The HCP (Haut-Commissariat au Plan) survey on the prevalence of violence against women presents the following results concerning the follow-up to complaints against domestic violence: apart from ongoing cases (about 15%), the majority of complaints ended up in a report (25%) or conciliation between the spouses/waiver of proceedings (38%). As a result of these complaints, 1.3% of the perpetrators were arrested and 1.8% were charged.

While access to courts may be relatively simple and inexpensive, this mechanism seems far from being effective. In the absence of information about one's rights and the different options available, and without support, there is no guarantee that the woman will obtain justice and the full realisation of their rights.

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<sup>50</sup> [https://arabstates.unfpa.org/sites/default/files/pub-pdf/Morocco%20Country%20Summary%20-%20English\\_0.pdf](https://arabstates.unfpa.org/sites/default/files/pub-pdf/Morocco%20Country%20Summary%20-%20English_0.pdf)

## **Protection system and counselling, psychological support, and empowerment services**

There is no mention whatsoever in the penal code nor is there any governmental assistance or psychological support services provided to victims of assault. Associations remain the main service providers for women's justice.

Ministries provide few services, like referral and legal assistance services for women victims of violence offered by the Ministry of Justice and medical and psychological support services offered by the Ministry of Health. Hence, the ministries lack resources which affects the quality and the availability of these services.

Women's associations, with their long experience in implementing counselling and referral services, have acquired in-depth knowledge of the situation of women and have a detailed analysis of how gender-based violence is manifested in Moroccan society, which has led to important advances in the policy framework.

These associations work on women's empowerment by offering literacy courses or legal advice for free. Few of these centres also have a shelter where they can accommodate women temporarily. This approach is based on the premise to break the cycle of violence and dependency and significantly change women's lives. Psychological support is often an essential step in enabling women to rebuild themselves and move forward, especially when they have been subjected to serious and repeated violence.

## **VI—Combating violence against women in the framework of international cooperation**

### **EU Goals in Morocco**

The European Union's and EU member countries have been focusing on supporting Morocco on one main theme which is gender equality primarily on combating gender-based violence, empowering women and girls, and fighting against gender stereotypes.

*“Mouchraka Mouwatina”* (2018-2021) project works closely with CSOs. It is the name of the EU funding for civil society in Morocco, which also provides budget support to the Moroccan government. The EU has funded various civil society projects related to youth, gender equality, and the environment under the *“Musharaka Mouwatina”* program.

### **USAID goals in Morocco**

Morocco is the United States' oldest friend in the Middle East and North Africa. This bond, dating back to over 200 years, is forged on a solid foundation of shared values in security, freedom, and prosperity.

Just like the EU AID, the USAID also provides direct grants and sub-grants to a number of women's organisations. The Civil Society Strengthening Program (CSSP) which was concluded in July 2019, focused on conducting research and analysing barriers to female empowerment and gender equality in Morocco.<sup>51</sup>

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<sup>51</sup> <https://www.usaid.gov/morocco/fact-sheets/closing-moroccos-gender-gap>



## VII—Recommendations

- *Abolish* the prosecution of unmarried pregnant women.
- *Amend* the Penal code to criminalize marital rape, honour killing. Marital rape should be recognized as a specific offence; and, the definition of rape should be changed, so it is inclusive to all genders. This may be achieved by publishing booklets in all relevant languages and providing free and convenient classes on the new laws.
- *Amend* the Nationality Code to allow women to pass their citizenship to non-Moroccan husbands.
- *Remove* sanctions to shelters for women who are escaping from domestic violence may face criminal sanctions
- *Enact* a law against female genital mutilation to fully protect women and girls.
- *Abolish* article 490 of the Penal Code. As article 490 criminalizes consensual sexual relations between unmarried people with the punishment of up to one year's imprisonment, it violates the right to privacy and free expression. This also deters victims of rape from filing a complaint in fear of prosecution for sexual relations outside of marriage.
- *Allow* freedom of religious choice to Moroccan citizens, who must also conduct this liberty in an ethical and tolerant manner.
- *Enact* additional punitive laws that specifically address domestic violence, criminalize revenge pornography, and punish the person with the intention to cause harm of any nature by disclosing private sexual photographs without the consent of the other person depicted in the film or photograph.
- *Support* programs of public education and awareness on the topic of honour killings, public education programs should be established through all media including conventional mass media, school systems, NGOs, and community groups to destroy the culture of silence surrounding honour killings.
- *Respect* for the individual's reproductive autonomy should be the primary concern regarding sterilization and abortion provision laws.
- *Establish* a partnership between the governments and NGOs to provide aid for female trafficking and violence victims. Legal counselling, social assistance, and relocation centres could be available in all cities and cater to rural areas as well.

- *Amend* the Family Code in order for women to be given the choice to choose whether to inherit following the Sharia law or have a full inheritance equal to men.
- *Step up* existing efforts to reduce illiteracy and encourage full school enrolment for women and girls; whether through public awareness campaigns, financial incentives, or adult education programs.
  - *Work* with NGOs to educate and inform women about their rights under existing inheritance laws, and provide women with legal assistance to defend those rights when necessary. Judges could be trained to more actively protect women’s rights in inheritance and other property cases.
  - *Revise* education methods and materials to ensure that they incorporate concepts of gender equality and exclude negative stereotypes.
  - *Develop* grassroots projects that specifically address the needs of domestic and factory workers.
- *Enact* legislation to protect domestic workers, by regulating working hours and conditions, guaranteeing health care, and unionisation.
  - *Develop* additional services for these workers, including personal-finance training, temporary shelters for abused women, and job-placement assistance for those in untenable working situations.
- *Extend* maternity leave, *provide* childcare, and, *protect* female employees from sexual harassment in the workplace could be accompanied by safeguards against gender-based discrimination in hiring and promotion.
  - *Provide* effective complaint and adjudication mechanisms to encourage compliance.
- *Recruit and train* female politicians to help increase women’s representation within party leadership structures, political parties and NGOs.
- *Sponsor* media programs that fight negative stereotypes of women.
  - *Create* content that would provide the youth with positive female role models, valorize women’s impact on society, and lend credibility and stature to women’s initiatives of all kinds.

- *Promote* the use of Moroccan Arabic and Tamazight in broadcast media to reach various populations, to educate them about their civil and political rights.
- *Improve* Women's rights NGOs' ties with other groups working on the broader issues of social justice, economic development, and democratisation, with the aim of highlighting their common goals and enlisting new supporters.
  - *Supplement* existing welfare payments by microcredit services, financial literacy training, and employment skills for women in impoverished rural and semi-urban areas.
- *Bolster* public acceptance of its support for women's rights by renewing its practical commitment to human rights in general, including freedom of expression and freedom of assembly.
- *Establish* equitable welfare programs for single mothers and female heads of households, including those who have never married. NGOs could provide services that assist women in obtaining the state benefits for which they are eligible.
  - *Allocate* more funds to meet women's health needs, particularly by improving the health care infrastructure in rural and underserved areas.

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