



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Fortieth session

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Concluding comments of the Committee on the Elimination of Discrimination against Women

Morocco

1. The Committee considered the third and fourth periodic report of Morocco (CEDAW/C/MAR/4) at its 825th and 826th meetings, on 24 January 2008 (see CEDAW/C/SR.825 and 826). The Committee's list of issues and questions is contained in CEDAW/C/MAR/Q/4 and the responses of the Government of Morocco are contained in CEDAW/C/MAR/Q/4/Add.1.

Introduction

2. The Committee commends the State party for the timely submission of its third and fourth periodic report but, while the report generally follows the guidelines of the Committee (HRI/GEN/2/Rev.1/Add.2), regrets that it does not provide clear and precise information on the implementation of each recommendation made in the previous concluding observations of the Committee. The Committee acknowledges the State party's written replies to the list of issues and questions raised by the pre-session working group, but regrets the absence of responses to some issues.
3. The Committee expresses its appreciation to the State party for sending a high-level delegation headed by the Minister of Social Development, Family Affairs and Solidarity, which included representatives of different Government ministries. The Committee congratulates the State party for the quality of its introductory presentation and for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided clear insights into the situation of women in Morocco and on the implementation of the Convention.



Positive aspects

4. The Committee notes with appreciation the work of the Royal Commission on the Personal Status Code and commends the State party for the important legal reforms undertaken in the field of human rights and especially to eliminate existing discrimination against women, such as the adoption of the Family Code, the Nationality Law, the Law on Civil Registration, the Labour Code and the Code of Criminal Procedure as well as the amendments to the Penal Code.
5. The Committee expresses its satisfaction at the ratification of the United Nations Convention against Transnational Organized Crime, published in Official Gazette in February 2004, as well as the publication of the two Optional Protocols to the Convention on the Rights of the Child in March 2004, since these international instruments also cover the human rights of women and the girl-child.
6. The Committee also notes with satisfaction the reorganization of the *Conseil Consultatif des Droits de l'Homme*, which is in line with the Paris Principles, the establishment of the *Diwan Al Madhanlim*, as an Ombudsman to deal with complaints vis-à-vis the public administration as well as the establishment of the *Instance Equité et Réconciliation*, with a view to examining the serious human rights violations of the past, since these instruments and bodies also contribute to the protection of the human rights of women.
7. The Committee commends the State party on the various plans, programmes and other measures aiming at implementing human rights at the domestic level, especially the measures adopted in the field of women's rights, such as national strategies for gender equity and equality, to eliminate violence against women, for universal basic education, and on migration.
8. The Committee also expresses its satisfaction at the State party's signature of a cooperation agreement with the United Nations High Commissioner for Refugees in 2007 aiming at implementing a national refugee strategy.

Principal areas of concern and recommendations

9. **While recalling Morocco's obligation systematically and continuously to implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding observations as requiring priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and report on action taken and results achieved in its next periodic report. It calls on Morocco to submit these concluding observations to the Parliament, all relevant ministries of the Government and to the judiciary, to ensure their full implementation.**
10. The Committee remains concerned that, although the Constitution guarantees equality before the law, it does not enshrine the principle of equality between women and men in all spheres

and that the State party's legislation does not contain an explicit definition of the principle of equality between women and men or of discrimination on the basis of sex.

11. **In order to fully implement the Convention, the Committee urges the State party to incorporate the principle of equality between women and men in its Constitution, or in other appropriate law, in line with article 2 (a) of the Convention, and reflect fully the definition of discrimination contained in article 1 of the Convention in its national legislation. It calls upon the State party to enact and implement a comprehensive law on gender equality that is binding on both public and private sectors and make women aware of their rights under such legislation. The Committee also recommends that the State party establish clear procedures for filing complaints on discrimination against women, provide adequate sanctions for such acts of discrimination and ensure that effective remedies are available to women whose rights have been violated.**
12. While noting that some international instruments, that have been ratified at the domestic level and published in the Official Gazette of the State party, take precedence over domestic legislation, according to Supreme Court rulings, and that a number of legislative acts contain provisions on precedence of international law, the Committee remains concerned that the status of international instruments, including the Convention, vis-à-vis national law is not clear.
13. **The Committee recommends that the State party clearly establish the status of international conventions within its domestic legal framework, ensuring the precedence of international instruments, including the Convention, over national legislation, and ensure conformity of this legislation with these instruments. The Committee further recommends the State party to disseminate the Convention and its general recommendations widely among all stakeholders, including government ministries, parliamentarians, the judiciary, political parties, non-governmental organizations, the private sector and the general public.**
14. While noting the public announcement, in March 2006, as well as during the dialogue with the Committee, of the State party's intention to withdraw its reservations to article 9, paragraph 2, article 16, subparagraph 1 (e) and article 16, paragraph 2, as well as of its declaration on article 15, paragraph 4, the Committee expresses concern that the withdrawal of those reservations and declarations has not been formally communicated to the depositary of the Convention.
15. **The Committee calls the State party to notify the Secretary-General of the United Nations, as depositary of the Convention, the withdrawal of those reservations and declarations as soon as possible. It encourages the State party to continue to take the necessary steps for the withdrawal of all its remaining declarations and reservations to articles 2 and 16 to the Convention which, in the opinion of the Committee, go against the object and purpose of the Convention, in order for Moroccan women to benefit from all the Conventions' provisions.**

16. While commending the State party's legislative reforms and awareness-raising programmes on women's human rights, the Committee is concerned that newly adopted legal regimes, such as the Family Code, are not yet well known and applied in all regions of the State party, especially by members of the judiciary.
17. **The Committee recommends that the State party intensify awareness-raising campaigns and training on the newly adopted legislation, as well as on the provisions of the Convention, for prosecutors, lawyers and judges, so as to firmly establish a legal culture supportive of women's equality and non-discrimination in the State party. It also invites the State party to enhance women's awareness of their rights through sustained legal literacy programmes and legal assistance. The Committee encourages the State party to continue its reforms in consultation with civil society, especially women's organizations. The Committee also requests the State party to provide, in its next periodic report, detailed information on legal remedies available in cases of discrimination, and on complaints on cases related to discrimination against women brought before the Ombudsman and the courts and their outcome.**
18. The Committee expresses concern that traditional discriminatory practices and strong stereotypical attitudes persist about the roles and responsibilities of women and men in family and society. These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in all areas, including in the labour market and in political and public life, negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention. The Committee is also especially concerned about the role played by the media in perpetuating such stereotypes.
19. **The Committee encourages the State party to address stereotypical attitudes about the roles and responsibilities of women and men, including the hidden cultural patterns and norms that perpetuate direct and indirect discrimination against women and girls in all areas of their lives. It calls upon the State party to increase its efforts to design and implement comprehensive awareness-raising programmes to foster a better understanding of equality between women and men at all levels of society with a view to changing stereotypical attitudes and negative cultural norms about the responsibilities and roles of women and men in the family and society, in accordance with article 5 (a) of the Convention. The Committee also recommends that the media be encouraged to project positive images of women and the equal status and responsibilities of women and men in society.**
20. While welcoming the measures adopted to combat and prevent domestic violence and violence against women such as the establishment, in 2002, of a national strategy to eliminate violence against women, developed in partnership with UNFPA, UNDP and UNIFEM, as well as the introduction of a national "green number" for battered women and girls and the appointment of "gender focal points" within the Criminal Investigation Directorate, the Committee remains deeply concerned that there is no specific legislation on violence against women and girls, including domestic violence and violence against domestic workers.

21. **The Committee urges the State party to enact as soon as possible, in accordance with its general recommendation 19, legislation on violence against women and girls, including domestic violence, to ensure that all violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of protection, including shelters, and redress and that perpetrators are prosecuted and punished adequately. The Committee calls upon the State party to amend, without delay, the Penal Code to ensure that marital rape is criminalized and criminal proceedings against rapists are not terminated when they marry their victims. The Committee also recommends that the State party conduct studies on the causes and extent of violence against women and girls, including sexual and domestic violence. The Committee requests the State party to collect disaggregated data on all forms of violence against women and provide information in its next report on the laws and policies in place dealing with such violence against women and the impact of the measures taken. The Committee also urges the State party to take steps towards the protection of domestic workers and to ensure that restrictions on child labour are enforced, in order to protect the girls-child from multiple forms of discrimination.**
22. The Committee is concerned about the lack of information on trafficking and sexual exploitation provided by the State party, especially of women and girls, as well as on the concrete measures adopted to prevent such phenomena.
23. **The Committee urges the State party to adopt effective measures to prevent and combat trafficking in persons, especially women and girls, and investigate thoroughly such cases, in accordance with article 6 of the Convention and general recommendation 19. It further calls upon the State party to increase international cooperation efforts to prevent trafficking, to prosecute and punish traffickers in accordance with the gravity of their crime, and ensure the protection of the human rights of women and girls who are victims of exploitation and trafficking, including by taking measures for their rehabilitation and social integration. The Committee calls on the State party to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It also calls on the State party to provide to the Committee, in its next periodic report, statistical data related to trafficking and exploitation.**
24. While welcoming the State party's efforts and achievements to increase women's political participation, especially the appointment of seven ministers to the current Government and the commitment and efforts of various political parties resulting in 30 women (10.7%) being elected in the House of Representatives at the September 2002 elections, the Committee remains concerned about the very low rate of representation of women in decision-making positions in all spheres, particularly in the House of Counselors (1.1%) and at the municipal level (0.53%), as well as in the public and private sectors, the judiciary, the Foreign Service and academia.

25. **The Committee recommends that the State party take effective and sustained legal measures to increase the political representation of women at all levels, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, rather than depending on *ad-hoc* moral commitments from political parties. In order to accelerate the representation of women, the Committee calls upon the State party to establish legal quotas for women for the 2009 municipal elections and adopt temporary special measures to increase women's representation in decision-making positions in all spheres. It further urges the State party to undertake awareness-raising campaigns about the importance of women's participation in decision-making for society as a whole, including in the public and private sectors.**
26. While noting the State party's national strategy on education and the progress made in that field, the Committee notes with concern the continuing high level of illiteracy of women and girls, in particular in rural areas, which demonstrates patterns of indirect discrimination under article 10 of the Convention. It is also concerned about the high dropout rate of girls from schools and the difficulty faced by girls who are domestic workers to attend school.
27. **The Committee recommends that the State party implement measures to ensure access to girls and women to all levels of education. Such measures could include canteens, boarding facilities, proper sanitation, water and electricity, which have a direct impact on the realization of their right to education, especially in rural areas. The Committee also recommends the State party to adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to ensure the retention of girls in school. The Committee calls on the State party to continue to strengthen its efforts to improve the literacy level of girls and women through the adoption of comprehensive programmes of formal and non-formal education, adult education and training and increase training and employment of teachers, the development of gender-sensitive educational materials and the monitoring and evaluation of progress achieved towards time-bound targets. The Committee recommends that special attention be given to girls who are domestic workers, in order to ensure that they are not employed below the age of 15, allowing them to continue their education, at least until that age. The Committee urges the State party to raise general awareness of the importance of education as a human right and as a basis for the empowerment of women, and to take steps to overcome traditional attitudes that perpetuate discrimination.**
28. The Committee is deeply concerned about the limited opportunities of women on the labour market, their concentration in low skilled jobs with low pay and poor working conditions, the occupational segregation and persistence of a wage gap in both the public and private sector. The committee is also concerned about the high number of women working in the informal sector where they have no access to social benefits. The Committee further notes the poor implementation of the Labour Code and the exclusion of domestic workers from its scope of application there by depriving them of a range of critical labour protection.

29. **The Committee urges the State party to prioritize the realisation of women *de facto* equality with men in the labour market, so as to achieve full compliance of article 11 of the Convention. The Committee also urges the State party to strengthen labour inspection measures to ensure better implementation of the Labour Code, to take proactive measures to eliminate occupational segregation, both horizontal and vertical and to narrow and close the wage gap between women and men. The Committee also calls on the State party to speedily enact appropriate legislation to regulate the employment of domestic workers as well as to adopt a gender sensitive employment policy to regulate women's work in the informal sector and to enhance their access to the formal sector of employment.**
30. The Committee is concerned about the high rate of infant and maternal mortality in the State party, limited access to health care services and family planning, and the incidence of clandestine abortions, which puts the women's health at great risk.
31. **The Committee calls upon the State party to increase women's access to primary health care services, including reproductive health care and means of family planning. In light of its general recommendation 24, the Committee also recommends that the State party increase awareness campaigns on the importance of health care, including information on the spread of sexually transmitted diseases and HIV/AIDS as well as on the prevention of unwanted pregnancies through family planning and sex education.**
32. The Committee is particularly concerned about the situation of rural women, their lack of participation in decision-making processes and their difficulty in accessing health care, public services, education, justice, clean water and electricity, which impairs seriously the enjoyment of their social, economic and cultural rights. The Committee is also concerned about the lack of data on the *de facto* situation of rural women.
33. **The Committee recommends that the State party take temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to ensure that rural women enjoy their political, social, economic and cultural rights without any discrimination, especially with regard to access to education and health care facilities. It also recommends that they are fully integrated in the formulation and implementation of all sectoral policies and programmes.**
34. While acknowledging that the Family Code, which came into force in February 2004, has established the minimum age of marriage for women and men at 18 years, the Committee remains concerned at the possibility that authorization may be granted by a judge to allow for marriage before that age, without any mandatory legal conditions having been fulfilled. It is also concerned at the high rate of approval of those authorizations and that the vast majority relate to girls, some as young as 13 years.
35. **The Committee calls upon the State party to ensure the strict implementation of the provisions on the minimum age of marriage of the Family Code. It also recommends that**

the State party amend the Family Code in order only to authorize marriage of children under exceptional strict mandatory legal conditions.

36. The Committee is also concerned that the Family Code retains the institution of polygamy, even if this is subject to the authorization of a judge and under certain exceptional conditions.
37. **In light of its general recommendation 21, the Committee urges the State party to amend its Family Code to prohibit polygamy, as it contravenes a woman's right to equality with men. It also urges the State party to eliminate any other discrimination against women remaining in this Code.**
38. While acknowledging the major reforms in the State party's legislation, the Committee notes with concern certain remaining discriminatory provisions, which still affects women's equal rights in matters relating to property acquired during marriage, divorce, custody and legal guardianship of children and inheritance. The Committee also notes with concern that property relations are governed by a regime of separate property, which often discriminates against women.
39. **The Committee calls upon the State party to ensure equality between women and men in marriage and upon its dissolution, by giving women equal rights in marriage and family relations. The Committee urges the State party to amend without delay all remaining discriminatory provisions including provisions relating to divorce, custody and legal guardianship of children and inheritance. The Committee further calls on the State party to enact legal provisions to ensure that, upon dissolution of marriage, women have equal rights to property acquired during marriage, in line with article 16 paragraph 1 (h) of the Convention and the Committee's general recommendation 21. The Committee encourages the State party to bring those amendments in consultation with women's organizations.**
40. While noting with satisfaction the improvement in the personal status of women in the State party, including the fact that that every child born to a Moroccan mother, whether in Morocco or abroad, is entitled to acquire his or her mother's nationality, the Committee remains concerned about various forms of discrimination related to their personal status, such as the non-acquisition of the Moroccan nationality by the foreign husband of a Moroccan wife in circumstances where a non-Moroccan wife of a Moroccan husband would acquire Moroccan nationality, and the loss of the Moroccan nationality of a Moroccan wife who acquires her husband's foreign nationality.
41. **The Committee urges the State party to amend without delay all discriminatory provisions affecting women's rights in the Nationality Code, in order to harmonize it fully with the Convention. The Committee encourages the State party to conduct this task in consultation with women's organizations.**

42. The Committee commends the State party for its efforts to mainstream women's equality in its national policies and programmes and for its efforts to reduce poverty through the National Initiative for Human Development (INDH). However, it remains concerned that poverty amongst women still persists.
43. **The Committee recommends that the State party take measures through its mainstreaming efforts, and the INDH, to address the specific vulnerability of women in poverty, including efforts to ensure women's representation in the participatory approaches taken in the management of poverty reduction programmes. The Committee urges the State party to utilize temporary special measures under article 4 paragraph 1, and general recommendation 25, to this effect.**
44. The Committee is concerned at the situation of migrants, refugees and asylum-seekers in the State party, as this phenomenon has increased with Morocco becoming also a country of destination and not only of origin and transit of migrants. The Committee is particularly concerned of their access to the labour market, health, education and social services, especially in the case of women and girls, as well as with their exposure to violence, including sexual violence.
45. **The Committee calls upon the State party to continue to strengthen its cooperation with UNHCR and adopt a national refugee legislation, in compliance with the Convention relating to the Status of Refugees and its Protocol. The Committee recommends that the State party allow refugees and asylum-seekers to access public services, provide work permits for those refugees and asylum-seekers who are documented, and ensure their right to security, especially for women and children.**
46. **The Committee calls upon the State party to improve the collection and analysis of statistical data, and to include in its next report statistical data and analysis on the situation of women, disaggregated by age, rural and urban areas, ethnicity and region, including the Western Sahara, thus providing a clear picture of the situation of women in the State party. It also calls on the State party to indicate the impact of measures taken and the results achieved in the practical realization of women's substantive equality.**
47. **The Committee calls upon the State party to sign and ratify the Optional Protocol to the Convention and also invites the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**
48. **The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, as well as to consult with non-governmental organizations during that phase. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**
49. **The Committee urges the State party to utilize fully in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action,**

which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.

50. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report
51. The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Morocco to consider ratifying the treaty to which it is not yet a party, namely, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.
52. The Committee requests the wide dissemination in the State party of the present concluding observations in order to make the people of Morocco, and particularly government administrators and politicians, aware of the steps that have been taken to ensure *de jure* and *de facto* equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the general recommendations of the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action; and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".
53. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report to be submitted under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic report, which is due in July 2010, and its sixth periodic report, which is due in July 2014, in a combined report in 2014.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, 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, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities.