

POLICY BRIEF

ERADICATING CHILD MARRIAGE

***A Movement for Change
in Morocco***

January 2024

CONTENT WARNING

This brief, produced in collaboration with Project Soar as part of the BIGGER movement, is a concerted effort by Politics4Her to address the critical issue of child marriage in Morocco.

It is important to approach the contents of this brief with care, as it includes discussions on Gender-Based Violence (GBV) and other sensitive subjects. We urge readers to be mindful of their mental health while engaging with this material. If you find the content distressing, we encourage you to take the necessary steps to care for your well-being.

Remember, your mental health is paramount, and seeking support when needed is a sign of strength and self-awareness.





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INTRODUCTION

Forced child marriage is a serious and widespread social issue in Morocco that affects the lives and rights of millions of girls and women. It is a form of gender-based violence that robs them of their agency, education, health, and overall development. It exposes them to various risks, such as domestic violence, sexual abuse, early pregnancy, and maternal mortality. It is driven by deep-rooted gender inequality and the perception that girls are less valuable than boys. It is also influenced by social and economic factors, such as dowry, poverty, and family honor, which can be enhanced by external and emerging factors such as the climate crisis, which pressure families and communities to marry off their daughters at a young age.

This policy brief aims to provide an overview of the current state of forced child marriage in Morocco, emphasizing the critical need for continued and enhanced efforts to eradicate this practice. It will propose specific recommendations, grounded in research and successful case studies, to guide policymakers, stakeholders, and communities toward effective solutions. The ultimate goal is to create a future where every girl has the right to choose her destiny, and where her potential for growth and success is not limited by early forced child marriage.



CONTEXT

In 2014, Morocco took a significant step in the fight against forced child marriage by revoking Article 475 of the penal code, which allowed rapists to escape prosecution by marrying their victims. However, this legal reform was not enough to end this harmful practice, as it persists in many parts of the country.

Morocco has not fully complied with its international and regional commitments to end child marriage, such as the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the African Charter on the Rights and Welfare of the Child, which both set 18 as the minimum age of marriage for women. Although Morocco has ratified these instruments, it has not harmonized its national laws and policies with them.

The current legal age of marriage in Morocco is 18. Still, exceptions can be granted by judges with the consent of the parents and the guardian, which creates a loophole for forced child marriage to continue, allowing active and current hotspots for child marriage in many regions of the Kingdom, including Azrou, Midelt, Beni Mellal but also in bigger cities such as Marrakech and Casablanca.



BACKGROUND

Forced child marriage in Morocco presents a complex and deeply ingrained challenge, situated at the intersection of gender inequality, socio-economic hardship, and environmental changes. Factors like poverty, education, rural-urban disparities, and climate change impact disproportionately affect girls, underscoring systemic inequalities within Moroccan society.

Statistics are telling: UNICEF reports that 18.7% of Moroccan women aged 20-49 were married before 18, and 2.6% before 15. According to Girls Not Brides, 14% of Moroccan girls are married before the age of 18, and 1% by 15, reflecting a stark reality where girls' rights are compromised. The statistics on child marriages in Morocco highlight the urgency of addressing this issue. The number of child marriage applications in Moroccan courts remains high, with thousands of applications recorded annually. These figures become even more concerning when considering unregistered child marriages, such as "orfi" or "al Fatiha" marriages, which do not appear in official statistics.

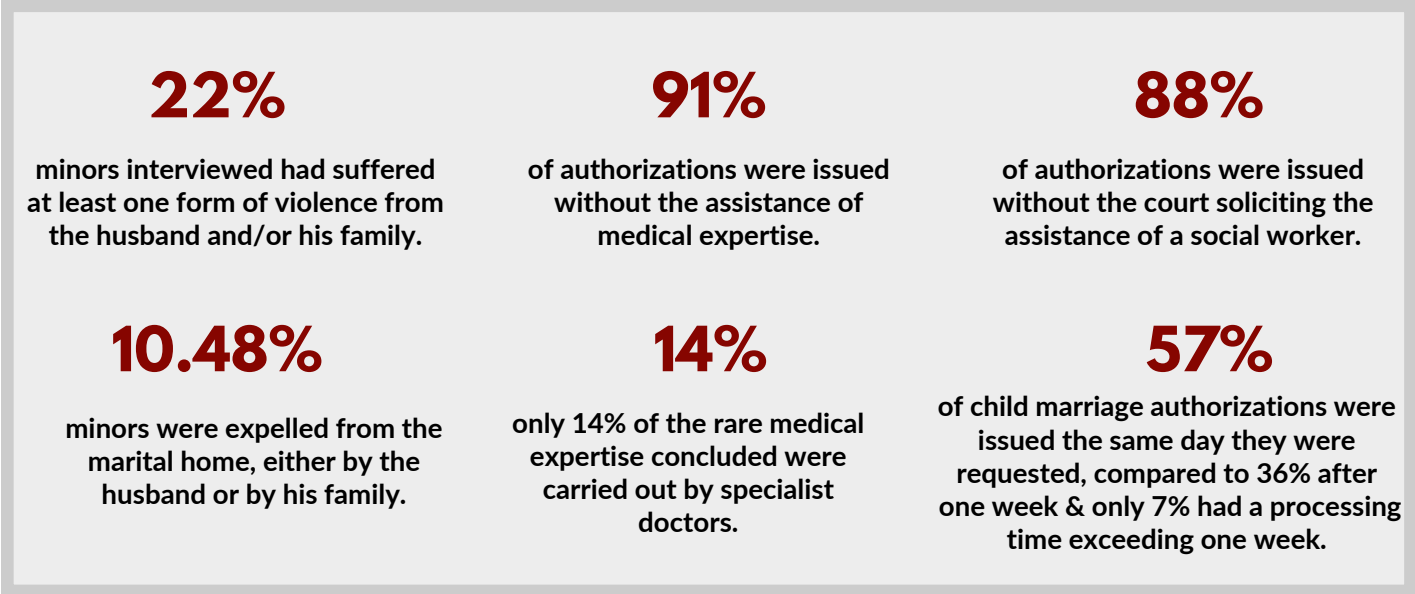
21,373
requests for child marriage

These figures not only reflect the prevalence of child marriage but also indicate the broader societal conditions that enable this practice. The 2004 *Moudawana*, or Family Code, marked a significant legal advancement for women's rights in Morocco. However, the continuing prevalence of forced child marriage demonstrates a discord between legal reforms and persistent societal norms. The root causes of child marriage in Morocco are multifaceted. Gender inequality remains a central driver, with patriarchal norms deeming girls less valuable than boys and primarily viewing them as future wives and mothers.

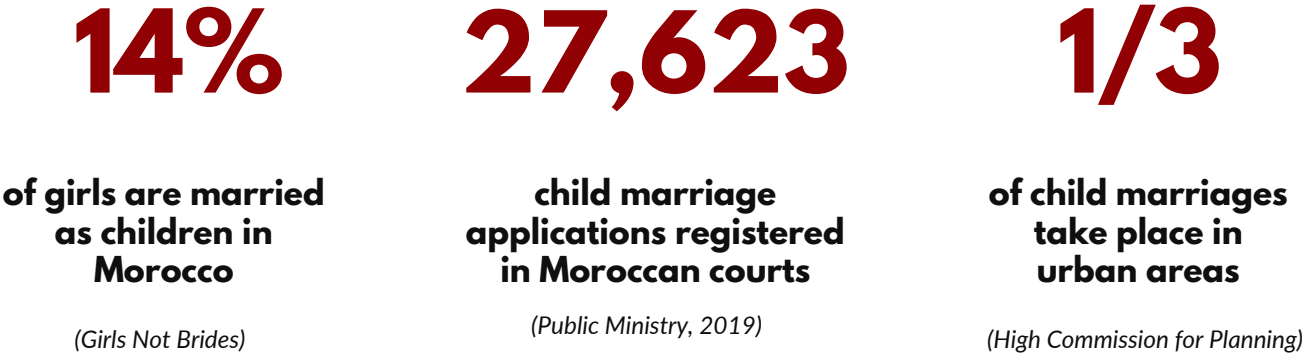
This gender bias is more pronounced in rural and impoverished communities, where access to education and economic opportunities is often limited for girls, making marriage appear to be the only feasible option for their future. Adding to this, the exacerbation of child marriage due to climate change adds another layer to this issue.

Morocco's environmental vulnerabilities, including frequent droughts and floods, severely impact agricultural livelihoods, leading to economic instability, particularly in rural areas. Families facing such financial hardships may resort to early marriage to alleviate economic burdens, wrongly believing it offers safety and stability for their daughters. However, this practice results in continued poverty, and health risks, and truncates educational and career opportunities for these girls.

DID YOU KNOW...?



Source: Diagnostic study conducted by Public Ministry on child marriage, 2015-2019



THE DISPROPORTIONATE IMPACT ON GIRLS

Most child marriages involve minor girls, who often become unpaid domestic workers for their in-laws and face a high risk of early pregnancy and childbirth complications. This situation leads to various health risks and limits their opportunities for education and personal development. Additionally, child marriages are often associated with various forms of violence, including physical, sexual, verbal, and economic abuse.

Child marriage in Morocco significantly impacts young girls, curtailing their right to education, and autonomy. It erases a girl's autonomy and puts her life and choices in the hands of everyone else but her. When young girls are forced to marry, they are then isolated from the community they once had. They have limited access to their friends and family. This isolation makes them increasingly vulnerable to domestic violence and inhibits their agency in their lives. As young brides, their responsibilities become focused on their husbands and household. Rather than doing what young girls should be doing, like having fun with friends and going to school, they instead are forced to become adults and lose the choices they had for their future.

Adding to this, child marriage greatly inhibits financial opportunities. Young girls who are married rarely continue or finish their education. Without an education, many girls are unable to obtain employment, making them entirely dependent on their husbands. This lack of freedom and agency reduces the girl's life to simply belonging to someone else, rather than being her own person who can make her own decisions. As stated before, this also increases the likelihood of abuse. Young girls are not capable of consenting to sexual relations, especially with an adult. Child marriage automatically takes away the aspect of consent, leading to child brides battling physical, mental, and sexual trauma.



CASE STUDIES



The Case of Amina El Filali

The tragic case of Amina El Filali in Morocco led to significant changes in the country's legal approach to cases of rape and forced marriage.

Following the widespread outrage and public outcry after Amina's suicide, the Moroccan Parliament voted to amend Article 475 of the penal code on January 22, 2014. The revised Article 475 now states: "Anyone who, without violence, threats, or fraud, abducts or corrupts a minor under 18 years old is punished with one to five years in prison and a fine of 200 to 500 dirhams."

While this amendment was a significant step, human rights groups, including Amnesty International, stressed that further reforms were necessary to fully protect women and girls from violence and discrimination in Morocco. They highlighted that other parts of the penal code, such as the distinction between "plain rape" and "deflowering rape," still needed to be reformed. The groups also called for the recognition of marital rape as a specific offense

CASE STUDIES



Girls' Exploitation Amidst Earthquake

On the night of September 8th, 2023, an earthquake hit Morocco in the Al Haouz Region.

While humanitarian efforts and support were mobilized to help the affected population, young girls were exposed to potential exploitation, early marriages, and predatory practices. Some men took advantage of the chaotic aftermath of the earthquake to use underage girls who were in very vulnerable situations.

A widely shared screenshot from an Instagram post where a man hinted at a future marriage with a young girl.¹⁰ Social media platforms became a place for the normalization of these exploitative practices. A popular Facebook Page encouraged the marriage of young girls from the affected region while disparaging "city girls". In an Al Jazeera Interview, Yasmina Benslimane, founder of Politics4Her, underscores the importance of recognizing the heightened risk of gender-based violence and exploitation faced by young girls during and after disasters.

CASE STUDIES



The Tragedy of a Girl

In a small village near Sidi Kacem, a heart-wrenching incident unfolded as a bright, ambitious young girl tragically ended her life by consuming rat poison.

This girl, brimming with dreams similar to many of her peers, had aspired for academic excellence, aiming to graduate with honors and attend a prestigious higher education institution. Tragically, her aspirations were abruptly halted when she was coerced into marriage.

Her story, mirroring that of Amina El Filali, is a stark reminder of the grim realities faced by young girls who fall victim to societal pressures, entrenched traditional norms, and a lack of protective legal frameworks. These harrowing events highlight the urgent need for continuous action to combat child marriage and safeguard the rights of young girls. It's imperative to champion legal reforms that challenge and overturn harmful traditions, thereby empowering girls to freely pursue their educational goals and life ambitions without fear or coercion.

CASE STUDIES



Nadia's Journey in Overcoming Child Marriage

Child marriage remains a critical issue, affecting both urban and rural communities, with rural areas facing particularly severe challenges.

This practice often forces young girls into premature unions, robbing them of their educational prospects and the right to make their own life choices. Take the case of Nadia, a 20-year-old from Tamarwoute, a quaint village in the rural commune of Tafraoute. Nadia was compelled to marry a man old enough to be her father. However, displaying remarkable resilience, she secured a divorce after a year and is now committed to completing her literacy program, determined to forge an independent path.

Nadia's story is symbolic of the struggles faced by many young girls in her region, who are burdened by poverty, entrenched social norms, and a lack of supportive legal frameworks. These factors collectively perpetuate the cycle of child marriage, underscoring the need for more robust efforts to address this deep-rooted problem.

MOUDAWANA, THE NEED FOR CHANGE IS NOW

Morocco is currently reforming its *Moudawana*, or Family Code, which covers various aspects of family law such as marriage, divorce, inheritance, and child custody. The current *Moudawana*, implemented in 2004, was a significant step forward in advancing women's rights. However, it has been criticized for certain provisions, particularly those allowing child marriage. Judges can authorize these marriages, often based on subjective assessments like a girl's physical maturity. Activists, particularly from feminist and women's rights groups, have been vocally advocating for reforms to eradicate child marriage and ensure that judicial discretion does not undermine the spirit of the law. They argue that the existing family and penal codes perpetuate gender inequality and are calling for comprehensive changes.

Article 19 of the Family Code sets the legal minimum age for marriage at 18 years. However, the presence of Articles 20, 21, and 22 within the same code contradicts this standard by allowing exceptions to the rule. These exceptions, though initially intended to be extraordinary measures, have unfortunately become the norm, leading to a significant number of child marriages. Public opinion in Morocco strongly supports the elimination of these exceptions. Various studies and surveys, including those conducted by Project Soar and the Family Ministry, have shown overwhelming public support for setting the marriage age at 18 without exceptions. For instance, more than 88% of respondents in a Project SOAR survey supported this change. Similarly, studies by the Family Ministry and the Public Ministry reveal a high level of agreement among Moroccans on this issue.



The existence of child marriage in Morocco contradicts not only the country's legal standards, as set by the Moroccan Constitution and various national laws but also its international obligations. The inconsistency between the Family Code and other legal provisions highlights the need for legal reform to protect girls' rights effectively. National institutions and international human rights bodies have repeatedly called on the Moroccan government to repeal Articles 20, 21, and 22 of the Family Code. This action is necessary to align Moroccan law with international human rights standards and to ensure that exceptions to the minimum age of marriage are no longer permitted. The growing public support for this legal reform offers hope for a future where child marriage is no longer a norm in Morocco, and where the rights of children, particularly girls, are fully protected and respected.

An intersectional feminist perspective emphasizes that legal reform, while necessary, is not sufficient. It highlights the need to address broader socio-economic and environmental factors that contribute to child marriage. This includes empowering girls through education and economic opportunities and addressing climate change's impacts, which disproportionately affect vulnerable communities and can exacerbate issues like child marriage. The anticipated reform in 2024 is expected to address these concerns, aiming for a more equitable and just family law system that aligns with the evolving societal norms and international human rights standards.



RECOMMENDATIONS

Project Soar, a women-led NGO dedicated to empowering young girls in Morocco, plays a pivotal role in addressing child marriage. It has initiated the BIGGER Movement Coalition in 2022, which Politics4Her is part of, with an ambitious goal: closing legal loopholes to child marriage in Morocco by 2025. In collaboration with Rabat-based advocacy group Mobilizing for Rights Associates (MRA), the Building a Greater Girls' Rights Movement (BIGGER Movement) is training and mobilizing at risk teen girls to lobby policy makers and stakeholders for modifications of articles in the Family Code that allow for child marriage.



The Moroccan legal system currently contains loopholes that permit child marriage under certain conditions, as outlined in Articles 20, 21, and 22 of the Family Code. These articles enable judges to authorize underage marriages based on subjective criteria such as "best interest" assessments, often leading to arbitrary and unjust decisions. The revision of the *Moudawana* is a step in the right direction. Still, stronger action is needed to enforce the legal minimum age of marriage and raise awareness about the harms of child marriage.

An intersectional feminist approach to combatting child marriage in Morocco necessitates a holistic strategy that goes beyond legal reforms. It calls for the socio-economic empowerment of girls, improved access to education, and the creation of economic opportunities. Additionally, it requires addressing the specific impacts of climate change on vulnerable communities, recognizing that environmental issues can significantly influence decisions about child marriage.

To effectively combat child marriage, the following recommendations by the BIGGER MOVEMENT are proposed:

1 **Repeal Articles 20, 21, and 22:** Eliminate the legal provisions that allow exceptions to the minimum age of marriage.

2 **Amend Articles 98, 116, 195, and 199:** Introduce provisions that specifically address and penalize child marriage, including clauses that allow for divorce and maintenance rights if a woman was married before 18.

3 **Strengthen Enforcement and Reporting Mechanisms:** Implement robust systems to monitor and report cases of child marriage, ensuring that legal provisions are effectively enforced.

4 **Increase Awareness and Education:** Continue and expand educational programs, like those conducted by Project Soar, to educate communities about the harmful effects of child marriage and promote gender equality.

5 **Address Underlying Causes:** Tackle the socio-economic factors contributing to child marriage, including poverty and the impacts of climate change, through targeted policies and support programs.

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