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تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

تقرير الفريق العامل المعني بمسألة التمييز ضد المرأة في القانون والممارسة

إضافة

بعثة إلى المغرب*

موجز

أجرى الفريق العامل المعني بمسألة التمييز ضد المرأة في القانون والممارسة زيارته الأولى إلى المغرب في الفترة من ١٣ إلى ٢٠ شباط/فبراير ٢٠١٢. ويقدم الفريق العامل في هذا التقرير نتائجه الرئيسية وتوصياته بعد هذه الزيارة. ويعرض هذا التقرير بإيجاز السياق المتعلق بالمساواة بين المرأة والرجل ويتمتع المرأة بحقوق الإنسان في المغرب، ويقدم الإطار القانوني للمساواة وحقوق الإنسان للمرأة، بما في ذلك المنجزات والمجالات التي ينبغي إحراز مزيد من التقدم فيها، وينظر في الإطارين المؤسسي والسياسي لتعزيز المساواة وعدم التمييز. ثم ينظر في مسألة مشاركة المرأة في الحياة السياسية والعامة، وينظر بعد ذلك في مسألة تمكين المرأة الريفية والنساء من فئات محرومة أخرى. ويعرّف الفريق العامل الممارسات الحميدة المتبعة لتعزيز المساواة والقضاء على التمييز، ثم يهتم تقريره مدرجاً ملاحظاته وتوصياته.

* يُعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه فيرد في مرفق هذا الموجز، ويُعمم باللغة التي قدم بها وباللغة الفرنسية فقط.

Annex

[English and French only]

Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Morocco

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I. Introduction

1. The Working Group on the issue of discrimination against women in law and in practice conducted its first visit to Morocco from 13 to 20 February 2012 at the invitation of the Government. Two of its five members, the Chairperson-Rapporteur, Kamala Chandrakirana, and Emna Aouij, participated in the visit.

2. In accordance with its mandate as contained in Human Rights Council resolution 15/23, the objectives of the Working Group were to engage in dialogue with the Government of Morocco and other stakeholders on the issue of eliminating discrimination against women in law and in practice; to identify good practices relating to the elimination of laws that discriminate against women or are discriminatory in terms of implementation or impact; and to make recommendations on the improvement of legislation and the implementation of the law. It considered the issue of discrimination against women in political and public life, given that the issue is its priority theme for 2012. The visit was guided by international human rights law in the assessment of the situation of equality between women and men and non-discrimination on the grounds of sex, and protection and promotion of women's human rights. With regard to discrimination against women in law and in practice in political and public life, the Working Group was guided by, inter alia, article 25 of the International Covenant on Civil and Political Rights, and articles 4 (1) and 7 of the Convention on the Elimination of All Forms of Discrimination against Women.

3. The Working Group held extensive consultations in Rabat, Casablanca and Fes, and in the province of Khemisset, with Government officials, representatives of the legislature and judiciary, representatives of national and regional human rights institutions, civil society organizations and academics, and grass-roots women community leaders. It also held meetings with the United Nations country team and bilateral development organizations. The Government offered to facilitate a visit of the delegation to Laayoune or Dhakla for a day; owing to time and logistical constraints, however, the Working Group was unable to accept the offer. Given its interest in the situation of women in the non-self governing territory of Western Sahara, it may consider visiting the territory at a later stage.

4. The Working Group expresses gratitude to the Government for agreeing to host its first visit and its cooperation in ensuring the success of the visit. It is grateful to the United Nations country team, including the United Nations Entity for Gender Equality and the Empowerment of Women, for its assistance prior to and during the visit, and to all interlocutors for their support of the mission. It looks forward to continuing to engage with the Government and other stakeholders on the issue of gender equality and women's human rights and the implementation of the recommendations made in the present report.

II. Context

5. The visit of the Working Group to Morocco coincided with an important moment in the history of the country, namely, the culmination of a decade of democratic reforms in the adoption of a new Constitution on 29 July 2011, and the inauguration of a new Government following the general elections of November 2011.

6. Since his coronation on 23 July 1999, King Mohammed VI has pursued a process of democratization in Morocco, with equality and human rights at its core. Among the first measures implemented was the creation of the Independent Arbitration Commission, mandated to compensate victims for past human rights violations, and the Equity and Reconciliation Commission, tasked to determine the facts about past violations, provide victims and their families with reparations, and make recommendations to prevent future

violations. The processes, and the reforms brought about, have been carried out in dialogue with Moroccan society.

7. At the same time, women's active claims to equality with men and human rights have contributed to putting the issue of discrimination, including the elimination of laws that discriminate against women, at the core of the national political agenda. As citizens with equal rights, Moroccan women have been at the forefront of widespread mobilization among cross sections of society to change long-standing discriminatory provisions in laws on nationality, commerce and employment, the penal system and family life, and to increase their participation in political life.

8. Despite these significant political and legal reforms, Morocco faced challenges in closing the gaps between promise and reality owing to serious socio-economic disparities across the country. Figures from the 2011 Human Development Report show that Morocco has achieved only medium human development for its population of 32.3 million people, 58.8 per cent of whom live in urban areas. It was ranked 130 out of 187 countries on the 2011 Human Development Index,¹ although it has seen annual steady increments in its Index rating since 1980.² According to the inequality-adjusted Human Development Index,³ the loss in potential human development in Morocco due to inequality was 29.7 per cent. On other indices, such as the Gender Inequality Index, Morocco ranks 130 out of 187 countries.⁴ On the Global Gender Gap Index, Morocco ranked 129th of the 134 countries surveyed.⁵ Its adult literacy rate is 56.1 per cent (of people aged 15 years or older).⁶ The female adult literacy rate is approximately 49.2 per cent,⁷ and the female youth literacy rate is approximately 72 per cent (ages 15 to 24 years).⁸ Boys outnumber girls in primary net enrolment rates.⁹ The under-5 mortality rate was reported at 36 per 1,000 live births in 2010.¹⁰ Health adjusted life expectancy is 62 years.

9. Economic and social disparities, coupled with civil and political grievances and fatigue with reported endemic corruption, led to the outbreak of popular protests in February 2011 in Morocco, as in other countries in the region. On 20 February, thousands of Moroccans assembled in Rabat to call for power-sharing and changes to the Constitution, with intermittent protests continuing thereafter in cities throughout the country. In response, the King accelerated the process of reforms. On 9 March 2011, he initiated further devolution of powers to the regions and other territorial collectives and the reform of the Constitution, constituting a committee for this latter purpose and tasking it to engage in consultations with Moroccan society. A fundamental precept behind the devolution of powers was, as described in the King's address to the nation on 9 March 2011, the reinforcement of women's participation in the management of regional and subregional affairs and the exercise by women of their political rights, with equal access among women and men to elected office guaranteed by law.

¹ The Index measures the average achievements in a country with regard to a long and healthy life, access to knowledge and a decent standard of living.

² In 1980, its Index value was 0.364. In 1990, it had increased to 0.435; in 2011, it stood at 0.582.

³ See <http://hdr.undp.org/en/statistics/ihdi/>.

⁴ The Index reflects gender-based disadvantage in reproductive health, empowerment and the labour market.

⁵ Index to measure discrimination against women in economic participation and opportunity, education, health and survival, and political empowerment. See World Economic Forum, Global Gender Gap Report, 2011.

⁶ See <http://hdrstats.undp.org/en/countries/profiles/MAR.html>.

⁷ See www.hcp.ma/.

⁸ Youth (15-24 years) literacy rate (percentage), 2005-2010, female. See www.unicef.org/infobycountry/morocco_statistics.html.

⁹ www.unicef.org/infobycountry/morocco_statistics.html.

¹⁰ Ibid.

10. In June 2011, the advisory committee for the revision of the Constitution presented a draft Constitution to the King. It was approved by national referendum on 1 July 2011. According to reports by the Ministry for the Interior, more than 70 per cent of the country's 13 million registered voters took part in the referendum, and approximately 98 per cent voted in favour of the reforms. The new Constitution thus enjoys broad-based legitimacy and, with the other legal advances of the past decade, provides a unique foundation on which to close long-standing gaps in human rights enjoyment between women and men. It reflects the evolution in Moroccan society and promises to be a key tool to advance development and assure the country a robust role in the region and the world.

11. The new Constitution establishes Morocco as a constitutional, democratic, parliamentary and social monarchy. It embodies principles of participation, pluralism and good governance. It acknowledges that the country's unity is forged by, on the one hand, its history, civilization and multicultural roots and, on the other, its commitment to the values of openness, moderation, tolerance and dialogue. The Constitution unites respect for religion and human rights, and the fight against all forms of discrimination, including on the grounds of sex. The King is the guarantor of respect for all fundamental freedoms and rights and the functioning of institutions.

12. Following parliamentary elections on 25 November 2011, the King appointed a Head of Government from the party that won the most parliamentary seats. The Justice and Development Party, which espouses, *inter alia*, a system of values based on Islam, won 107 of 395 seats; its Secretary-General, Abdelilah Benkirane, was appointed Prime Minister. The new Government was formed on 3 January 2012.

III. Legal framework for equality and women's human rights

A. Achievements in eliminating discriminatory laws

13. The Constitution establishes the primacy of international law in the domestic legal order and requires that domestic laws be harmonized with international legal obligations. Morocco is party to eight of the nine core international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Morocco has not accepted any individual complaint procedure under these instruments.

14. On 8 April 2011, Morocco withdrew its reservations to the Convention on the Elimination of All Forms of Discrimination against Women in relation to article 9 (2), on transfer of nationality to children, and article 16, on equality in marriage and divorce. It did not, however, lift declarations in relation to article 2 stating that this provision would apply only to the extent that it was compatible with Islamic sharia and to article 15 (4), which is subject to articles 34 and 36 of the Family Code (*Moudawana*). The scope of these declarations go beyond mere interpretation of articles 2 and 15 (4) and, in fact, limit the country's obligations to implement fully these provisions.

15. Article 19 of the new Constitution enshrines the principle of equality between men and women in the enjoyment of all human rights. It establishes that the State is responsible for achieving equality between men and women and creates a body, the *Autorité pour la*

parité et la lutte contre toutes les formes de discrimination, to advance progress in these areas.

16. The Constitution consolidates the achievements of past legal reforms that have contributed to enhancing equality between women and men and lessening discrimination against women. These reforms included the revision of the Commercial Code in 1995, the adoption of the new Law on Civil Registration in 2002, the new Code of Criminal Procedure in 2003 and continuing reform of the Penal Code since 2003, amendments to the Labour Code in 2003, reform of the Family Code in 2004, and reform of the Nationality Code in 2007.

B. Closing gaps in legal protection for women

17. While the legal reforms, including those of the Family Code, are to be commended, some discriminatory provisions remain in existing laws and perpetuate inequalities and discrimination against women in Morocco.

1. Family Code

18. The reform of the Family Code, which governs, inter alia, marriage, including polygamy, divorce, guardianship and child custody, and inheritance, was based both on religious references and universal values, and took into account the requirements of development, progress and social justice. It entered into force on 5 February 2004 and stipulates, inter alia, that spouses have equal rights and duties in the family, and that the minimum age of marriage for girls is 18; established the right to divorce for women, including by mutual consent; places polygamy and repudiation (unilateral divorce by the husband) under strict judicial control; rescinds the wife's duty to obey her husband; eliminates the requirement for women to have the consent of a marital guardian (*wali*) to marry and grants them more rights in the negotiation of marriage contracts; and greater rights of custody of children.

19. Nonetheless, discriminatory provisions remain in force and the evolutionary spirit of the law is often not taken into consideration. With regard to marriage, article 20 permits a judge to authorize the marriage of minors before the legal age of 18. Such a decision cannot be reversed, since there is no possibility to appeal against it. Articles 40 to 46 govern polygamy; although the practice is subject to strict conditions, it is authorized if a man is able to prove to a judge that he can support two families and has an objective and exceptional reason for wanting two families. Women may forbid polygamy in the marriage contract. Article 45 requires the first wife to give consent to a second marriage or request divorce; according to article 46, the future second wife must be informed of the man's marital status and must consent to the marriage.

20. With regard to divorce, article 98 of the Moudawana grants women the right to file for "divorce for prejudice" (divorce pour cause de prejudice) on the grounds of, inter alia, harmful behaviour by the husband, such as abandonment, failure to provide financial support or physical abuse. However, although physical abuse is one of the grounds for divorce, according to article 100, the wife must be able to call on witnesses to support her claims. Either spouse may initiate divorce by mutual consent or with compensation (*Khol*) or on grounds of discord (divorce pour raison de discorde) or irreconcilable differences (*Chiqaq*). In cases with compensation, the woman may obtain a divorce by paying financial compensation to her husband (*Khula*), traditionally by returning the dower. Husbands may initiate divorce by "repudiation", although this is subject to judicial oversight. Divorced women are required to wait for a period of up to four months before remarrying.

21. With regard to guardianship and the custody of children, according to article 171, the mother is granted primary custody of a child, followed by the father and the maternal grandmother. The father does not automatically assume custody of children when mothers remarry or move away. However, according to article 175, a divorced woman with children over the age of 7 loses custody of the children if she remarries and the former husband requests custody.

22. The reform of the Moudawana did not remove inequalities between men and women in inheritance, as it is governed by the principles of Islam, although maternal grandchildren may inherit from their grandparents (whereas previously only paternal grandchildren were eligible to inherit from their grandparents). Women are disadvantaged in inheritance situations, with daughters typically receiving half the amount set aside for sons. In practice, women, especially in rural areas, often give up their unequal share of inheritance to male relatives.

2. Nationality Code

23. The reform of the Nationality Code in 2007 gave Moroccan women married to Moroccan men the right, by virtue of article 6, to transmit their nationality to their children on the same basis. Furthermore, Moroccan women married to some foreign men gained the right to pass Moroccan citizenship on to their children, which benefitted many children who had previously been stateless. This provision only applies, however, to children born to a Moroccan woman and a Muslim non-citizen who marries in accordance with the Family Code. According to article 10, women do not have the right to pass their nationality on to their foreign husbands, although men can automatically transmit their nationality to their non-Moroccan wives.

3. Penal Code

24. The amendments introduced to the Penal Code since 2003 have criminalized sexual harassment, stipulated that both spouses are equally liable for adultery, removed the legal excuse of provocation often used by husbands to justify violence, and increased the penalties for assault and battery by one spouse against the other. The Penal Code does not, however, deal adequately with domestic violence, which is addressed under general criminal law provisions that do not sanction marital rape. Article 475, which falls under section IV, on the abduction and non-representation of minors, provides that a kidnapper or seducer of a minor girl may be acquitted of rape if he marries her. The application of this provision is an important element in the case of the recent suicide of a 16 year-old teenager, Amina Filali, who was allegedly forced to marry her rapist. In addition, under articles 486 to 488 of the Penal Code, rape is considered a crime against morality and not identified as a crime against the person.

25. Article 490 criminalizes consensual sex between unmarried people, providing for punishments ranging from one month to one year in jail. While these cases are rarely prosecuted given that conviction depends on either eyewitness testimony or a confession by one of the parties, an unmarried woman's pregnancy is proof of sexual relations and may lead to criminal prosecution. Non-therapeutic abortions are criminalized, which leads to illegal abortions that can jeopardize women's lives. The Penal Code has been under revision since 2008 and the process is ongoing.

4. Labour Code

26. The Labour Code, enacted in 2004, enshrines in article 9 the principle of non-discrimination, including on the basis of sex, in recruitment, conduct and division of labour,

salary, promotions, benefits, discipline and dismissal, and vocational training. Article 346 prohibits sex-based discrimination in pay for work of equal value. The Labour Code does not, however, provide protection for domestic workers who are for the most part women and girls, and migrant workers. Article 4 states that domestic workers' employment and working conditions are covered by a special law, which is yet to be enacted. The Government confirmed that it is considering bills to fill the gaps in legal protection for domestic and migrant workers.

C. Gender bias in the administration of justice

27. The Government and civil society have taken steps to raise awareness of the equality, empowerment and protective provisions of laws, including within the judiciary and in society in general. Family sections within district courts and family courts have been established to support enforcement of the Moudawana. Nonetheless, gender-sensitive interpretation and enforcement of the law remain areas for progress.

28. Many stakeholders expressed concern about regressive court rulings in relation to implementation of the Family Code, including with regard to early marriage and polygamy. For example, in the case of marriage of minors, of 38,710 requests for authorization to marry below the legal age, 33,596 (86.79 per cent) were granted and 4,151 (10.72 per cent) were refused, while 963 requests were withdrawn.¹¹ The majority of requests, 38,331, were for early marriage of girls. Despite stringent legal conditions for approval of polygamy, 43.5 per cent of applications were approved by judges.¹² *Chiqaq* is often interpreted by judges as a divorce for prejudice, thus requiring women to produce evidence and witnesses to support their petitions.

29. Government officials, including the Minister for Justice, and other stakeholders admitted that, in spite of the advances of the past decade, cultural and societal attitudes and behaviours pose significant obstacles to full equality and rights for women in Morocco, including in the administration of justice. Many specified that the law, even with its shortcomings, is often more advanced than the mentalities of the magistrates and judges who are entrusted with its implementation, and that the Moudawana is being divested of meaning by some enforcing judges. Training for magistrates and judges has been insufficient and has not produced the desired results. Conservative and patriarchal attitudes permeate the law and its application, and serve to maintain harmful practices.

30. The case of Amina Filali demonstrates that the law and its application essentially permitted a criminal offence to occur, allowed the perpetrator to escape punishment by marrying the victim, and placed the dishonour of the act on the victim and her family. Amina Filali suffered victimization by the rapist; the judicial personnel who allegedly advised her father to safeguard the family's honour by allowing the abuser to marry his victim; her family, who reportedly disowned her for complaining about the continued abuse of the rapist now her husband; and the State, which failed in its due diligence obligations to prevent the violations and protect her human rights, resulting in her suicide. As at 18 March 2012, only the Minister for Solidarity, Women, Family and Social Development had publicly spoken out on this case, calling for a debate to reform the law. This case should remind the Government that it must show leadership in preventing such practices and protecting victims, in accordance with its international human rights legal obligations. Any debate on reforming the law must aim to give effect to the country's obligations under international law, which are enshrined in its Constitution.

¹¹ See [http://adala.justice.gov.ma/production/statistiques/famille/FR/Mariages%20des%20mineur\(e\)s.pdf](http://adala.justice.gov.ma/production/statistiques/famille/FR/Mariages%20des%20mineur(e)s.pdf).

¹² Ibid.

31. The Minister for Justice expressed his intention to the Working Group of conducting a comprehensive assessment of implementation of the Family Code and its impact on Moroccan society. The Working Group welcomes this initiative and hopes that such a review will shed light on challenges in implementing the law and serve as the basis for more initiatives by the Ministry, including to monitor legal proceedings and outcomes and to assess the extent to which they uphold international human rights standards and national laws. The Working Group also notes that magistrates and judges play a critical role in ensuring effective implementation of the law and safeguarding equality and women's human rights and, in this regard, the gains of the past decade. Their understanding of the evolutionary spirit of the law in conformity with international law, and their willingness to give effect to it, are crucial.

32. In addition, access to justice is reportedly difficult for vulnerable groups of women, such as non-Moroccan women and trafficked women. Although Morocco acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 25 April 2011, domestic laws have yet to be harmonized with the Protocol. Despite being victims of human rights abuses, trafficked women continue to be criminalized. The Working Group would welcome a review of access to justice for vulnerable groups of women and efforts to ensure that they benefit from equal protection of the law.

D. Cultural and societal obstacles to women's equal benefit and protection by the law

33. Patriarchal and conservative positions further influence how women are treated and portrayed in private and public spheres, and have an impact on their opportunities and status in society. Some interlocutors noted that women are considered to be of lesser value than men, and many popular sayings portray them as inferior. On television, they are often portrayed as weak in mind and spirit, and confined to stereotyped roles, such as homemaker and teacher. In employment and other sectors, women are confined to certain jobs, for example, accounting for 80 per cent of those employed in the textile industry, while men dominate the justice sector.

34. The Government is taking action to combat these phenomena, including through education and the media. With regard to education, which is critical to combatting discrimination against women, the education sector benefits from the largest budget in Morocco and a variety of initiatives have been taken to reform the system, including modernizing curricula and allowing mixed schools. Quality and the appropriateness of education seem, however, to pose a problem. Furthermore, while there is greater enrolment of girls in primary education, between the ages of 12 and 15, girls often drop out of school. In some regions, the retention rate in secondary schools is less than 80 per cent. The Government is providing parents with financial incentives to allow girls to stay in school until the age of 16 and has taken other measures, such as improving schools and girls' access to them. With regard to the media, it has inter alia, elaborated a strategy to institutionalize equality issues in the communications sector. Civil society organizations highlighted other measures, such as a weekly radio programme in Fes that hosts discussions on violence against women.

35. The Working Group found that further measures to fight against stereotyped and negative portrayals of women are needed. The Government and all parts of Moroccan society, including men and religious leaders, and all means available, including education and the media, should be mobilized to combat these phenomena. Religious perspectives,

which reflect cultural identity, play an important role in portraying women in the most favourable light. Women imams (“Morchidates”) have a greater role to play in national campaigns to raise awareness of women’s rights and to disseminate a culture of equality throughout the country, as do civil society and the media. Education must be adjusted to include knowledge on rights and law and how to claim these, and address obstacles to equality and the protection and promotion of human rights for girls and women.

IV. Institutional and policy framework

A. Securing institutional coherence for gender equality

36. The visit of the Working Group coincided with reinforcement of the institutional framework to secure democracy and human rights. The Constitution extended protection to a number of institutions, and other institutions were being established or operationalized to reinforce the enjoyment of freedoms and rights in Morocco. Together, they provide a tool to ensure equality and the enjoyment of women’s human rights.

37. An interministerial delegation for human rights was established in April 2011 to coordinate with other Government ministries and offices on Government efforts to protect and promote human rights and international humanitarian law. The delegation coordinated the visit of the Working Group.

38. The National Human Rights Council operates in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹³ It is an independent and representative institution charged with the defence of human rights and that, inter alia, makes recommendations on the State’s adherence to international human rights standards and harmonization of domestic legislation, and receives complaints of human rights violations. It is gradually becoming operational in the regions.

39. The institution of the Mediator is an independent national institution responsible for dealing with citizen complaints against the public administration. In the conduct of its work, the institution provides women with legal assistance in the context of defending citizen’s rights and transparency in public administration.

40. The National Human Rights Council and the Mediator are dedicated to ensuring greater coherence and efficiency in the protection and promotion of human rights, including for women. Both benefit from good representation of women in their composition and are responsive to women’s rights concerns. Women account for 43 per cent of Council membership at the national level, and approximately 30 per cent at the regional level.

41. Other institutions, such as the High Authority for Audiovisual Communications, one of whose main tasks is to ensure respect for plural expression of opinion, thought and freedom of information in public or private broadcasting, have an important role to play in ensuring that women’s rights are well presented in the media. In its regulatory role, the Authority requires, inter alia, operators to dedicate a certain number of programmes to women and their role in society. A unit and a working group in the Authority are responsible for monitoring and analysing the presence and portrayal of women in audiovisual media in Morocco. On International Women’s Day 2012, the working group presented a report on the image of women in Morocco; since the adoption of the new

¹³ General Assembly resolution 48/134, annex.

Constitution, the mandate of the working group has been extended to include attention to equality issues. Women's rights advocates noted that they had submitted a complaint to the Authority in relation to the broadcasting of stereotypical images of women on a quiz show. The Authority has initiated an inquiry and promised an official response.

42. Article 19 of the Constitution providing for the establishment of an "authority for parity and the fight against all forms of discrimination" is a significant contribution to the fight for women's equality. The authority is tasked with ensuring respect for article 19 and monitoring compliance with parity principles. The body could contribute to improving coordination of gender equality and women's rights activities undertaken by the various Government offices and civil society, including women's human rights organizations. Legislation will be introduced to define its mandate and, in accordance with article 164, the division of functions with the National Human Rights Council. Two public debates have already been held in relation to the creation of the authority, under the leadership of the Council.

43. The Working Group is of the view that the law to operationalize "the authority for parity and the fight against all forms of discrimination" should be developed in consultation with all relevant stakeholders and enacted in a timely manner. It stresses that it is important that the authority have an independent status, autonomy of management, skilled personnel, an adequate budget, and be subject to good governance.

44. Given the multiplicity of national institutions in Morocco, the Working Group notes that a key challenge is to achieve coherence and consistency across institutions, including in securing gender equality, and to avoid duplication, fragmentation and conflicts of interest in the conduct of their respective mandates.

B. Implementing national policies to promote equality and non-discrimination

45. The Government informed the Working Group of several national strategies, policies and programmes aimed at promoting equality and human rights, including the 2006 national strategy and plan of action for equity, equality and gender mainstreaming in development policies and programmes, the 2007 Citizens' Platform for the Promotion of a Culture of Human Rights, which for the period 2011-2014 is focusing on awareness-raising, education and training on human rights, and the post-1993 Vienna World Conference on Human Rights National Plan of Action on Democracy and Human Rights, which was updated in the light of the new Constitution and deals with, inter alia, governance and democracy; economic, social and environmental rights; and the legal and institutional framework. Both programmes were developed with the National Human Rights Council.

46. The Government has adopted an agenda for equality for the period 2011-2015. The agenda was coordinated by the former Ministry of Social Development, Family and Solidarity in collaboration with 25 departments and adopted by the former Government, in March 2011. It is organized around nine priority areas, 30 strategic objectives and 100 measures for equality between men and women across 25 Government sectors. Women's associations raised concerns that, in introducing its future programme to Parliament on 19 January 2012, the incoming Government did not refer to the agenda for equality either in the context of the State's commitment to achieving the Millennium Development Goals, including Goal 3 on gender equality, or in the context of its compliance with international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women. They were concerned about these omissions and their potential impact on achievements in relation to women's rights.

47. The Working Group is of the view that the agenda is a key tool to advance equality and women's human rights. It noted that, on International Women's Day 2012, the Minister for Solidarity, Women, Family and Social Development stated that her Ministry was considering developing a Government plan to promote gender equality and make equality principles binding in all governmental sectors.¹⁴ It encourages the Government to reaffirm its constitutionally-mandated commitment to adopt comprehensive and continuing measures to eliminate discrimination against women by taking immediate steps to endorse the agenda for equality and to move quickly to its implementation.⁴⁷ The implementation of laws and policies are supported by the Government's adoption of a gender-sensitive budgeting approach, which aims to ensure equal distribution of resources to promote equality between men and women. This approach, *inter alia*, analyses inequalities that hinder development with a view to taking corrective actions to render development more inclusive, equal and results-oriented in relation to the enjoyment of human rights. It obliges reporting on the extent to which women's rights are being realized in the implementation of public policies.

48. The Working Group emphasizes the importance of public accountability and independent oversight of all Government measures and programmes, including by civil society groups. It is of the view that the National Human Rights Council and its regional commissions play a crucial role, as the country's independent human rights monitoring mechanism, in assessing the human rights impact of all Government programmes on women and making recommendations for continuous improvement.

V. Gender equality and women's participation in political and public life

49. Women have had the right to vote and stand for office in Morocco since 1963. While data show that women's participation in political life in Morocco has increased as a result of ad hoc measures and that women are willing to engage in politics, their participation is still hampered by prevailing patriarchal attitudes, social constraints and other factors.

50. With regard to the participation of women in Parliament, in the election to the Chamber of Councillors in 2003, there was no national list and only 0.56 per cent of elected communal representatives were women. In 2009, women held six of 270 seats, representing 2.2 per cent in that Chamber.

51. In 2002, political parties adopted for the first time a quota that reserved 30 (9.2 per cent) of the 325 seats in the Chamber of Representatives for female candidates. As a result, 35 women (10.77 per cent) were elected to the Chamber. This quota was not, however, established by law but was rather embodied in an agreement between political parties. In the 2007 parliamentary elections, political parties again resorted to affirmative action, and 30 women were elected. The Government formed in 2007 had the greatest number of women in Moroccan history: seven women heads of ministries (of 36). In the 2009 local elections, "supplementary lists" enabled women to win around 12 per cent of the seats. A woman was elected mayor in Marrakech and 13 women were elected president of a commune.

A. Institutionalizing measures to increase women's political representation

52. The Constitution renews hope of increasing women's participation in decision-making bodies. In response to the claims of women's movements, and in particular of the

¹⁴ See www.maroc.ma/PortailInst/Fr/logoevenementiel/journee+internationale+de+la+femme.htm.

Movement for a third of the seats towards parity, article 30 enshrines the right of men and women to vote and stand as candidates in elections, and provides that laws will establish measures to promote equal access of men and women to elective office. Article 146 provides for legislation to promote increased participation of women within regional councils. Two organic laws relevant to women's political participation have been enacted.

53. Organic law No. 27-11 of 14 October 2011 on the Chamber of Representatives establishes a quota of 60 seats for women out of a total of 395 (15 per cent). According to article 23, 90 Members of Parliament are elected at the national level, and the remaining 305 are elected at the local level. The law requires that the lists of candidates presented by parties at the national level comprise 60 women and 30 men aged less than 40 years; however, there is no quota applying to lists presented at the local level. As a result, in the parliamentary elections held in November 2011, the total number of women elected was 67, or 17 per cent of the total membership. The local elections, tentatively scheduled for late 2012, will be an opportunity to redress the situation and institutionalize women's lists.

54. Organic law No. 29-11 of 21 October 2011 on political parties provides, in article 26, that all political parties must work to achieve a proportion of one third of women in their governing bodies at the national and regional levels, although the law does not include sanctions for failure to respect this provision. It therefore does not recognize the role that political parties need to play in promoting equality and women's human rights. In the 2011 elections, only 57 women were at the top of the lists at the local level out of 1,521 lists. Women accounted for only 4 per cent of candidates.

55. The Working Group recalls that the Convention on the Elimination of All Forms of Discrimination against Women requires States to achieve not only purely formal or de jure equality, that is equality between women and men in and before the law with respect to formal opportunities and treatment, but also de facto or substantive equality, whereby women enjoy equality with men in practice. While numerical representation of women is important, substantive representation of women goes beyond numbers and is about how women and men, in decision-making positions, produce gender-responsive policy formulation and implementation. It is therefore critical to look beyond the numbers to the contexts and conditions that allow women to participate on an equal footing with men, including in political and public life.

B. Advancing women's meaningful and effective participation in public life

56. The new Government's programme, presented to Parliament on 19 January 2012, contains many positive aspects on women, including the adoption of affirmative action in appointments and senior positions, and provides encouragement for women to participate in political parties and civil society organizations. In addition, the Ministry of Public Affairs and Modernization of the State established a consultative interministerial committee with the objective of attaining gender equality in the civil service.

57. Nonetheless, the meagre representation of women in the composition of the new Government and the reported explanation that this was due to lack of competent women candidates leads many to question the extent of current commitment and political willingness to promote equality and women's rights in practice. Many stakeholders expressed their regret at the gap between rhetoric and reality.

58. Women's representation in senior decision-making positions in the public service is particularly low. While women represent more than one third of the total number of public

servants, they account for only 12 per cent of leadership positions. Only two women are governors. Currently, only 10 of 84 ambassadors are women.

59. In 2012, women occupied 20 per cent of all judicial posts; they accounted for 21 per cent of judges and 11.8 per cent of prosecutors.¹⁵ According to article 115 of the Constitution, representation of women judges is to be secured among the 10 elected members of the Supreme Council of the judiciary, in proportion to their presence in the judiciary. In January 2012, the Moroccan Association of Women Judges announced that it would submit a claim to the Supreme Court calling for increased representation of women in the judiciary and access to the highest positions.

60. At present, none of the eight heads of parliamentary groups of political parties is a woman. Of the 13 members of the bureau of Parliament, three are women. One woman presides over a parliamentary commission (specialized parliamentary bodies) out of a total of eight. Therefore, only four women hold positions allowing them to influence the functioning of Parliament.

61. Article 12 of the Constitution recognizes the role and space of civil society organizations, including women's associations, in public affairs. It gives them the possibility to make proposals, and monitor and evaluate public policies.

62. The Working Group takes note of the report prepared by the consultative commission on regionalization, in which it aimed to promote substantive equality at the level of the regions and other territorial collectives and to contribute to modernization of State structures and participatory democracy. With regard to measures to increase women's political and public participation, the commission recommended systematic integration of a gender perspective into all aspects of the governance system and appropriate incentives to ensure women's access to one third of elected posts and other offices in local authorities. It also recommended that political parties promote the political participation of women and their access to elective and management responsibilities in their regions, especially through public funding. If implemented, this will be a major step towards parity at all levels of Government.

VI. Empowerment of rural women and disadvantaged groups of women

63. The advances made in the past decade have yet to bear fruit for rural women and other disadvantaged groups of women in Morocco, who often confront multiple forms of discrimination, including on the basis of their status, and lack of opportunities. While many initiatives and measures have improved their situation, much more needs to be done to enable them to claim and enjoy their human rights in equality. The devolution of powers to the regions is a means to combat rural poverty and empower women to be active agents for change, including by increasing their participation in political life.

A. Rural women

64. In 2010, the rural population stood at approximately 13.45 million people,¹⁶ of which some 2 million were considered poor. Approximately 75 per cent of rural households

¹⁵ See "La repartition des femmes et des hommes dans la magistrature", Ecole nationale de la magistrature, 2010, p. 7.

¹⁶ Haut-Commissariat au Plan, "La femme Marocaine en chiffres", October 2011.

depend on agriculture for their livelihoods.¹⁷ Poverty disproportionately affects rural areas in Morocco. In addition, illiteracy, unemployment and lack of access to social services continue to plague rural settings. In 2009, the literacy rate in rural areas reached almost 44.4 per cent.¹⁸

65. Rural women suffer the hardships of poverty and are confronted with multiple forms of discrimination that prevent them from participating meaningfully in society, including in political and public life. They are discriminated against for being women and by virtue of geography. They face inequalities and subservience to men, lack choices and opportunities, and are often illiterate, which renders them unaware of the law and their rights, and how to claim them. In addition, firewood collection, lack of means of family planning and lack of access to microcredit financing keep rural women in a state of quasi-servitude.¹⁹ Child marriages affect approximately 21 per cent of rural girls in Morocco,²⁰ often resulting in early pregnancies, which expose them to health problems. Complications during pregnancy or labour are the main cause of death for girls aged between 15 and 19 years, and adolescent girls are two to five times more likely to die from pregnancy-related complications than women in their twenties; furthermore, their children are 1.5 times more likely to die before their first birthday.²¹ Poverty affects women's independence, including in rural areas; for example, 66 per cent of married women in the wealthiest quintile usually make decisions themselves or with their husbands on household purchases, as against 32 per cent of women in the poorest quintile.²²

66. In the 1990s, Morocco began to implement policies and programmes designed to alleviate rural poverty, including by facilitating access to potable water, electricity, roads and social services. The "Programme d'alimentation groupée en eau potable rurale", launched in 1995, has improved access to potable water from 62 per cent in 2004 to 92 per cent in 2011. According to a Government evaluation of phase II of the "Programme national des routes rurales (2005-2011)", girls' school attendance rates reached 55 per cent where the projects were implemented, compared with 33 per cent in areas where they were not. The Barnamaj Aoulaouiyat Jtimaiya, a social priorities programme, which was implemented from 1996 to 2003 to extend education and health services in 14 rural provinces, produced positive results.²³

67. In 2005, the King launched the National Human Development Initiative as part of the national poverty reduction strategy for Morocco. The Initiative targets 403 of the poorest rural communes in Morocco. It aims to combat poverty, vulnerability and exclusion in rural communities by addressing both territorial and gender disparities. It reinforces the capacity of poor people, including women, to benefit from projects and revenues from microcredit schemes. The microcredit provisions are important because, despite the revision of the Commercial Code in 1995, rural women continued to face difficulties in securing loans, including for not having assets or bank accounts. The Local Committee for

¹⁷ See International Fund for Agricultural Development, "Rural poverty in the Kingdom of Morocco", available from www.ruralpovertyportal.org/web/guest/country/home/tags/morocco.

¹⁸ See www.hcp.ma/.

¹⁹ Plan-cadre des Nations Unies au Maroc, 2007-2011, Bilan commun de pays. Royaume du Maroc et les Nations Unies, mars 2006. Available from www.unfpa.org/webdav/site/global/shared/documents/publications/2007/giving_girls.pdf.

²⁰ See www.unicef.org/sowc2011/pdfs/Table%209%20CHILD%20PROTECTION_12082010.pdf.

²¹ United Nations Population Fund (UNFPA), *Giving girls today and tomorrow: breaking the cycle of adolescent pregnancy*, UNFPA, New York, 2009 (available from www.unfpa.org/webdav/site/global/shared/documents/publications/2007/giving_girls.pdf), p. 5.

²² *The World's Women 2010: Trends and Statistics*, United Nations, Department of Economic and Social Affairs, New York, 2010.

²³ Plan-cadre des Nations Unies au Maroc (see footnote 19).

Human Development is made up of one third local elected officials, one third non-governmental organizations and one third local civil service. Reports indicate that, in the first phase of the Initiative (2005 to 2010), 5.2 million people were direct beneficiaries.

68. The Working Group met with women leaders and members of a cooperative, the Souaber Association in Khemisset, supported by the National Human Development Initiative, who attested to its life-transforming nature. Empowered rural women are now being encouraged by their peers and other stakeholders to stand for local elections. Nonetheless, some stakeholders expressed concern about the limited benefit to women and ownership of the Initiative, despite the resources invested. They stated that many projects did not respond to women's needs, and women's ownership of the programme was weak. Furthermore, they pointed out that much of the revenue had been used to cover administrative costs and the creation of institutions, and highlighted the need for a shift away from inputs and processes to outputs and results.

69. The second phase of the Initiative runs from 2011 to 2015 with a budget of 17 billion dirham, and will extend to 702 rural communes, including in mountainous regions which have to date been difficult to reach. The Working Group takes the view that it is critical that the second phase be guided by a rights-based perspective and guarantee women's full and active ownership of the programme in order to ensure sustainable results for the enjoyment of equality and human rights for all rural women. It is important for a complaints mechanism to be established so that the most marginalized have an avenue to seek recourse and accountability when their needs and voices are not heard.

70. Other complementary initiatives are under way to empower and protect the rural population. For example, the Ministry of Culture has opened libraries in rural areas with materials of different levels of difficulty to promote literacy. Health-care caravans travel to some rural areas to provide services.

B. Divorced women and widows

71. Divorced women and widows face hardships in a society that emphasizes the importance of marriage and the family. Often they have no access to employment and resources, and are rendered vulnerable by their divorce, especially when the husband is unable or refuses to pay alimony, or following the death of the spouse.

72. The Finance Law of 2011 created a family fund (*fonds d'entraide familiale*) to directly assist divorced women, widows and family members who did not receive food aid. The ministries of finance and justice and l'Entraide nationale launched the fund in 2011. At the time of the visit of the Working Group however, no funds had yet been disbursed.

C. Unmarried women

73. A 2011 national survey conducted in Morocco by the Institution nationale de solidarité avec les femmes en détresse revealed that as many as 500,000 children were born outside of marriage between 2003 and 2010. Pregnancy outside marriage often results in women being excluded from their families and society because of cultural and religious norms; furthermore, unmarried pregnant women are liable to criminal prosecution. In most cases, unmarried women are rendered more vulnerable because of illiteracy, lack of skills and unemployment. Many are compelled to terminate their pregnancies or to abandon their children.

74. The Working Group commends the Government for extending the National Human Development Initiative to associations such as the Association Solidarité Féminine, which provides day-care facilities, literacy and vocational training, and self-employment opportunities through microcredit financing for single mothers. The Working Group believes that more needs to be done, including with regard to closing evident gaps in access to information on sexual and reproductive rights in school curricula and youth centres, and to services to avoid unwanted pregnancies. In addition, many non-governmental organizations that provide single mothers with support are tolerated by the State but are not formally protected by law.

D. Women in seasonal employment

75. The Working Group received reports of a lack of enforcement of labour rights for Moroccan women who are employed on a seasonal and temporary basis to harvest strawberries in the region of Larache, in northern Morocco. Interlocutors confirmed that women are employed under precarious terms and endure difficult working and living conditions. For example, they are reportedly transported in inhumane conditions in vans to and from work, and are subject to other hazards, such as insecticides. Civil society organizations, international groups such as OXFAM, and the Government collaborate in initiatives to improve working conditions. The Working Group was also informed that Moroccan women who pick strawberries in Huelva, in Andalucía (Spain), are exposed to similar employment, living and working conditions, and are also made vulnerable because of inadequate efforts by the countries of origin and destination to protect them.²⁴

E. Women subject to gender-based violence

76. Gender-based violence is a serious concern in Morocco. A national study conducted in 2011 on the prevalence of violence against women found that, of 9.5 million women aged between 18 to 64 years surveyed, nearly 6 million (62.8 per cent) had suffered an act of violence in the preceding 12 months. Violence was more prevalent in urban (3.8 million) than rural (2.2 million) settings. In 55 per cent of cases, the husband was the perpetrator. In 13.5 per cent of cases, family members were responsible.²⁵

77. The Government has taken steps to address the problem. The Penal Code includes some provisions to protect women and punish perpetrators, while the Code of Criminal Procedure was amended to include harsher punishments, although enforcement of the law continues to be problematic. It has created specialized protection cells for women and children in all courts of first instance, although the cells are reportedly insufficiently resourced and do not operate optimally. The Government adopted a national strategy on violence against women, and sponsors centres that provide victims with assistance. The Tamkine programme, a joint Government, United Nations and the Spanish Cooperation initiative, is considered a good practice in Morocco. It was formulated in the context of the United Nations Development Assistance Framework for Morocco (2007-2011), and responds to Millennium Development Goal 3. It aims to protect women and girls from all

²⁴ Women Working Worldwide, summer 2011, and FIDH, *Importing Workers, Exporting Strawberries, Working Conditions on Strawberry Farms in the Huelva Province (Spain)*, January 2012, available from www.fidh.org/IMG/pdf/report_strawberries_eng.pdf.

²⁵ *Enquête nationale sur la prévalence de la violence à l'égard des Femmes*, Haut-Commissariat au Plan, Rabat, 10 January 2011.

forms of violence and to empower them. A request has been submitted to the new Government to extend the Programme and its benefits to victims.

78. To close gaps in legal protection on violence against women, in early 2010, a bill on violence against women was submitted to the *Secrétariat général du gouvernement*. In April 2011, another bill on domestic violence was submitted to the Justice, Legislation and Human Rights Committee by the *Istiqlal* Parliamentary Group. The first bill is still with the Government, which informed the Working Group that it is convening a committee to review it, without specifying a clear timeline. The status of the second bill is unclear.

79. Some civil society organizations that provides victims with assistance expressed concern that the Government was not doing enough and had shifted much of its responsibility to act with due diligence to address violence against women on to them, including to establish and maintain shelters and provide remedy to victims. They stated that they did not have the means to adequately address the problem nor could they stand in for the Government.

80. In the opinion of the Working Group, accelerated, comprehensive measures should be adopted to eliminate all forms of violence against women. It notes that the bills in circulation may be brought together in a comprehensive law on violence against women to reflect the most current understanding of all forms of violence against women and ways of preventing, protecting and remedying violations.²⁶ It recalls that the Committee against Torture urged Morocco to enact a law as soon as possible on violence against women and girls in order to ensure that any form of violence against women constitutes a criminal offence, and to amend its Criminal Code to ensure that marital rape is criminalized and that criminal proceedings against rapists are not terminated if they marry their victims.²⁷ It notes that existing laws that are invoked in relation to violence against women need to be reviewed in order to ascertain ways of ensuring greater protection for victims of violence. Civil society organizations working to combat violence against women in Morocco, and actors such as the National Human Rights Council and its regional commissions, could usefully contribute to elaborating a comprehensive law on violence against women.

81. The Working Group notes that the effectiveness of the specialized protection cells for women and children need to be reinforced, in line with a result-based framework. It recognizes the importance of such initiatives as the *Tamkine* programme in linking women's human rights and development, but finds that their continuity and sustainability are not secured. It is of the view that the Government must act with due diligence to prevent violations, protect persons at risk, investigate and prosecute perpetrators, and provide assistance and remedy to victims, with the support of civil society organizations.

VII. Good practices

82. The Working Group identified a number of good practices relating to the elimination of laws that discriminate against women or are discriminatory in terms of implementation or impact, and other good practices that have been important in advancing equality and women's rights in Morocco.

83. The Working Group views the legal reforms of the past decade, the Constitution, which represents the supreme law of the land, its provisions on equality and women's

²⁶ Joint written statement of the Advocates for Human Rights and Global Rights to the Committee against Torture at its forty-seventh session; available from <http://www2.ohchr.org/english/bodies/cat/cats47.htm>.

²⁷ CAT/C/MAR/CO/4, para. 23.

human rights, and the removal of reservations to the Convention on the Elimination of All Forms of Discrimination against Women to be good practices that lay a solid foundation for much greater progress. These advances are significant because they are an expression of the leadership and political will of the Head of State and action by the Government, and the result of the work of civil society and women's rights organizations. In the opinion of the Working Group, this has contributed to the high level of gender awareness in Moroccan society, which was observed from the national to the grass-roots level in many Government agencies and civil society organizations. Together, advocates in Government and civil society have achieved a decade of progress, proving that, with sustained political will of national leaders and the active role of civil society, formal equality is attainable, even though substantive equality takes longer.

84. The Working Group regards the institutionalization of the active role of civil society in the context of participatory democracy as a good practice. In the new Constitution, women's rights organizations, as part of civil society, have the right to present legislative motions and petition the authorities at both the national and regional levels. A ministry in charge of relations with Parliament and civil society has been created, and no less than four articles of the Constitution (arts. 12, 13, 14 and 15) provide for the relationship between civil society, the authorities and elected institutions. There are reportedly 400,000 non-governmental organizations in Morocco, of which many have made important contributions to Moroccan society and women's human rights, and they stand to benefit from their new constitutionally guaranteed roles.

85. The Working Group takes note of the transformative approach adopted by the gender budgeting initiative and, on this basis, considers this a good practice in securing the redistribution of resources and power between men and women. The gender-sensitive budgeting approach permits, *inter alia*, systematic analyses of inequalities that hinder development and provides opportunities to take remedial actions. It anchors accountability in overall policy processes, and translates policy commitments and legal obligations into outcome-focused financial allocations that contribute to the elimination of discrimination and the promotion of equality and human rights. The Ministry of Economy and Finance prepares a comprehensive annual gender budgeting report that assesses the impact of the budget on segments of the population, and on women in particular. Both the gender budgeting report for 2012 and the organic law proposal on finances for 2012 will be presented to Parliament for discussion and adoption.

VIII. Conclusions and recommendations

86. **Morocco has enjoyed a decade of progress on democracy and human rights. The Working Group heard almost unanimous appreciation of the efforts of the King and positive feedback from a wide range of stakeholders on the reforms. In the areas of equality and women's human rights, the past decade has yielded progress on de jure equality, while efforts continue to secure both de jure and de facto equality. The Constitution embodies a legal, political and institutional framework that is a solid foundation for consolidating existing achievements in equality, further advancement of critical reforms to overcome remaining gaps, the prevention of new forms of discrimination against women, and the strengthening of women's meaningful and effective participation in all fields of life – including political and public life - as equal citizens.**

87. **The reforms in Morocco are widely appreciated, but numerous women leaders are still deeply concerned that the gains of the past decade in equality and women's rights in Morocco could be reversed and further progress could be impeded. There is**

great expectation that the new Government will safeguard and build on the gains of the past decade and ensure that the recent reforms finally allow Moroccan women to enjoy their human rights in equality.

88. The Working Group makes the recommendations below to improve equality and non-discrimination, and greater protection and promotion of women's human rights.

A. Measures to improve legal protection and the institutional and policy framework

89. The Working Group recommends that the Government:

(a) Align all domestic laws with international human rights treaties to which it is State party, and amend or repeal remaining discriminatory provisions of domestic laws;

(b) Withdraw all remaining declarations on and its reservation to the Convention on the Elimination of All Forms of Discrimination against Women, in particular its declarations on articles 2 and 15 (4);

(c) Sign and ratify or accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and ratify the International Convention for the Protection of All Persons from Enforced Disappearance;

(d) Close gaps in legal protection of women's human rights and for groups in need of specific protection, including domestic and migrant workers, and ensure that vulnerable groups of women benefit from equal protection of the law. The bills on violence against women and domestic violence should be reviewed in the light of the concluding observations of the Committee against Torture. The Penal Code, which is under amendment, should be reviewed for compliance with international principles, norms and standards, and adopted. Its article 475 and 490 should be repealed;

(e) Initiate a comprehensive review of the implementation of all laws with provisions affecting women and girls, including but not limited to the Family Code, the Nationality Code, and the Penal and Labour Codes. The review should ensure active participation of civil society organizations, including those that have been monitoring court rulings on cases of early marriage and polygamy;

(f) Compile evidence-based information on the implementation of the State's due diligence obligations to prevent, prohibit and punish violations of international norms on equality and non-discrimination, and to ensure women's access to affordable, accessible and timely remedies, including judicial remedies;

(g) Ensure a comprehensive and integrated approach to the drafting of all implementing and organic laws pertaining to the institutions mandated by the Constitution in order to ensure coherence and consistency across all institutions, including in applying the principle of gender equality and to achieve the goals of equality between men and women, in compliance with international standards. Coordination between the Government, the National Human Rights Council, civil society and other partners should aim at achieving effective implementation of constitutional provisions;

(h) Accelerate the establishment of the authority for parity and the fight against all forms of discrimination against women as an apex institution in order to

consolidate the gains already achieved in equality and the elimination of discrimination against women. The institution should evaluate progress and remaining challenges, and propose and implement actions to further progress. The Government should ensure an open and broad process of consultations with all relevant stakeholders, building on the work of the National Human Rights Council, and ensure that the authority cooperates with it;

(i) Replicate the notable progress in gender mainstreaming and gender budgeting in Government offices at the national level to regional, provincial and communal levels;

(j) Endorse and implement the Government agenda for equality for 2011-2015. All policies and programmes with equality and non-discrimination aims should be evaluated regularly to ensure that they are achieving these objectives;

(k) Take further measures to raise awareness of and train all justice sector personnel and units in the State's international human rights obligations, and their status and application in the domestic legal order. In addition, the Ministries of the Interior, Justice, and Solidarity, Women, Family and Social Development are encouraged to ensure greater awareness of all aspects of violence against women and to integrate information on effectively preventing and responding to gender-based violence into training programmes for the police and justice, legal and social sectors;

(l) Harness education, media and other tools to increase legal awareness and knowledge, including on how to obtain legal and other forms of remedy for violations of human rights and to combat cultural and societal impediments to equality and women's human rights in Morocco;

(m) Consider requesting technical assistance from the United Nations in order to strengthen awareness of and implementation of the State's international legal obligations, including on equality and women's human rights, building on the commitment of Morocco to cooperate with all United Nations bodies.

90. The Working Group recommends that the National Human Rights Council and other independent national institutions:

(a) Enhance their proactive measures to address discrimination against women in law and in practice as integral parts of human rights protection and promotion and good governance, including by independent human rights monitoring systems accessible to all women;

(b) Strengthen implementation of their mandates at the regional and local levels with special measures to ensure access by local women who face multiple forms of discrimination.

B. Measures to advance participation in political and public life

91. The Working Group recommends that the Government:

(a) Accelerate the drafting of the organic laws delineating the conditions and modalities for all citizens, women and men, to exercise their right to present motions in legislative matters and petitions to public powers; these laws should aim to include special measures to increase effective access to these rights of poor and marginalized women, including resources for building the capacities of local women's groups;

(b) Institutionalize, by amending the laws on elections, special measures to increase the numbers of women in elected positions at the national and local levels so

that they meet international standards; national lists that reserve a certain number of seats for women should be preserved and quotas increased. Women should be able to present themselves for re-election on national lists. Increased quotas that meet international standards should be applied in local elections;

(c) Review the representation of women in the national cabinet in order to ensure that the goals of formal and substantive equality between men and women are achieved;

(d) Review the rules of procedure for decision-making in the top echelons of executive, legislative and judicial bodies to ensure that they are gender-sensitive;

(e) Facilitate access for female and male parliamentarians, especially first-timers, to capacity-building to increase their knowledge of the State's international human rights legal obligations and all aspects of women's human rights, as well as of legal drafting and other legislative work; in male-dominated settings, women would benefit from leadership and confidence-building training;

(f) Ensure follow-up to the recommendations of the consultative commission on regionalization on gender equality in the implementation of the governance system of the regions and other territorial collectives envisaged in the Constitution; constitutionally mandated funds for social development and interregional solidarity should incorporate principles of gender-responsive budgeting.

92. The Working Group recommends that political parties institute diversity of ways and means to guarantee inclusion of women on electoral lists.

C. Measures to empower rural women and girls and disadvantaged groups of women

93. The Working Group recommends that the Government:

(a) Review the constitutionally mandated fund for social development to ensure that it has equitable allocations for women, particularly rural women and women victimized by violence, in order to fulfil their human rights;

(b) Take steps to enhance the gender responsiveness of local councils, and build individual and collective capacities of local women to participate meaningfully in local affairs as a means to empower women further;

(c) Review the National Human Development Initiative to ensure that it is gender-responsive and benefits from women's ownership at all levels (national, regional and local) and stages (design, implementation and evaluation);

(d) Accelerate operationalization of the Family Fund and disbursements to assist beneficiaries in need;

(e) Renew the Tamkine programme and ensure its sustainability, and extend its benefits to rural and other marginalized groups of women;

(f) Extend legal protection to charitable organizations that provide assistance and protection to vulnerable groups of women, and ensure continued and expanded support from the State.

(g) Ensure access to the right to health, including sexual and reproductive health services and information;

(h) Ensure access to education for rural girls, including additional, effective measures to facilitate their attendance in primary and secondary education.

94. The Working Group recommends that the National Human Rights Council and other independent national institutions establish, where they do not exist, effective gender-responsive monitoring and protection mechanisms that reach poor and rural communities, including to address extreme discrimination faced by women workers in the strawberry fields of northern Morocco.
