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Morocco's Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women

Suggested List of Issues

Submitted by The Advocates for Human Rights,

a non-governmental organization in special consultative status with ECOSOC since 1996

and

MRA Mobilising for Rights Associates,

a non-governmental organization based in Rabat, Morocco
in collaboration with an alliance of Moroccan NGOs

**79th Session of the Committee on the Elimination of All Forms of Discrimination Against Women (Pre-sessional Working Group)
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Founded in 1983, **The Advocates for Human Rights** ("The Advocates") is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training, and publications. The Advocates works to end violence against women by changing laws and their implementation, as well as through monitoring and documentation, trainings, and advocacy.

Mobilising for Rights Associates ("MRA") is an international nongovernmental women's rights organization based in Rabat and currently working in Morocco, Tunisia, and Libya. MRA collaborates with grassroots level women's rights activists and organizations to promote women's full enjoyment of their human rights through changes in laws, structures, relationships and culture. Together with our partners MRA creates and implements long-term strategies to address the diverse causes of discrimination against women and develop meaningful, effective solutions. Our multidimensional strategies include popular human rights education, legal accompaniment, monitoring and documentation, strategic litigation, action-research, national law reform, and international advocacy. By engaging with local actors at different levels, MRA fosters micro-level changes in culture and relationships to support our activism for macro level legal and institutional reform.

Methodology: The information for this report was drawn from direct work on the ground in Morocco through on-going action research, legal accompaniment and advocacy on women's rights issues. Based in Rabat, MRA partners with local NGOs throughout Morocco.

I. Discrimination

1. During Morocco's last review in 2008, the Committee expressed concern about Morocco's failure to integrate the principle of equality between women and men in all areas of its Constitution, or to include discrimination on the basis of sex in its legislation.¹ The Committee recommended that Morocco incorporate the principle of equality in its Constitution, in line with article 2 (a) of the Convention, and incorporate the definition of discrimination contained in article 1 of the Convention in national legislation.²
2. Several articles of the 2011 Constitution relate to issues of gender equality.³ However, equal rights of men and women are conditioned on "respect of Constitutional provisions, and permanent characteristics and laws of the Kingdom."⁴ Articles establishing Islam as the state religion⁵ and defining the family as the basis of society, with its unity, stability and preservation guaranteed by the state,⁶ provide substance for opt-out clauses to broader declarations on gender equality.
3. Additionally, the consultative nature and lack of financial independence of the Authority for Parity and the Fight Against Discrimination limits its field of action. The Moroccan Economic, Social and Environmental Council⁷ has recently recommended activating the APALD and granting it power to investigate, enjoin, and take legal action against acts of discrimination against women.⁸

¹ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 10.

² Ibid. ¶ 11.

³ Morocco's Constitution of 2011, Arts. 19, 22, 34, 32, 154, 164, 169. Article 19 provides that men and women have equal civil, political, economic, cultural, social and environmental rights. The state works for parity between men and women; Articles 19 and 164 provide for creation of an Authority for Gender Equality and Action Against All Forms of Discrimination (APALD); Article 34 provides that the state must enact and implement policies responding to persons with specific needs, including certain categories of women; Article 154 provides for equal access of female and male citizens to public services.

⁴ Royaume du Maroc. Dahir n° 1-11-91 du chaabane 1432 (29 juillet 2011) Portant Promulgation du Texte de la Constitution, Article 19 [Constitution], 2011.

⁵ Ibid. Article 3.

⁶ Ibid. Article 32.

⁷ Itself a constitutional consultative body.

⁸ Conseil Economique, Social et Environnemental, *Le Nouveau Modèle de Développement du Maroc: Contribution du Conseil Economique, Social et Environnemental*, (2019), http://www.ces.ma/Documents/PDF/NMD/CESE-Nouv_Modele_de_Devt-f.pdf.

II. International Law

4. The Committee expressed concern that the status of international Conventions in national law is not clear.⁹ The Committee recommended that Morocco establish their status within its domestic legal framework, ensure their precedence over national legislation, and ensure conformity of this legislation with such instruments.¹⁰
5. Morocco has ratified nine international human rights conventions. The preamble to the Constitution establishes their supremacy over domestic law, but Morocco limits the supremacy of international law to “within the framework of Constitutional provisions and laws of the Kingdom, in respect of immutable national identity.”¹¹ This creates opt-out clauses to declarations on international human rights.
6. Although there is a trend toward application of international law obligations by domestic courts, primarily in commercial cases, very few decisions by domestic courts have applied international law in cases involving women’s rights. Due to lack of knowledge, few lawyers or judges invoke international conventions in such cases. Likewise, the lack of clarity about the legal status of international norms creates inconsistent or contradictory case law between different judges and levels of jurisdictions.¹²

III. Stereotypes

7. The Committee expressed concern that traditional discriminatory practices and strong stereotypical attitudes about the roles and responsibilities of women and men in family and society persisted. The Committee was especially concerned about the role of media in perpetuating stereotypes.¹³ The Committee urged Morocco to combat stereotypes with awareness-raising campaigns and encourage media to project positive images of women.¹⁴
8. **Harmful stereotypes about gender roles in the family persist.** Social and religious norms deem it “obligatory” for women to marry. Women are less likely than men to be single (28.9% vs. 40.9%) but more likely to be divorced (3.4% vs. 0.9%) or widowed (10%

⁹ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 12.

¹⁰ Ibid. ¶ 13.

¹¹ Preamble, Constitution of Morocco, 2011.

¹² Willman Bordat, Stephanie, *Plaider le droit international devant les tribunaux internes : L'exemple du Maroc, de l'Algérie et de la Tunisie*, Revue Méditerranéenne de Droit Public Volume V (Editions L'Epitoge-Lextenso, octobre 2016). ; Kouzzi, Saadia, *Decisions des tribunaux appliquant les normes internationales au Maghreb*, Revue Méditerranéenne de Droit Public Volume V (Editions L'Epitoge-Lextenso, octobre 2016).

¹³ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 18.

¹⁴ Ibid. ¶ 19.

vs. 0.8%).¹⁵ Just over 70% of men affirm that the most important role of the wife is to care for the house, and that men should have the last word in household decisions.¹⁶

9. **Harmful stereotypes about women in the workplace persist.** 31% of men over age 15 believe women should not work. 39% of Moroccans said it would cause problems if a woman earned more than her husband. Over 60% of the population believes men should take priority over women if jobs are scarce, and 71% believe a working mother exposes her children to harm.¹⁷
10. **Harmful stereotypes about violence against women persist.** 38% of men (compared to 20% of women) believe women sometimes deserve to be beaten. More than 6 in 10 men (62%) and almost 5 in 10 women (46%) agree or strongly agree that "a woman should tolerate violence to keep her family together."¹⁸
11. **Moroccan media perpetuate harmful gender-based stereotypes about women.** Several recent examples illustrating the critical need to address this issue include a national TV program on International Women's Day giving make-up tips for women victim-survivors of violence to hide bruises,¹⁹ the national debate on the appropriateness of radio stations continuing to play songs of a popular Moroccan singer charged with multiple counts of rape,²⁰ and misogynistic comments online by a popular radio host that generated widespread indignation and pushback from women's groups.²¹

¹⁵ Royaume du Maroc Haut –Commissariat au Plan, *Femmes et Hommes en Chiffres*, (2016).

¹⁶ UN Women, Promundo, and Association Migration Internationale, *Résultats de L'Enquête Images sur les Hommes et L'Égalité des Sexes Menée Dans la Région de Rabat-Salé-Kénitra*, by Bachir Hamdouch et al., (April 27, 2018), <https://www2.unwomen.org/-/media/field%20office%20maghreb/documents/publications/2018/07/rapport%20images-vf-web.pdf?la=fr&vs=1554>.

¹⁷ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 26.

¹⁸ UN Women, Promundo, and Association Migration Internationale, *Résultats de L'Enquête Images sur les Hommes et L'Égalité des Sexes Menée Dans la Région de Rabat-Salé-Kénitra*, by Bachir Hamdouch et al., (April 27, 2018), <https://www2.unwomen.org/-/media/field%20office%20maghreb/documents/publications/2018/07/rapport%20images-vf-web.pdf?la=fr&vs=1554>.

¹⁹ Maev Kennedy, *Moroccan State TV Shows Women How to Hide Domestic Violence*, The Guardian, November 27, 2016,

²⁰ Aida Alami, *She Accused a Moroccan Pop Star of Rape. Online, she was Vilified.*, The New York Times, November 27, 2017,

²¹ Vidéo: "Occupe-toi de ta Cuisine", les Propos Misogynes d'un Célèbre Animateur Radio, H24info, July 4, 2019,

IV. Violence Against Women

12. The Committee expressed continued concern that there was no specific legislation on VAW and girls.²² It recommended that Morocco enact legislation on VAW to ensure all such violence is criminalized, that victims receive adequate protection and redress, and that perpetrators are adequately prosecuted and penalized.²³ The Committee also called on Morocco to amend the Penal Code to ensure marital rape is criminalized, to conduct studies on the causes and prevalence of VAW, and to collect disaggregated data on VAW to inform its laws and policies.²⁴
13. **VAW is widespread in Morocco.** In a recent nationwide survey,²⁵ 57% of women ages 15 to 74 (58% in urban areas and 55% in rural areas) reported experiencing at least one act of violence in the twelve months preceding the survey. The prevalence of different forms of violence reported by women surveyed included psychological violence (49%), economic violence (15%), sexual violence (14%), and physical violence (13%).
14. The same survey found violence against women was most prevalent in the domestic context (52% overall, 46% committed by the husband or other intimate partner or ex-partner), followed by educational institutions (19%) and public spaces (13%). 15% of working women reported violence in the workplace, and 22% of students reported violence in education and training institutions. 14% of women reported experiencing technology facilitated violence via email, phone calls, or text messages.
15. **Inadequate public actor response:** Few VAW cases reach the law enforcement or justice systems due to failures of these systems to investigate crimes of violence, protect victims and hold perpetrators accountable. The aforementioned recent survey found that, following the most serious incident of physical or sexual violence suffered by women in the past 12 months, only 10.5% of victims (almost 18% for physical violence and less than 3% for sexual violence) filed a complaint with police or another competent authority. Less than 8% report spousal violence, compared to 11.3% for non-spousal violence.²⁶
16. A previous national survey found most VAW complaints resulted in a written report (25%), or conciliation between spouses or withdrawal of the complaint (38%). Offenders were

²² Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 20.

²³ Ibid. ¶ 21.

²⁴ Ibid. ¶ 21.

²⁵ Royaume du Maroc Haut-Commissariat au Plan, *Deuxième enquête nationale sur la prévalence de la violence à l'égard des femmes*, (2019). Preliminary results available at <https://www.hcp.ma/Communique-du-Haut-Commissariat-au-Plan-a-l-occasion-de-la-campagne-nationale-et-internationale-de-mobilisation-pour-l-a2411.html>.

²⁶ Press release, Kingdom of Morocco High Commission for Planning, *Communiqué du Haut-Commissariat au plan à l'occasion de la campagne national et internationale de mobilisation pour l'élimination de la violence à l'encontre des femmes*, (2019), <https://www.hcp.ma/Communique-du-Haut-Commissariat-au-Plan-a-l-occasion-de-la-campagne-nationale-et-internationale-de-mobilisation-pour-l-a2411.html>

arrested only 1.3% of the time and indicted in 1.8% cases.²⁷ More recent statistics suggest a continuing trend – out of the 92,247 women who sought help at the VAW units at courts of first instance or appeal, only 21,588 (23%) benefitted from legal aid and only 4,233 (4.6%) resulted in court hearings.²⁸ Another recent report focusing on technology-facilitated violence only revealed nine instances where the perpetrator was arrested. In contrast, in eight cases the women targeted attempted suicide and in four instances were prosecuted themselves for sexual relations outside of marriage.²⁹

17. Women participants in individual interviews and focus groups in three recent studies on GBV cited several reasons for not reporting violence to public actors. These included lack of knowledge that such violence was illegal or of procedures for reporting; fear of being blamed, considered at fault or arrested for sexual relations outside of marriage; and pessimism and scepticism about the usefulness of reporting to authorities, lengthy, expensive and complicated procedures, difficulties proving violence and inadequate evidence collection, absence of effective protection measures, and lack of confidence in public actors.³⁰ Criminalization of sexual relations outside of marriage prevents many women from reporting any form of violence committed against her, especially if she knew her aggressor.³¹
18. **Insufficient legislative advances:** Law 103-13 on VAW, enacted in March 2018, falls well short of complying with international standards or meeting advocacy demands made by civil society for over a decade. Rather than a comprehensive law with criminal and civil provisions, it is limited to minor reforms to the Criminal Code and Code of Criminal Procedure, merely increasing penalties for existing criminal offenses in cases of spousal or other family relationships.
19. Law 103-13 did not reform Criminal Code provisions related to sexual assault or rape, which is still defined as “the act whereby a man has sexual relations with a woman against her will”, essentially requiring physical injuries as proof of resistance.³² **Marital rape is still not criminalized in the Penal Code and was not addressed in Law 103-13.**
20. Sexual relations outside of legal marriage remain illegal in Morocco under Penal Code articles 489-92. As a result, women in non-marital intimate partner relationships do not

²⁷ Kingdom of Morocco, *Principaux résultats de l'enquête nationale de la prévalence de la violence à l'égard des femmes*, January 2011.

²⁸ Annual Report on the Implementation of the Penal Policy and the Improvement of the Performance of the Public Prosecutor, 2018.

²⁹ Over 1,800 people were surveyed.

³⁰ *Virtual Violence, Real Harm* (2019); *Promoting State Responsibility for Sexual Violence against Women in Morocco* (MRA Mobilising for Rights Associates, forthcoming); *Promoting State Responsibility for Intimate Partner Violence against Women in Morocco* (MRA Mobilising for Rights Associates, forthcoming).

³¹ Interviews and focus groups in the above three research projects indicate the vast majority of aggressors are intimate partners or ex-intimate partners (husband or ex-husband, fiancé or ex-fiancé, boyfriend or ex-boyfriend).

³² Penal Code of Morocco, article 486.

come forward to report violence under Law 103-13 for fear of being prosecuted themselves.³³ Likewise, women victims of rape do not report sexual assaults given the risk of being prosecuted as criminals.

21. As illustrated below, in 2018 there were substantially more prosecutions for so-called morality crimes than for VAW crimes.

CRIMINAL PROSECUTIONS, 2018³⁴	
VAW Crimes	“Morality Crimes”
17,103 criminal prosecutions against 18,245 persons, including: • 29 murder • 1,008 rape • 6,057 misdemeanor assault and battery • 2,120 felony assault and battery • 129 sexual harassment in public spaces • 29 workplace sexual harassment • 56 technology-facilitated harassment • 0 prosecutions for violation of a no-contact order	32,285 prosecutions against 36,487 persons, including: • 12,239 prosecutions for illicit sexual relations • 2462 prosecutions for adultery • 147 prosecutions for homosexuality

22. Law 103-13 does not address, or establish any provisions for reporting, investigation, prosecution, or trial of violence against women cases, or create obligations and procedures for law enforcement and justice system personnel. Policies and procedures thus remain unclear and inconsistent, hindering the process of responding to VAW cases. For instance, in one city, NGOs reported doctors do not provide medical certificates to women who report rape without instructions from a prosecutor.³⁵

23. The lack of clear standards of evidence hinders investigation and prosecution of VAW crimes. The State party report claims judges have “become firmly convinced that domestic violence can be documented by a variety of means, including doctor’s certificates, photographs, exams and a variety of other available evidence.”³⁶ However, the cited

³³ See, e.g., *Virtual Violence, Real Harm* (2019); *Promoting State Responsibility for Sexual Violence against Women in Morocco* (MRA Mobilising for Rights Associates, forthcoming); *Promoting State Responsibility for Intimate Partner Violence against Women in Morocco* (MRA Mobilising for Rights Associates, forthcoming).

³⁴ Annual Report on the Implementation of the Penal Policy and the Improvement of the Performance of the Public Prosecutor, 2018.

³⁵ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018.

³⁶ Committee on the Elimination of Discrimination against Women, *Combined fifth and sixth periodic reports submitted by Morocco under article 18 of the Convention due in 2016*, (Feb. 19, 2020), U.N. Doc. CEDAW/C/MAR/5-6. ¶ 235.

Article 286 of the Code of Criminal Procedure actually provides that, “Crimes can be proven by any means of proof,” leaving it to judges’ discretion to assess evidence based on their “intimate conviction.” Additionally, local NGOs report that most often there is inadequate evidence collection by local law enforcement and justice system actors, who place the burden of bringing proof of violent crimes onto the victim.

24. Law 103-13 does not provide adequate protection for women victims of violence or prevent them from being at risk of future violence. The protective measures cited in the State party report and provided under the Criminal Code and Code of Criminal Procedure are limited criminal (not civil) measures; rather than being available “immediately,” they are only available if and once a criminal prosecution has been launched or the offender has been convicted. This is much too late and leaves the majority of victims unprotected.³⁷
25. Law 103-13 does not establish specific services or provide concrete support such as health care, housing, or legal assistance for women victims of violence. Law 14-05 on “Social Protection Establishments” is the only law that provides for safe housing for vulnerable individuals. It does not specifically apply to women victims of violence.³⁸
26. Women experiencing domestic violence face challenges obtaining a medical certificate with the duration (attesting to injuries resulting in 21 or more days of incapacity caused by the violence) legally necessary to bring a criminal complaint for assault.³⁹ According to local NGOs, most certificates issued range from 1 to 20 days, which does not allow for the perpetrator’s arrest.
27. Law 103-13 creates numerous exceptions in VAW cases by providing that prosecutions are terminated and judgments are cancelled if the victim waives her rights. Prosecutions for family abandonment, non-payment of financial support, expulsion from the conjugal home, coerced marriage, or squandering of property terminate if the victim waives her rights; any decision rendered is also cancelled. Likewise, reconciliation puts an end to the protective orders of Article 88-1; despite the fact that the offender would have violated a court order or decision, these criminal cases are treated as private matters.
28. **Structural, material, and human resources challenges to responding to GBV:** Obstacles that prevent women from seeking assistance from public services include costs related to transportation and paperwork, and corruption and bribery. Existing public services for GBV are particularly inadequate for meeting needs of rural women, Amazigh speaking women, illiterate women, and women with disabilities. Public actors lack the necessary infrastructure, and material and human resources to do their jobs. There is an

³⁷ Criminal Code of Morocco articles 61, 88-1, 88-3, Code of Criminal Procedure Article 82-5.

³⁸ Royaume du Maroc. Dahir n° 1-18-25 du 25 rejab 1439 (12 avril 2018) portant promulgation de la loi n° 65-15 relative aux établissements de protection sociale.

³⁹ Penal Code of Morocco article 400-401.

absence of communication and coordination, or access to and sharing of information among different public actor stakeholders.

V. Political Inclusion

29. The Committee expressed concern about the low rate of representation of women in decision-making positions in all spheres.⁴⁰ The Committee recommended that Morocco establish legal measures, including establishing legal quotas for upcoming elections and undertaking awareness-raising campaigns about the importance of the role of women in decision-making.⁴¹
30. In 2020, Morocco ranked 123 out of 153 countries on political participation of women.⁴²
31. **Gender parity in political positions exists in law but not in practice.** Just 17% of the 395-member House of Representatives and 12% of the 120-member House of Councillors are women, despite legal requirements for gender equality in elected bodies. This disparity is even more pronounced at the local level. Just 15 communal presidents and three provincial/prefectural council presidents are women. Women also make up only 19% of high-level positions in the Executive Branch and diplomatic corps.⁴³
32. **Women in civil service are under-represented in high-level positions.** Although women make up 39 % of all civil servants, they are much less likely than men to hold high-level positions. Women represent only 17.4 % of department heads, 10.24 % of division managers, 11.3% of directors, 0% of general directors, and 12.5% of secretary generals.⁴⁴
33. **Rates of civic participation are lower for women.** Men are four to six times more likely to participate in activities such as protests, signing petitions, public forums, or contacting local officials. One survey indicated that in the June 2009 election, 45% of women voted compared to 5% of men.⁴⁵

VI. Education

34. The Committee expressed concern about high rates of illiteracy among women and girls, particularly in rural areas, as well as high dropout rates for girls and the difficulty domestic

⁴⁰ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 24.

⁴¹ Ibid. ¶ 25.

⁴² World Economic Forum, *The Global Gender Gap Report*, (2020). The highest possible score is 1 (parity) and the lowest is 0 (imparity).

⁴³ World Economic Forum, *The Global Gender Gap Report*, (2017). The highest possible score is 1 (parity) and the lowest possible score is 0 (imparity).

⁴⁴ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018. 36. For more detail, see section 4.1.4. Advances, Challenges and Gaps in Political Inclusion.

⁴⁵ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018. 36.

workers face in attending school.⁴⁶ The Committee recommended that Morocco implement measures to ensure access to education and suggested adult education, training, and gender-sensitive materials. The Committee also recommended Morocco ensure girl domestic workers are not employed below age 15, allowing them to continue their education.⁴⁷

35. Gender gaps in education level and literacy persist. 37% of women are illiterate compared to 25% of men. In rural areas, only 26.8 % of girls attend middle school, while 29.4% of boys attend middle school.⁴⁸ Reasons for dropping out include lack of access to transportation and risk of sexual harassment on the way to school.⁴⁹

36. Women working in the political sphere are at a disadvantage due to lower education levels. NGOs report that women, who are newer to the political system, bear the burden of catching up to men who are more familiar with it. Moreover, women often do not benefit from trainings provided by councillors because political parties choose who attends.⁵⁰

VII. Employment

37. The Committee expressed concern about limited options available to women in the labor market and was especially concerned about the concentration of women in the informal labor sector with lower pay, poor working conditions, and no access to social benefits.⁵¹

38. The Committee recommended that Morocco prioritize equality of women in the labor market by strengthening inspection measures and taking steps to eliminate occupational segregation. The Committee urged Morocco to pass legislation to regulate employment of domestic workers and policy to regulate women's work in the informal sector.⁵²

39. Women's rights are violated in the workplace. About 87.5% of rural working women and 54.2% of urban women do not have formal contracts.⁵³ NGOs report many cases of labor code violations, including unlawful terminations, salaries under minimum wage, and

⁴⁶ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 26.

⁴⁷ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 27.

⁴⁸ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 55.

⁴⁹ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 56.

⁵⁰ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 41, 208.

⁵¹ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 28.

⁵² Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 29.

⁵³ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 55.

denial of paid maternity leave.⁵⁴ Violations are especially prevalent in industries such as seasonal berry picking, agriculture, and factory work, where women are disproportionately represented.⁵⁵ There is a shortage of labor inspectors and lack of emphasis on gender equality during inspections. In 2014, inspectors reviewed 12,833 companies and found only 37 violations related to paid maternity leave and 54 related to women's right to work.⁵⁶

40. **Women face social and economic barriers to remaining in the workforce.** Morocco has a “marital status gap” of 70%. Women often leave work when they marry.⁵⁷ Women may also leave jobs because of harassment, termination, or limited access to childcare.⁵⁸

41. **Women face discrimination in recruitment.** Women face subjective and informal discrimination in recruitment. In Morocco, recruitment is conducted primarily through family relationships and connections. Women are disadvantaged by potential employers taking marital and family status into consideration or specifically targeting marginalized women from poor communities who will become dependent on the company.”⁵⁹

VIII. Sexual Harassment

42. The Moroccan Government reported that the Penal Code, as amended by Act No. 24.03 in 2003, criminalizes “sexual harassment in all its forms.”⁶⁰

43. However, article 503-1 (from 2003) only covers the offence of sexual harassment in the workplace by a superior and with the purpose of obtaining sexual favors. Sexual harassment occurring in other spaces or committed by someone in the workplace who is not in a higher position is not an offence. Behavior that creates a hostile work environment is not defined as sexual harassment under article 503-1.⁶¹

44. The 2018 law 103-13 on VAW expanded the scope of sexual harassment crimes, criminalizing “persistent” harassment in public spaces by words, acts or signals of a sexual nature for sexual purposes” or “written letters, phone or electronic messages, records or

⁵⁴ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 55.

⁵⁵ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 56.

⁵⁶ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 56.

⁵⁷ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 56.

⁵⁸ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 56.

⁵⁹ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 56.

⁶⁰ Sixth Periodic Report, ¶ 260.

⁶¹ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 30.

images of sexual nature for sexual purposes.”⁶² If the perpetrator is a co-worker or in charge of order or security of public places, or an ascendant or has authority over the victim, this is an aggravating circumstance for sentencing purposes (Penal Code articles 503-1-1 and 503-1-2).

45. Law 103-13 also criminalized technology-facilitated violence. New Penal Code articles 447-1 – 447-3 criminalize intentionally capturing, recording, broadcasting or dissemination of another person’s private or confidential information or statements, pictures in a private place, or false allegations or statements aiming to harm someone’s private life or reputation. Offender relationship to the victim through one of the categories previously mentioned is an aggravating circumstance for sentencing purposes.
46. Despite these legislative advances, women experience multiple barriers to reporting sexual harassment. Again, lack of procedures to facilitate reporting, investigation, and prosecution, or clear standards of what constitutes “proof” prevent these articles from being applied in practice. Sexual harassment provisions require that the harassment be “persistent” – an undefined term that again raises issues of how to prove elements of a crime or what evidence is admissible and sufficient.
47. Sexual harassment occurs often among women working in agriculture or other unofficial sector jobs. Female seasonal agricultural workers, who often don’t have official contracts, health insurance, or job benefits, say many cases of sexual harassment go unreported because of threats of firing or physical abuse.⁶³ Many women who experience verbal sexual harassment at work report feeling helpless to stop it or file a complaint because of difficulties obtaining evidence to present in court.⁶⁴
48. An additional barrier that often prevents Moroccan women from reporting sexual harassment is a lack of trust in police and judicial system.⁶⁵ Many women fear facing detrimental consequences for reporting sexual harassment, including being arrested for sexual relations outside of marriage.

IX. Health Care

⁶² Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 30.

⁶³ *Female Workers in Villages...Forgotten by the Government and Face Sexual Harassment*, Al-Zahara’ Forum for Moroccan Women, January 20, 2012. <http://www.fz.ma/news140.html>

⁶⁴ Amal Abu Al-Ala’, *Women of Sexual violence Speak out*, Alyaoum24, September 7, 2013. <http://www.alyaoum24.com/164523.html>.

⁶⁵ Nadia Al Hani, *Public Transportation... A playground for Sexual Harassment*, Alyaoum24, February 27, 2014. <http://www.alyaoum24.com/172442.html>.

49. The Committee expressed concern about high rates of infant and maternal mortality, limited access to family planning and health care, and dangerous clandestine abortions.⁶⁶ The Committee urged Morocco to increase women's access to primary health care services, including reproductive care and family planning, and recommended awareness-raising campaigns about HIV/AIDS.⁶⁷
50. **No specialized healthcare or other services exist for women with disabilities.**⁶⁸ There is a shortage of psychiatrists, and persons with intellectual and psychosocial disabilities are often directed to mental health hospitals.⁶⁹ Barriers to accessing healthcare include lack of knowledge about the right to health, lack of access to hospitals, illiteracy, difficulty communicating needs, and mistreatment by hospital staff who denigrate women and harm their dignity.⁷⁰ Women with disabilities who become pregnant as a result of rape cannot seek legal abortions due to restrictions in the Penal Code. NGOs report they do not seek specialized health services because rape is perceived as a family matter.⁷¹
51. Additionally, women with disabilities may face financial difficulties, as persons with disabilities are more vulnerable to poverty.
52. Abortion remains illegal unless deemed necessary to protect the mother's health.⁷² The husband's authorization is required, except where the mother's life is in danger. Absent spousal authorization, the doctor must seek written permission from the Chief Medical Doctor in the district before performing the abortion.⁷³ Abortion is not legally permitted in cases of rape or incest, fetal impairment, for economic or social reasons, for women suffering from any type of impairment, or simply upon request. Moroccan laws punish women who have or attempt an abortion,⁷⁴ as well as anyone deemed to have incited abortion through public statements or distribution of written or visual materials.⁷⁵

⁶⁶ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 30.

⁶⁷ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 31.

⁶⁸ Communications from local Moroccan NGOs to MRA and The Advocates, June 2017.

⁶⁹ Communications from local Moroccan NGOs to MRA and The Advocates, June 2017.

⁷⁰ Communications from local Moroccan NGOs to MRA and The Advocates, June 2017.

⁷¹ Communications from local Moroccan NGOs to MRA and The Advocates, June 2017.

⁷² Penal Code of Morocco art. 449-452. Articles 449-452 of the Moroccan Penal Code punish performing an abortion with 1 – 5 years imprisonment (doubled if the person performing the abortion habitually does so), and medical professionals may also be barred from exercising their profession temporarily or permanently. In 2008, 12 doctors were imprisoned under these provisions of the Penal Code. « Réformer l'Interruption Médicale de Grossesse...pour en finir avec l'avortement clandestine, » *Femmes du Maroc*, No. 160, April 2009).

⁷³ Penal Code of Morocco art. 453.

⁷⁴ Penal Code of Morocco art. 454 provides for a prison term of 6 months to 2 years a woman who has or attempts to have an abortion).

⁷⁵ Penal Code of Morocco art. 455 punishes a host of such acts with a 2 month to 2 year prison sentence.

53. Bill 10-16 that would allow abortion in cases of rape or incest, fetal impairment, or the mother's mental illness has been stalled in Parliament since June 2016.⁷⁶

X. Rural Women

54. The Committee expressed concern about the situation of rural women, including lack of participation in decision-making processes, lack of access to healthcare, and education.⁷⁷ It recommended taking special temporary measures to ensure rural women enjoy economic, social, and cultural rights.⁷⁸
55. **Rural women have less autonomy in the household.** 11.5% of rural women are considered heads of households compared to 18.5% of urban women.⁷⁹ Many rural women must ask permission from male relatives to leave the house, access healthcare, or travel.⁸⁰ One study found only half of rural women are able to make decisions about their profits from working in the agricultural sector.⁸¹
56. **Rural women lack access to healthcare.** 90% of women in rural areas do not have health insurance coverage, compared to 53% of women in urban areas.⁸²
57. **Women living in rural areas spend more time doing domestic work.** Rural women spend an hour more per day on domestic work than urban women. Basic tasks like hauling water and cooking take longer in rural areas due to inadequate infrastructure and transportation.⁸³

XI. Early Marriage

58. The Committee expressed concern about the high rate at which judges grant marriage authorizations for girls under the minimum marriage age of 18, without any mandatory legal conditions being fulfilled.⁸⁴ The Committee therefore urged Morocco to fully

⁷⁶ Royaume du Maroc. Projet de loi N°10.16 modifiant et complétant le Code Pénal.

⁷⁷ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 32.

⁷⁸ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 33.

⁷⁹ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 28.

⁸⁰ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 55.

⁸¹ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 55.

⁸² Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 49.

⁸³ Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 25.

⁸⁴ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 34.

implement the minimum age requirement for marriage in the Family Code and to allow authorization of marriages only under strict legal conditions.⁸⁵

59. **Child marriage remains a significant problem in Morocco.** Articles 20 and 21 of the Family Code continue to allow marriage of minors under 18 when “justified” and after control by the Family Affairs judge.⁸⁶ The Family Code provides no minimum age below which authorization to marry may never be granted.
60. Ministry of Justice figures indicate that in 2018, there were 32,104 petitions to marry a minor, up from 30,312 in 2006. At approximately 90%, the approval rates of petitions to marry a minor are high. In May 2014, the Ministry of Justice revealed that the number of cases of marriage of minors nearly doubled in the previous 10 years, comprising 10.72% of all marriages.⁸⁷
61. Judges often issue authorization to marry minors based on their own cursory visual examination of the girl’s physical appearance and determination that she is capable of assuming “marital responsibilities,” rather than resorting to the required expertise.⁸⁸ Reasons advanced by judges for authorizing underage marriage include saving family honor, avoiding scandal, protecting the girl’s chastity and preventing her from debauchery, or as a solution to poverty. Some do not even substantiate their decisions in writing. Corruption among public actors and the ease with which medical certificates attesting to the minor girl’s “maturity” can be obtained are also factors allowing circumvention of the law.⁸⁹

XII. Polygamy

62. The Committee expressed concern about the continued practice of polygamy,⁹⁰ and recommended that Morocco amend the Family Code to prohibit polygamy and eliminate other discriminatory parameters of the code.⁹¹
63. **The government of Morocco has not abolished polygamy.** The Family Code continues to allow polygamy when the wife has not stipulated a monogamy clause into the marriage

⁸⁵ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 35.

⁸⁶ The authorization is not subject to appeal. The legal tutor’s (guardian’s) consent is required.

⁸⁷ *Marriages of Minors in Morocco: 35,152 cases recorded in 2013*, Yabiladi, ilMay 29, 2014. <https://www.yabiladi.com/articles/details/26304/mariages-mineurs-maroc-enregistres-2013.html>

⁸⁸ Interviews with Local Morocco NGOs, (May 2012 – December 2013).

⁸⁹ Abdellah Ounnir, *Les justiciables dans le circuit judiciaire relatif au contentieux de la famille*, in *Le Code de la famille: Perceptions et pratique judiciaire*, 89-139 (Morocco: Friedrich Ebert Stiftung, 2007); *Démocratie des Femmes du Maroc (ADFM), Implementation of the CEDAW Convention: Non-Governmental Organisations’ Shadow Report to the Third and the Fourth Periodic Report of the Moroccan Government* (Nov. 2007).

⁹⁰ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 36.

⁹¹ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 37.

contract and when there is not a risk of inequity between wives.⁹² A husband must file a petition with the court for authorization to take another wife. The judge may only authorize polygamy if the husband (a) proves he has an exceptional and objective justification for taking another wife, and (b) has sufficient resources to support both families and guarantee equality in all aspects of life.⁹³ Once the husband files a petition for authorization, the judge must summon the current wife for a hearing to obtain her consent. If she does not consent, the judge will initiate irreconcilable differences divorce proceedings (*chiqaq*).⁹⁴ The judge must also notify the future wife that the petitioner husband is already married, and she must consent before the marriage may be concluded.⁹⁵

64. In practice, women rarely stipulate to monogamy clauses in their marriage contracts. A review of 75,173 marriage contracts in Morocco found that only 87 contained a monogamy clause preventing the husband from taking another wife.⁹⁶
65. Official statistics for 2017 indicated 764 polygamous marriages (0.26% of all marriages), a slight decrease from 2016.⁹⁷ Although polygamy is rare, women whose husbands wish to take another wife must either agree or seek divorce. The mere threat of polygamy thus provides a source of coercive control by husbands over their wives.

XIII. Family Law

66. The Committee expressed concern about other discriminatory provisions in the Family Code, including in matters relating to property acquired during marriage, divorce, custody and legal guardianship of children, and inheritance.⁹⁸ The Committee recommended that Morocco amend all discriminatory provisions in the Family Code in consultation with women's organizations.⁹⁹
67. **Women and men have unequal access to divorce.** Men retain their right to divorce unilaterally and without cause. In contrast, women must either pay compensation to their husbands to obtain a divorce or seek judicial divorce by proving one of six specified faults

⁹² Family Code of Morocco, Article 40.

⁹³ Family Code of Morocco, Article 41.

⁹⁴ Family Code of Morocco, Articles 43, 44, 45.

⁹⁵ Family Code of Morocco, Article 46. See also: Bordat, Stephanie Willman and Saida Kouzzi. USAID/Morocco Gender Analysis. Prepared by Banyan Global. 2018, 23.

⁹⁶ Global Rights, *Promoting Women's Human Rights in Morocco, Algeria and Tunisia through Strategic Use of the Marriage Contract*, (2011).

⁹⁷ Kingdom of Morocco High Commissioner for Planning, *Annuaire statistique du Maroc*, (2018).

⁹⁸ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 38.

⁹⁹ Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of Discrimination Against Women: Morocco*, (8 April 2008), U.N. Doc. CEDAW/C/MAR/CO/4, ¶ 39.

committed by the husband or by alleging irreconcilable differences.¹⁰⁰

68. Family Code provisions establish *separate marital property as the rule*, whereby each spouse retains ownership of assets acquired during marriage with no division or sharing of property upon dissolution of marriage. These provisions are detrimental to women. Although reforms did create the article 49 option for spouses to conclude a written property agreement setting out an alternative framework for how they will manage and share assets acquired during the marriage (for example, joint or community property), these are extremely rare in practice.¹⁰¹ Ownership of titled property is by law deemed to be in the name of the person who registered it (usually the husband) even when both spouses contribute to its purchase.
69. **Limited financial support and awards.** After divorce, husbands have no financial obligations, such as *alimony*, to their ex-wives beyond housing and maintenance expenses during the limited *idda* period.¹⁰² Although fathers are responsible for financially maintaining children after divorce both paying the custodian *child support* and guaranteeing the children decent housing,¹⁰³ award amounts are generally quite low, and numerous problems arise in serving notice and executing judgments. In 2011, only 60% of child support cases received decisions, and only 60% of those were enforced.¹⁰⁴ Women thus often bear the costs of raising children alone after divorce. Discriminatory inheritance laws continue to award women lesser shares of *inheritance* than men.¹⁰⁵
70. The code maintains inequality between fathers and mothers in *legal guardianship* of children. Even after divorce, fathers remain legal guardians, controlling all decision-making and management of affairs relating to children, such as education, property, and other administrative issues.¹⁰⁶ These also include responsibilities for children's bank accounts and for receiving insurance reimbursements for children's medical expenses, even when the mother has paid. Mothers with physical custody of children after divorce face obstacles to remarrying, as well as constraints on mobility to travel outside of the country with their children or to relocate within Morocco away from the father/legal guardian.¹⁰⁷

¹⁰⁰ Royaume du Maroc. Dahir n° 1-04-22 du 12 hija 1424 (3 février 2004) Portant Promulgation de la loi n° 70-03 portant Code de la Famille («Family Code»), Articles 78 – 120, 2004.

¹⁰¹ See e.g.: Global Rights. Conditions, Not Conflict: Promoting Women's Human Rights in the Maghreb through the Strategic Use of the Marriage Contract, 2008.

¹⁰² Royaume du Maroc. Dahir n° 1-04-22 du 12 hija 1424 (3 février 2004) Portant Promulgation de la loi n° 70-03 portant Code de la Famille («Family Code»), Articles 129 – 137. The length of the *idda* varies depending on the circumstances from three menstrual cycles to four months and ten days, or, in the case of pregnant women, through the end of the pregnancy.

¹⁰³ Ibid. Articles 167-168, 190-191, 198-199.

¹⁰⁴ World Bank, *Morocco Mind the Gap: Empowering Women for a More Open, Inclusive, and Prosperous Society*, (2015).

¹⁰⁵ Royaume du Maroc. Dahir n° 1-04-22 du 12 hija 1424 (3 février 2004) Portant Promulgation de la loi n° 70-03 portant Code de la Famille («Family Code»), Book Six, 2004.

¹⁰⁶ Ibid. Articles 231, 236, 238.

¹⁰⁷ Ibid. Articles 173, 175 and 178.

71. The Family Code only recognizes *legitimate paternal filiation*, by which children are attributed to a father when he is legally engaged or married to the mother at the time of conception. “Illegitimate” or “natural” paternity does not exist in Moroccan law, and children born to unwed mothers have no rights from their biological fathers, such as the right to bear his name, receive financial support, or inherit.¹⁰⁸
72. Additionally, the 2002 Civil Status Code maintains discrimination against children born out of wedlock. It does not guarantee unwed mothers the right to record their children in a Family Booklet, depriving such children of a legal identity.¹⁰⁹

XIV. COVID-19

73. A nationwide survey of Moroccan women’s NGOs showed an increase in reports of VAW during COVID-19.¹¹⁰ Some reported a 30% increase in calls, while one NGO reported that calls doubled, and another reported that calls tripled.¹¹¹
74. **NGOs also reported a change in the types of violence women experience in the home due to COVID-19.** Confinement in the home, increased burden of household work, and economic stress due to lay-offs influence the types of violence women experience.¹¹² Abusers threaten to evict women from the home, use COVID-19 to isolate women from the community, and withhold financial support or child support.¹¹³
75. **Women do not benefit equally from COVID-19 public assistance.** The primary way COVID-19 allowances are distributed is to workers registered under the National Security Fund (CNSS). As women are disproportionately represented in the informal sector, many did not benefit from this method of distribution. If an individual is not registered under CNSS, they can receive COVID-19 allowances with “*Ramed*” cards. These are assigned to households, often to the husband.¹¹⁴ As a result, many women did not receive funds

¹⁰⁸ Family Code of Morocco articles 142 – 162.

¹⁰⁹ Loi de Statut Civil 2002 Loi No 37-99 relative à l’état civil, Dahir 1-02-239 du 25 rejev 1423 (3 October 2002).

¹¹⁰ Mobilising for Rights Associates, *The Impact of COVID-19 on VAW in Morocco*, (June 2020), 15. Available at <https://mrawomen.ma/wp-content/uploads/doc/Coronavioence%20final%20report%20-%20English.pdf>.

¹¹¹ Mobilising for Rights Associates, *The Impact of COVID-19 on VAW in Morocco*, (June 2020), 15. Available at <https://mrawomen.ma/wp-content/uploads/doc/Coronavioence%20final%20report%20-%20English.pdf>.

¹¹² Mobilising for Rights Associates, *The Impact of COVID-19 on VAW in Morocco*, (June 2020), 5. Available at <https://mrawomen.ma/wp-content/uploads/doc/Coronavioence%20final%20report%20-%20English.pdf>.

¹¹³ Mobilising for Rights Associates, *The Impact of COVID-19 on VAW in Morocco*, (June 2020), 5. Available at <https://mrawomen.ma/wp-content/uploads/doc/Coronavioence%20final%20report%20-%20English.pdf>.

¹¹⁴ Mobilising for Rights Associates, *The Impact of COVID-19 on VAW in Morocco*, (June 2020), 5. Available at <https://mrawomen.ma/wp-content/uploads/doc/Coronavioence%20final%20report%20-%20English.pdf>.

because their husbands did not share the funds with them or because they were not yet legally divorced and hence did not qualify for an independent *Ramed* card.¹¹⁵

76. **Women also experience increased levels of violence and discrimination at work.** Due to the high representation of women in the informal labor sector, such as street vending, sex work, and domestic work, women were affected more than men during COVID-19 lockdowns.¹¹⁶ Women also experienced abuse and coercion to work in unsafe conditions and without protection from the virus. Moreover, rates of sexual violence and sexual harassment in the workplace increased during COVID-19.¹¹⁷

XV. SUGGESTED QUESTIONS FOR MOROCCO

77. Status of convention within domestic legal framework:

- What steps has Morocco taken to clearly establish the supremacy, applicability and justiciability in domestic courts of international human rights conventions to which Morocco is a party and of the Moroccan Constitution over national laws?

78. VAW:

- What steps has Morocco taken to expand Law 103-13 beyond minor Penal Code amendments to provide a comprehensive state response to VAW that integrates prevention, protection, criminalization, and concrete compensation and services for women victims of violence?
- What specific civil remedies are currently available to women victims of violence to guarantee their right to housing, such as civil protection orders and orders removing the violent offender from the home, that are a separate, stand-alone Civil (not Penal) remedy that women can obtain without launching a criminal complaint?
- What reforms has Morocco made to the Penal Procedure Code to create a clear regulatory framework to effectively address the reporting, investigation, and prosecution phases of VAW cases?
- What steps has Morocco taken to clarify rules of evidence in VAW cases and ensure adequate evidence collection by law enforcement, rather than placing the burden on victims?
- What steps has Morocco taken to establish clear roles, obligations and procedures for law enforcement, justice sector, and public health systems personnel in VAW cases?

¹¹⁵ Mobilising for Rights Associates, *The Impact of COVID-19 on VAW in Morocco*, June 2020, 7. Available at <https://mrawomen.ma/wp-content/uploads/doc/Coronavioence%20final%20report%20-%20English.pdf>.

¹¹⁶ Mobilising for Rights Associates, *The Impact of COVID-19 on VAW in Morocco*, June 2020, 6. Available at <https://mrawomen.ma/wp-content/uploads/doc/Coronavioence%20final%20report%20-%20English.pdf>.

¹¹⁷ Mobilising for Rights Associates, *The Impact of COVID-19 on VAW in Morocco*, June 2020, 6-7. Available at <https://mrawomen.ma/wp-content/uploads/doc/Coronavioence%20final%20report%20-%20English.pdf>.

What internal and external accountability mechanisms exist in case of non-performance?

- How has Morocco addressed the current requirement that women victims of rape demonstrate physical injury to prove an assault was “against her will”?
- What steps has Morocco taken to amend its definition of rape from “against her will” to “without her consent”?
- What measures has Morocco taken to abolish the risk that rape victims and victims of violence in non-marital relationships can be prosecuted for illicit sexual relations themselves?
- What steps has Morocco taken to criminalize marital rape?
- What steps has Morocco taken to decriminalize consensual adult sexual relations outside of marriage?
- What concrete services has Morocco put into place for women victims of violence, such as legal assistance, translation and interpretation, safe and stable housing, and adequate and free medical care?
- What measures has Morocco implemented to eliminate the 21-day incapacity period necessary for a woman to bring an assault charge and reform procedures necessary to obtain a medical certificate?

79. Political Participation

- What steps has Morocco taken to ensure implementation of current gender parity laws for elected positions on national, regional, and local levels?
- What measures has Morocco put in place to ensure women hold equal high-level positions to men?
- What steps has Morocco taken to improve and encourage rates of civic participation on the part of rural and urban women?

80. Access to Education

- What has Morocco done to address high dropout rates for girls, especially in rural areas?
- What steps has Morocco taken to ensure women have access to adequate training in government positions?
- What steps has Morocco taken to reduce high illiteracy rates among women?

81. Labor Market

- What measures has Morocco put in place to ensure all women have formal contracts?
- What steps has Morocco taken to establish a clear protocol for prosecuting violators of the labor code in the informal sector and prosecute all violations accordingly?
- What steps has Morocco taken to effectively eradicate sexual harassment in the workplace?
- To what extent has Morocco addressed the “marital status gap” with respect to employment?

82. Access to Healthcare

- What steps is Morocco taking to provide specialized care to women with disabilities, exonerate them from all costs, provide services in hospitals adapted for each form of disability, develop comprehensive health coverage, strengthen communication within and between hospitals, and simplify information to make it accessible for all disabled peoples?
- To what extent has Morocco collaborated with civil society organizations to conduct a comprehensive public awareness-raising campaign to educate the public about VAW with a focus on women with disabilities?
- What is the time frame for enacting the reforms to the Penal Code, stalled since 2016, that would amend the current laws on abortion?

83. Rural Women

- What steps has Morocco taken to improve infrastructure and transportation for rural women and girls to ensure they can access educational and professional opportunities?
- What efforts has Morocco made to ensure that women in rural areas can access public services, especially to report and seek assistance for VAW?
- What steps has Morocco taken to ensure that rural women have access to modern internet and communications technologies?

84. Early Marriage

- What policies, procedures and accountability mechanisms are in place to ensure that judges do not authorize the marriage of minors except in exceptional cases and after judicial control?
- What is the status of proposed amendments to the Family Code that would create a minimum absolute threshold age of marriage of 16 under which no one can marry?

85. Polygamy

- What efforts has Morocco made to encourage women stipulate to monogamy clauses in marriage contracts?
- What steps has Morocco taken to ban polygamy entirely in the Family Code?

86. Discrimination in Family Law

- What steps has Morocco taken to eliminate discrimination between men and women in access to divorce?
- What efforts has Morocco made to encourage couples to conclude marital property contracts as provided in Family Code article 49?
- What steps has Morocco taken to improve procedures for granting and enforcing financial awards for child support?
- What steps has Morocco taken to eliminate provisions placing mothers at risk of losing custody of children if they remarry or move to another locality?
- How has Morocco provided for mothers to exercise legal guardianship over children on an equal basis with fathers?
- What steps has Morocco taken to eliminate discrimination against children born out of wedlock?
- What effort has Morocco made to amend the Civil Status and Family Codes to explicitly provide that unwed mothers may obtain a Family Booklet in which to register their children?

87. COVID-19

- What steps has Morocco taken to ensure that violent offenders are immediately removed from the home so women and children may be ensured safe and stable housing, rather than be forced to flee a violent situation and seek lodging elsewhere?
- What steps has Morocco taken to ensure that single women and women awaiting divorce proceedings receive COVID-19 assistance allowances?
- What steps has Morocco taken to prosecute employers who abuse, harass and coerce women into working in unsafe conditions during COVID-19 and to prevent further violations?