



Economic and Social Council

Distr.: General
12 December 2014
English
Original: French

Commission on the Status of Women

Fifty-ninth session

9-20 March 2015

**Follow-up to the Fourth World Conference on Women and
to the special session of the General Assembly entitled
“Women 2000: gender equality, development and peace for
the twenty-first century”**

Statement submitted by Association démocratique des femmes du Maroc, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.



Statement

General context

Morocco has progressed at the level of the regulatory framework for the protection and promotion of women's rights. Article 19 of the Constitution establishes equality in respect of all rights and stipulates that the State shall take steps to ensure parity and set up the Agency for Parity and for the Elimination of all Forms of Discrimination.

However, the enjoyment of the rights in question is subject to compliance with the "provisions of the Constitution and the fundamental principles and the laws of the Kingdom", thus maintaining a certain ambiguity as to whether those rights can be directly applied or relied on.

With regard to the Convention on the Elimination of All Forms of Discrimination against Women, Morocco has withdrawn its reservations concerning article 9 (2) and 16 but maintained its declarations concerning articles 2 and 15 (4).

The Parliament has not adopted the draft act approving the Optional Protocol to the above Convention.

The Government shows no will to establish the higher rank of international treaties. Implementation of many reforms is slow.

Recommendations

- Withdrawal of the declarations concerning the Convention on the Elimination of All Forms of Discrimination against Women and deposit of the instruments of accession to the related Optional Protocol with the United Nations;
- Alignment of the legal framework with the Constitution and the country's international commitments;
- Implementation of integrated policies on equality and provision for appropriate resources and for monitoring and evaluation mechanisms.

Analysis of the main critical areas of concern in Morocco

Area 4

Of the 62.8% of women victims of violence, 55 per cent are spousal violence victims (survey on the prevalence of violence, 2009).

The draft Act on violence against women does not meet international standards of prevention, protection, prosecution and care. Revision of the bill is taking long.

There is no comprehensive system for institutions providing services and care to women victims of violence.

The counselling centres of NGOs are confronted with shortages in human and material resources.

Recommendations

- Amendments to criminal law and adoption of legislation aligned with the standards of the United Nations;
- Creation of an institutional services system provided with human and material resources;
- Implementation of a policy on raising awareness of the rights of women.

Area 6

Of the 25 per cent of the economically active population accounted for by women in 2013, 61.1 per cent worked in agriculture, 26.3 per cent in the services sector and 12.5 per cent in industry. In the rural areas, out of every four persons working for the family without remuneration, protection or guarantees three are women.

In 2011, the unemployment rate was 10.2 per cent for women and 8.4 per cent for men; in urban areas, respectively, 24 and 17 per cent; and, among higher education graduates, respectively, 21 and 11 per cent.

The Labour Code does not cover certain sectors that employ largely women (inter alia, domestic services and agricultural self-employment).

Access to resources, land in particular, is not ensured. In connection with collective land, women are victims of exclusion from income arising from the assignment or exploitation of such land.

Recommendations

- Formulation of gender-sensitive programmes against unemployment and of strategies for the integration of women;
- Adoption of institutional measures enabling women to reconcile private and professional life;
- Enforcement of Labour Code provisions on equality and non-discrimination;
- Extension of social security to all workers (inter alia, domestic, occasional and family-assistance workers);
- Adoption of an Act conferring collective-land rights on the women concerned and guaranteeing parity in the relevant mechanisms.

Area 7

Women account for 17 per cent of parliament members. Only 7 women occupy offices with an influence on parliamentary proceedings.

The presence of women in the Government is limited (21.2 per cent in 2007 and 12.8 per cent in 2014).

The 2012 Organization Act on designation to senior posts does not specifically provide for measures ensuring parity.

Although women account for more than one third of civil servants, only 12 per cent of those women hold management positions.

Recommendations

- Introduction of legal incentive/disincentive measures to ensure the eligibility of women;
- Enforcement of parity in all representative bodies.

Area 8

The Agency provided for by the Constitution has not yet been set up.

The institutional mechanism (Ministry) for the promotion of women has restricted powers, inadequate resources, and a limited role and budget, and must therefore be restructured.

Recommendations

- Establishment of the Agency, with financial autonomy, a broad scope of action for policy orientation, monitoring and evaluation and the power to examine and impose punishment in cases of discrimination;
- Effective and coordinated implementation of comprehensive policies on equality.

Area 9

The Family Code perpetuates discriminatory provisions and practices, including the following:

- Early marriage: the number of such marriages increased from 18,341 in 2004 to 35,152 in 2013, while 99.79 of the requests concern girls, with quasi-equality between rural and urban areas;
- Polygamy: in 2013, 31.35 per cent of requests to authorize polygamous marriages were approved;
- Marriage of Moslem women with non-Moslems: prohibited only for Moroccan women;
- Women's access to divorce: divorce on grounds of marital discord is interpreted by many courts as divorce on grounds of harm suffered, which obliges women to produce evidence of such harm;
- Eviction from the family residence: it affects many women despite article 53, which is rarely enforced;
- Statutory guardianship: the mother does not have such guardianship even if she has physical custody of the child, save in the event of death or legal incapacity of the father;
- Recognition of marriage: this provision (article 16) is often used as a subterfuge in order to legalize the marriage of minor girls or polygamy;
- Inheritance law: it is discriminatory save for an amendment regarding obligatory legacy (article 370).

The Nationality Code allows Moroccan women to transmit their nationality automatically and retroactively to their children but not to foreign husbands.

Criminal law fails to guarantee to women the enjoyment of their rights and freedoms or any protection against violence and discrimination based on gender or social status.

Recommendations

- Full reform of the Family Code and the Criminal Code.

Area 10

Despite the adoption in 2005 of the National Charter to improve the image of women in the media and to combat the stereotyped image of women, the image of women which is conveyed is tainted with humiliating and degrading clichés. A 2009 survey conducted by the Higher Institute of Information and Communication and the 2012 report of the Economic and Social Council criticize the inability of the press to convey an image of Moroccan women that reflects reality. They are presented in private settings or as victims in need of protection and guardianship.

In the media, broadcasts on cooking, beauty care etc. are mainly presented by women while reports on political, economic and similar subjects are the prerogative of male presenters.

Advertising conveys a degrading image of women, neglecting their actual contribution to social life.

Recommendations

- Obligatory inclusion in the terms of reference of public and private operators of provisions to incorporate the combat against stereotypes and the promotion of equality in all programmes;
- Imposition of respect for equality, a constitutional right, by all actors;
- Awareness-raising campaigns, broadcast free of charge on public channels and at reduced costs, as an incentive, on private channels.

Area 12

The rights of children are violated, particularly in the case of use of girls as domestic workers and of early marriage.

According to the 2012 national survey on employment, 92,000 children aged 7-15 are employed. According to a 2010 survey prepared by the group to combat the employment of "little housemaids", 60,000-80,000 young girls are exploited as domestic help but the law is silent on that matter

Despite the international commitments of Morocco, no action to eradicate early marriage is envisaged on the part of the State.

Recommendations

- Enforcement of the Act on compulsory education up to age 15;
- Repeal of the articles authorizing early marriage;
- Establishment of a legal framework to protect young girls from economic exploitation.
