



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
22 August 2003

Original: English

**Committee on the Elimination of Discrimination
against Women**
Twenty-ninth session

Summary record of the 626th meeting

Held at Headquarters, New York, on Tuesday, 15 July 2003, at 10 a.m.

Chairperson: Ms. Açar

Contents

Consideration of reports submitted by States parties under article 18 of the
Convention (*continued*)

Second periodic report of Morocco

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

03-43010 (E)

CERD

The meeting was called to order at 10.10 a.m.

Consideration of reports by States parties under article 18 of the Convention *(continued)*

Second periodic report of Morocco
(CEDAW/C/MOR/2 and
CEDAW/PSWG/2003/II/CRP.2/Add.3)

1. *At the invitation of the Chairperson, Mr. Bennouna and Ms. Idrissi (Morocco) took places at the Committee table.*

2. **Mr. Bennouna** (Morocco) said that Morocco's second periodic report had been submitted in 1999, but for scheduling reasons had not been presented to the Committee earlier. His delegation looked forward to a frank, open and responsible discussion of the situation of women and the Government's efforts to implement the Convention and the Platform for Action of the Fourth World Conference on Women (Beijing, 1995). Morocco recognized that that was an evolving and gradual process in which fundamental human rights should be upheld and the country's religion, culture and civilization taken into account.

3. In the preamble to its Constitution, Morocco reaffirmed its intention to act within the context of the international organizations of which it was a member, to subscribe to the principles, rights, and obligations resulting from their charters and to adhere to internationally recognized human rights. A Ministry for Human Rights had been established in 1993 to monitor national rules, regulations and administrative practice. With regard to gender issues, a ministerial commission accountable to the Prime Minister was responsible for overseeing the national strategy for integrating women into development.

4. As a result of reform in 2002, the Advisory Council for Human Rights had been greater autonomy in eliminating discrimination against women so that it could act on its own without first receiving a complaint. Its 41 members currently included eight women. Also in 2002, the *Diwan Al Madhalim*, a body with ombudsman-like functions and powers, had been set up to ensure that relations between the Government and the citizenry obeyed the law and were free of discrimination.

5. Under Morocco's Constitution, international conventions to which the country was a party had

primacy over national law. On the other hand, international conventions could not themselves alter the provisions of the Constitution; if there was a risk of conflict, the Constitution would require amendment before the Convention could be ratified. The Ministry for Human Rights led efforts to bring national legislation into line with the Convention and other international human-rights instruments.

6. The national strategy for integrating women into development, part of the Government's follow-up to the Beijing Platform for Action, aimed to bring women more fully into economic, political, cultural and social life. With the same aim in mind, an advisory Commission had been set up to discuss amendments to the Code of Personal Status.

7. The Convention had been published in the official gazette on 18 January 2001. Following Morocco's initial report, the Government had paid close attention to the Committee's concluding comments and recommendations, taking them into account when it prepared its second report. Many government departments had participated in drafting the second report. The Ministry for Human Rights had presented it to representatives of civil society, who made comments and suggestions, at a workshop held in June 1999.

8. As the report pointed out, Morocco's criminal code provided for prison terms and fines for perpetrators of trafficking and prostitution, and Morocco had signed and ratified a number of germane international conventions (including the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others). Civil society and the media had improved public awareness of the social harm and damage to physical and emotional health caused by exploitation. The Government had taken steps to improve the living conditions of the most vulnerable and disadvantaged, knowing that they were the most exposed to those phenomena. It was also encouraging associations which gave assistance and shelter to vulnerable women and to victims of prostitution.

9. Morocco's first post-independence constitution had given all men and women who had reached the age of majority full civil and political rights. The age of majority had been reduced to 18. The Government, the political parties and civil society had made great efforts to encourage the population to exercise those rights.

10. Article 12 of the Constitution gave all citizens equal access to public office and public service, but although women's representation in decision-making positions had improved, it was far below its potential level. The Government and civil society were working to change that situation. The Government had urged all units of the administration to encourage the appointment of women, and the Prime Minister had asked for a progress report on those efforts in 2001. At the end of 1999, 24 per cent of senior managers in Government service were women.

11. Although the 1956 act establishing the Ministry of Foreign Affairs and Cooperation granted women equal rights with men, women were underrepresented at the Ministry and in diplomatic posts abroad. Morocco had only three woman ambassadors, three woman consuls-general or consuls and one woman chargé d'affaires.

12. The new act of 6 May 2002 about the Chamber of Representatives had established list-based voting and a quota of 30 seats for women in the Chamber. In the September 2002 elections, 35 women won seats (10.77 per cent of the total, compared to 0.6 per cent in the previous elections). The quota system had boosted women's presence in the leaderships of the political parties and increased the number of women candidates to twelve times its previous level.

13. As the report explained, a Moroccan woman could not pass her nationality either to her spouse, or to her children. The Government was exerting great effort to change that situation, and the Chamber of Representatives was discussing a bill to give Moroccan women and men the same right to pass their nationality on to their children.

14. One of the greatest obstacles to development in Morocco was widespread illiteracy and low school attendance, affecting rural areas and girls most of all. The Constitution gave boys and girls an equal right to education and school attendance was free and compulsory from the age of six. The challenge was to convince parents to keep their children in school.

15. Education policy was guided by a National Education and Training Charter established in 1999. Its aims, which were fully in line with the aims of the Millennium Declaration, were to expand access to pre-school facilities and to primary and secondary schools, and also to ensure completion of studies at all levels.

16. The serious problem of illiteracy was being tackled not only by the Ministry of National Education and the Ministry of Youth and Sports, but also by the Ministry of Social Development, Solidarity, Employment and Vocational Training, the Ministry of Religious Endowments and Islamic Affairs, the Ministry of Health and the Ministry of Agriculture, Rural Development and Maritime Fishing. The new Government had established a Ministry of State for Literacy and Informal Education.

17. As the report indicated, a partnership established in 1994 between the Ministry of National Education and the Ministry for Human Rights was helping to challenge gender stereotyping and to teach respect for human rights beginning at a young age. The resulting curriculum would be expanded from the 2002-2003 school year onwards.

18. The right to equality in seeking employment, established in the Constitution and in national law, and reinforced by Morocco's ratification and implementation of international conventions, had been consolidated by the recent new Labour Code, which imposed fines for discrimination. The only exceptions to the equality provisions were intended to protect women from jobs which were hazardous to their health or to their status and responsibilities as mothers. Existing laws gave men and women equal rights to benefit payments. A new law had been adopted to provide basic medical coverage for illness, accidents, pregnancy and rehabilitation to all salaried employees, retirees and their dependants.

19. The right to health care was enshrined in Moroccan law, but there were wide differences in medical facilities and in access to care, mainly between urban and rural areas. The budget of the Ministry of Health had been increased regularly to maintain investment in health care. The Government had focused on reducing the country's relatively high maternal mortality rate and on promoting family planning services to enable women to avoid unwanted pregnancies or pregnancy at too young or too old an age. The family-planning policy had been in effect for several decades, and three out of five married women now used some form of contraception.

20. Existing legislative measures to combat and punish violence against women were being consolidated by a bill amending and supplementing the Criminal Code and introducing prison terms and fines

for all forms of violence, including sexual harassment. The new Labour Code also protected women against psychological and physical abuse. In 2002, the Government had adopted a national strategy against such violence, in collaboration with civil society and with the support of a number of international organizations. In order to eradicate violence against women, the strategy aimed to reinforce the rule of law by making such offences violations of human rights carrying criminal penalties, to take progress made in that field into account when calculating human development indicators, to develop new ways to assist women victims of violence and to establish databases to monitor and research gender-specific violence.

21. **The Chairperson** said she welcomed the news that the Convention had been published in the Official Gazette and assumed that it now had full standing as an international treaty under Moroccan law. She also hoped that the draft nationality legislation allowing women to transmit their nationality to their children on the same basis as men would be adopted and that Morocco would then withdraw its reservation to article 9 of the Convention. She also reminded the delegation that at its nineteenth session, the Committee had reiterated the concern expressed in its general recommendation 21 regarding reservations to article 16; she urged the Government to consider narrowing the scope of its reservation to that article with a view to its eventual withdrawal.

Articles 1-6

22. **Ms. Ferrer Gómez** expressed great concern about Morocco's failure to withdraw all its reservations to substantive provisions of the Convention and about Moroccan women's inability to exercise their rights under that instrument in major areas of their social and family lives.

23. It was essential to transform attitudes which discriminated against women and while the report mentioned a few isolated activities, including efforts to disseminate the Convention, much remained to be done. The Ministry for Human Rights and the nation's non-governmental organizations (NGOs) needed to work constantly to eliminate gender-based discrimination, including through the press, and should provide systematic training and awareness-raising programmes for teachers, health-care workers, members of the police and judiciary and journalists. In its concluding comments on the initial report of

Morocco, the Committee had recommended that education in women's rights, covering national and international legislation, be provided in all school and university systems, to women's associations and non-governmental organizations and in rural areas; the delegation should explain what action had been taken in that regard.

24. **Ms. Gabr** said she was pleased by the inclusion of several women in the State Party's delegation and by the Government's efforts to ensure the enjoyment of human rights, including women's rights, during the past decade.

25. She would appreciate receiving statistical and other information on the strategy for integrating women into development. The 2002 decision to downgrade the status of the Ministry responsible for the status of women, family protection, children and the integration of the disabled was a step backwards. She also wondered why there was no national machinery for cooperation with NGOs and whether there were any plans to establish one.

26. While welcoming the importance which the Government attached to the many international instruments to which Morocco was a party, she hoped that greater efforts would be made to implement their provisions by, inter alia, bringing domestic law into harmony.

27. **Ms. Gaspard** said that she was saddened by the downgrading of the Ministry responsible for the status of women, family protection, children and the integration of the disabled. She had read in the press that the process of amending Morocco's Nationality Code in order to allow women to confer their nationality on their children on the same basis as men had been stalled for the past few years. She asked the delegation to convey the Committee's concern regarding Morocco's reservation to article 16 of the Convention to the advisory committee responsible for the review of the Code, which was to report on the matter in September 2003.

28. **Ms. Kwaku** asked what had become of the young girl who had been held captive for many years and forced into prostitution. In particular, she wondered whether the Government had paid compensation and provided for the victim's rehabilitation and what was being done to prevent the recurrence of such a situation.

29. **Ms. Khan** said that the Government should give serious consideration to withdrawing some of its reservations to articles of the Convention. She noted that many States had found ways of reconciling the advancement of women with Shariah law. She, too, was concerned at the downgrading of the Ministry responsible for the status of women, family protection, children and the integration of the disabled. The national body responsible for women's affairs should be a separate entity with an adequate budget covering not only issues relevant to women's role in the family, but also those associated with their role in the civil society and as individuals.

30. **Ms. Shin** said she was pleased that NGOs had been involved in preparing the report and hoped that the Government would make those organizations true partners in the promotion of women's rights. While she welcomed the Government's intention to make violence against women a crime, it appeared that domestic violence and sexual harassment would be grouped together; on the contrary, it was important for States to enact separate legislation covering the crime of domestic violence. It would be useful to know how many shelters for battered women the Government planned to establish and how soon they would be ready. She also suggested that training programmes for the police, including women police officers, should be developed and that the Government should consult the Committee's general recommendation 19 on violence against women.

31. **Mr. Bennouna** (Morocco) said that like all Muslim countries, Morocco must strike a balance between international law and Shariah. Family law was a particularly difficult area since the process of modernization could be destabilizing and it was of no use to enact legislation which would have no chance of being implemented and would merely create additional tensions within society. The Government had therefore established a commission in which women, religious leaders and other representatives of civil society could discuss ways of changing the nation's family law and modifying traditional attitudes.

32. The press reports of controversy over the proposed amendments to the Nationality Code were accurate, but the very fact that the issue had been raised and discussed at all levels of society was a sign of progress. He hoped that the new legislation would be adopted within the next reporting period and that Morocco would eventually be in a position to withdraw

some of its reservations to the Convention and narrow the scope of others.

33. Assault was a crime whether the victim was a woman or a man. There was a "conspiracy of silence" regarding violence against women, but the victims were beginning to come forward and tell their stories. They would ultimately produce changes in domestic law and in the practice of the courts.

34. **Ms. Idrissi** (Morocco) said that Morocco's determination to abide by the universally recognized human rights was reflected in its Constitution. "Universally recognized human rights" were defined as those guaranteed under the global framework of human rights treaties to which Morocco was a party. The process of bringing domestic law into line with the provisions of those instruments was proceeding rapidly. Draft legislation which was now before Parliament called for the ratification of additional human rights treaties, the withdrawal of as many reservations as possible to the treaties to which Morocco was already a party and the signing of most of the optional protocols to those instruments. The advisory body established by the King had been instructed not merely to amend the Nationality Code but to rewrite it; she hoped that Morocco's reservations to the Convention would soon be unnecessary.

35. It was not enough to change the law; attitudes must also be modified. The criminalization of violence against women, including sexual harassment, was a first step; it would be more difficult to address the problem of domestic violence because it took place in private and was often invisible. Under pressure from civil society, the Government had begun to conduct studies and lift the tabus which had hindered discussion of the problem.

36. The young girl who had been held captive and forced into prostitution was not alone; there were many like her, but their plight was unrecognized because prostitution was conducted in secret. In the case mentioned in the report, the guilty parties had been punished and a number of prostitution rings had been dismantled by the police. Since article 498 of the Criminal Code prohibited sexual relations outside marriage, the Government focused on providing rehabilitation for women who had been forced into prostitution against their will.

37. **Ms. Kerrich** (Morocco) said that the Government attached great importance to the principle of gender

equality. While laws were the main guarantees of that equality, a change in mentality and the social environment through education would also be needed. In reply to the questions regarding the national machinery for governing matters concerning women and civil society, she said that a project to establish national and regional women's committees was awaiting approval by Parliament. Government actions to promote the status of women included designation of focal points for women in all sectors, establishing a databank on women's rights and interests and opening a national centre for gender studies and research.

38. **Ms. Chakir** (Morocco) said that education, literacy and school attendance were the main focus of efforts for the advancement of women, and commendable progress had been made in those areas, especially affecting the most vulnerable groups in society. In 1994, the Ministry of Education and the Ministry of Human Rights had initiated a joint programme which took an integrated approach to gender equality, and she would provide the Committee with the report on its outcome.

39. **Mr. Bennouna** (Morocco) said that the change from a Ministry of Women's Affairs to a Secretariat of State was a matter of title rather than rank; of greater concern was the need to press for an increase in its financial resources.

40. **Ms. Gnacadja** said that using religious law as State law presented some difficulties, as people tended to interpret the former in different ways. Moroccan society was changing, and the law must adapt to those changes and to the country's international obligations. She asked for further clarification of how the structures for women were coordinated and who monitored the national strategy and programmes. She would also like to know the degree of independence of the advisory committee on the review of the Personal Status Code.

41. **Mr. Flinterman** asked if women could bring discrimination cases to international forums when remedies had been exhausted at the national level and whether there were any court cases where the Convention had been invoked or applied directly.

42. **Ms. Patten** urged the Government to consider the Committee's General Recommendation No. 19 on violence against women. The implementation of the Convention and other international instruments must be translated into concrete measures which had an impact on the daily lives of women, and she would like to hear

more about measures taken to remove obstacles to their development. She asked which ministry was responsible for bringing domestic legislation into line with the Convention.

43. **Ms. Simonovic** said that article 8 of the Constitution guaranteed equal political rights, but not civil, economic and cultural rights, although during the consideration of the previous report their inclusion in the Constitution had been recommended. She wondered if there was any possibility of incorporating a clear statement on equality in the Constitution.

44. **Ms. Morvai** asked if any academic legal research was being conducted regarding the interaction between gender equality and Islam. She also noted that Moroccan legislation drew a distinction between prostitution and forced prostitution, whereas no such distinction had been made in the Geneva Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, to which Morocco was a party. Though adopted in 1949, that Convention was a very progressive piece of legislation that could be helpful in developing its current policy.

45. **Ms. Popescu Sandru** said that despite progress made in modernizing legislation and changing attitudes, gender stereotyping had not been adequately addressed. She wondered whether, in addition to the gender awareness training programmes for journalists on the image of women in the media, any such programmes were available for judges and police officers.

46. **Mr. Bennouna** (Morocco) said that he wished to correct an apparent misunderstanding: any form of prostitution was illegal, but the penalties for enforced prostitution were more severe. As for Islam and women, the issue was not compatibility, but how to adapt the religion to society. Religion should help people cope with questions of existence, not complicate it. In any event, that issue was a topic of daily discussion in Moroccan society. The Constitution, the monarchy and religion were the pillars of society. International conventions were superior to laws passed by Parliament, but not to the Constitution. He was unable to cite any case law that invoked the CEDAW Convention. One of the functions of the Secretariat of State for Women was to combat gender stereotypes, and a number of efforts to do so were being pursued.

47. **Ms. Idrissi** (Morocco) said that, in its efforts to combat gender stereotypes, the Government had

focused on the schools as the appropriate place to instill the values of human rights early in an individual's development. Non-governmental organizations had offered training in human rights and non-discrimination to media professionals, police officers and prison guards, as well. The State Secretariat had published pamphlets and brochures in support of those efforts.

48. The principle of equality had been proclaimed in the Constitution of Morocco, beginning with the first Constitution in 1962. The current review of the Criminal Code also included an entire new section giving a broad definition of equality and non-discrimination. Although not yet party to the protocols to the international human rights instruments, Morocco considered it a point of honour to respond to all communications from working groups regarding individual complaints.

Articles 7-9

49. **Ms. Tavares da Silva** said that she would be very interested to hear an analysis of the results for women of the local elections that had been scheduled for June 2003. She had also taken note of the very low numbers of women in the judiciary, academia and in economic decision-making positions and would like to know what was being done to reverse that situation. If diplomatic posts were indeed filled on the basis of merit, she expected that the next report of Morocco would reflect a significant increase in the numbers of women in such posts.

50. **Ms. Gabr** asked if the Organic Law of 6 May 2002 would enable Moroccan women to be well-represented in both houses of Parliament.

51. **Ms. Belmihoub-Zerdani** said that the presence of 35 women in the Parliament was a great victory not just for Moroccan women, but for women of Muslim countries; by extension, all women shared in their success. She wondered, however, why it had taken so long to reach that point. Religion should not be an obstacle to placing women in positions of responsibility. Building on the present momentum, the Government should move to the next stage by amending electoral laws to include quotas for women's representation. She appealed to the Government to take advantage of the opportunity to appoint as many qualified women as possible to decision-making posts, thereby forming the women leaders of the future.

52. **Ms. Patten**, referring to the circulars issued by the Prime Minister in 2001 regarding the appointment of women to decision-making positions, asked whether there was any likelihood that they would be translated into special temporary measures under article 4, paragraph 1, of the Convention. She welcomed the news that some form of affirmative action was being considered for recruitment to the civil service. She would like to know what sanctions were available against political parties which failed to field the required number of women candidates under the Organic Law of 6 May 2002.

53. **Ms. Gaspard** said that she had been interested to learn that the quota of 30 women for the parliamentary elections was not a part of the Law, but represented an agreement among the political parties. She hoped that it would be possible to raise the percentage for each election. The low level of women's participation in local elections was disappointing and should be addressed. She would also like to hear an explanation of the small number of women in the judiciary, even though they were well represented among law students, and what measures were planned to encourage women to enter that profession.

54. **Ms. Kwaku** said that the condition that women must request a leave of absence from the diplomatic service if their spouses were posted abroad was discriminatory because they were forced to put their own careers on hold, and she asked whether any action was planned to correct that imbalance. She wondered why Morocco, having been among the first countries to appoint a woman ambassador, in 1960, had not replicated that initiative since 1972.

55. **Mr. Bennouna** (Morocco) said that there was no obstacle, religious or otherwise, to the appointment of women to the highest decision-making posts; it was mainly a question of set attitudes. In the diplomatic service, few women accepted posts abroad because of family responsibilities, still regarded by society as their domain. Yet, women were making significant gains in academia, accounting for 16 per cent of the judiciary. Perhaps it was more difficult to accept women as such authority figures as judges rather than as teachers.

56. Since the Constitutional Court had ruled that the quota for women's representation in the elections was unconstitutional, it had been established informally among the parties themselves. His hope was that such

quotas would become unnecessary in the future as new attitudes evolved.

57. **Ms. Idrissi** (Morocco) said that the elections scheduled for June 2003 had been postponed until September, and that the quota agreement among the parties was almost certain to continue.

58. **Ms. Kerrich** (Morocco) said that, in the circulars issued in 2001, the Prime Minister had sent a message to all government sectors telling them to increase women's representation in decision-making. In political terms, that directive had been addressed through the quota system. Affirmative action was under consideration as a response in the area of employment. International Women's Day observances had also been generated by the circulars.

The meeting rose at 1 p.m.