

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	300
Land:	Marokko-Vestsahara
Kilde:	Federation des Ligues des Droits des Femmes (FLDF)
Titel:	Shadow report – Convention on the elimination of all forms of discrimination against women
Udgivet:	januar 2021
Optaget på baggrundsmaterialet:	9. maj 2022

SHADOW REPORT

Convention on the elimination of all forms of discrimination against women

Submitted by Fédération des Ligues des Droits des Femmes

a non-governmental organization in special consultative status with ECOSOC since 2018

And

Réseau LDDF- INJAD contre la violence de genre based in Rabat

in collaboration with Moroccan Network from regional associations **Femmes Solidaires (List
at the end of the document)**

January 2021

Introduction

1. The present report is a contribution by the Federation des Ligues des Droits des Femmes (FLDF) to the shadow reports to the fifth and sixth periodic reports of the Moroccan Government on the implementation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). FLDF is a non-governmental women's human rights organization that has a consultative status with the United Nations Economic and Social Council (ECOSOC). FLDF is submitting this report along with the associations that are members of FLDF and which are present in seven of the twelve regions of the Kingdom of Morocco, in addition of the INJAD League Network against gender-based violence throughout the national territory and regional associations of Women in Solidarity.
2. The gains achieved for the benefit of women and girls over the last decade as described in the periodic report of the Kingdom of Morocco, which includes the fifth and sixth reports, remain fragile and have had only limited effects, despite their positive character. As a result, inequality and discrimination have widened in various fields, in comparison with the requirements of establishing equality and parity as prescribed by the constitution and with Morocco's international commitments as well as those related to the Millennium Development Goals, not to mention the persistence of structural patriarchal barriers that hinder the achievement of economic and social equality and parity horizontally and vertically, and do not allow for the reduction of gender inequalities.
3. Part of these gaps and shortcomings are confirmed by some official statistics of the High Commissioner's Office for Planning (HCP), which indicate that the female population in the country has reached 18 million (50.3%), while the rate of women's participation in economic activity is barely 20.8% compared to men (69.7%), and has even been declining steadily since 2012, thus registering one of the lowest rates globally¹.
4. Figures released in December 2019 through a survey conducted by the High Commissioner's Office for Planning (HCP) have confirmed that violence against women is still widespread within Moroccan society, as 7.6 million women between the ages of 15 and 74 reported that they have been exposed to violence, which represents a prevalence rate of violence against women of 57% of the total female population. Moreover, domestic violence, which includes spousal violence and family violence, from which 6.1 million

¹ Information memo of the High Commissioner's Office for Planning (HCP) on National Women's Day (10 October 2020).

women suffer, has increased by one point compared to 2009, and the prevalence of this type of violence against women has reached 52%².

5. Women's participation in public life is also very limited. In terms of political participation, women constitute only 21% of MPs in the House of Representatives, the lower house of the Moroccan Parliament, with a total of 81 women out of 395 MPs. 71 women of them were elected through the national list of women candidates. The percentage of women elected in the House of Councillors, the upper house, did not exceed 11.6%. In this respect, it is worth recalling the case of the only female member excluded from the Bureau of the House of Councillors in order to replace her by a male member under the pretext of applying the principle of alternation during the 2016-2021 legislature. As for elected local and regional councils, despite the slight increase in the presence of women in elected positions, political participation of women is still contingent on the use of affirmative action mechanisms. On the other hand, parity is still out of reach when it comes to senior positions in the public administration where women's presence remained weak at 21.5% in 2015.
6. While the spread of the Covid-19 pandemic has had severe effects on all members of society, affected all areas of activity and generated direct health consequences as well as economic and social repercussions, revealing the vulnerability of the health and social coverage schemes and social conditions in most countries with varying degrees, women have been the most adversely impacted as they have been subjected to different types and forms of violence and discrimination, including domestic violence, economic violence and digital violence, during the period of confinement and the state of health emergency.

General context:

7. The constitution of the Kingdom of Morocco has established a comprehensive system of values, both in its preamble and in several of its articles aimed at banning and combating all forms of discrimination on the grounds of sex, colour, belief, culture, social or regional origin, language, disability or personal status. The constitution has also granted primacy to international conventions over domestic laws and called for the adaptation of these laws. It also created new institutional mechanisms for the promotion and protection of women's human rights, namely the Authority for parity and for combating all forms of discrimination,

² Id.

but this authority has not yet come into being despite the adoption of Law No 79.14 that established it in July 2017.

8. Morocco's legal system has been enriched by numerous achievements in the field of women's human rights which have been reinforced in recent years by several laws such as Law No. 103.13 on combating violence against women. In spite of the many positive aspects contained in this law, it remained incapable of ensuring protection for victims and survivors of violence, as it did not criminalize several acts of violence and was not based on a Government's approach to due diligence towards victims and survivors. In addition, protective measures prescribed in the law have had little impact in the absence of implementation mechanisms.

On the other hand, Law No. 19.12 on domestic workers, which was adopted in 2016 but did not come into force until 2018, set the age limit of child labour at 18, but provided for an exception to this requirement during the five-year transition period, allowing for the continued employment of underage girls. Law No. 27.14 on trafficking in persons, although it has provided for penalties against offenders, remains insufficient in terms of protection for victims and government responsibility in this regard.

With regard to the penal code, it has been subject to some amendments in recent years, including the repeal of the second paragraph of Article 475, which in the past allowed the rapist of a minor girl to escape prosecution by marrying his victim. Yet, these amendments still fall short of the requirements for the protection of women's basic human rights. They rather respond to the logic of protecting the family and the patriarchal system prevailing within society at the expense of women's human rights. In recent years, the legislative arena has witnessed a debate on a bill aimed at amending the penal code which did not permeate the philosophy and conceptual setup of the current penal code but rather maintained the same penal philosophy based on discrimination and the patriarchal system in contradiction with Morocco's international commitments with regard to the protection of women's human rights. The bill in question did not consider revising the definitions of a number of crimes, especially the concepts related to crimes directed at women, including the definition of rape, indecent assault, abortion, etc.

9. The two governmental plans 'Ikram 1' and 'Ikram 2' represent the continuation of the public policy process that started with the adoption of the National Strategy for Equality and Equity through the mainstreaming of the gender approach in development policies and programmes in 2007, as well as the National Strategy to combat violence against women together with

its two national implementation plans. These governmental initiatives may give the impression that there is a political will to achieve cumulative progress in the area of gender equality and the fight against all forms of discrimination and gender-based violence. However, these plans have demonstrated the limits of what can be achieved in terms of securing women's human rights.

As for the National Integrated Programme for Economic Empowerment of Women and Girls by 2030, called 'Tamkeen' (empowerment), it is not clear what mechanisms and means have been mobilized to implement them in a practical way at national, regional and local level, and to what extent have all these successive programmes been effective in securing women's human rights.

Firstly: Fighting violence and discrimination against women

10. **Articles 1 and 2 of the Convention:** with regard to implementation of Recommendations 10 and 11³, and despite Morocco's efforts to consolidate the principle of gender equality and to eliminate discrimination between the two sexes through the constitution of 2011 and the adoption of the law on parity and the struggle against all forms of discrimination, it should be noted that the Authority on Parity and the Struggle against all of forms of discrimination, as an institutional mechanism against discrimination, has not yet been created almost ten years after the constitution was approved and more than two years after Law No. 79.14 was adopted. It should also be pointed out that so far there is no reliable information concerning the process of ratification of the Optional Protocol to CEDAW and the withdrawal of all reservations.

RECOMMENDATIONS:

- Need for the Moroccan Government to provide accurate data on the process of lifting the reservations to CEDAW and on ratifying the Optional Protocol and speeding up the process;
- Need to urgently bring to life the Authority on Parity and the Struggle against all Forms of Discrimination, while revising the relevant Law No. 79.14, in accordance

³ Concluding Comments by the CEDAW Committee, Morocco, 14 January-1 February 2008.

with the Paris Principles, and empowering this authority by providing it with the necessary attributions and resources to enable it to act as a mechanism for monitoring and evaluating public policies with a view to promoting equality and fighting gender-based discrimination;

- Ensure that domestic laws include a clear definition of direct and indirect discrimination against women in both the public and private spheres;
- Accelerate the continuation of the necessary legislative reforms to further consolidate the principle of gender equality, and ban discrimination in all laws, and primarily the Penal Code, the Code of Criminal Procedure, the Family Code and the Civil Status Code...
- Make equality and the struggle against gender-based discrimination one of the priorities of government programmes, plans and strategies and one of the basic cross-cutting principles in the design and elaboration of the of new development model;

11. Articles 2, 3 and 16 of the Convention: Recommendation 21 and General Recommendation No. 35 issued by the CEDAW Committee updating Recommendation No. 19⁴. Violence against women is considered one of the most prominent expressions of injustice and discrimination, due to the exacerbation of crimes of violence and its diverse forms and types, and in view of the fact that it is in contradiction with Morocco's international commitments and the principles of the constitution.

According to the figures issued in December 2019 by the High Commissioner's Office for Planning (HCP), violence against women is still rampant. Indeed, 7.6 million women between the ages of 15 and 74 years reported that they have been exposed to violence, a prevalence rate of 57% of the total female population. Domestic violence which has affected 6.1 million women increased by one point compared to 2009, with a prevalence rate of 52% for this type of violence against women. The HCP survey indicated that "the prevalence rate of violence within the marital sphere reached 46% (5.3 million women) among women aged between 15 and 74 years who were victims of violence perpetrated by the husband, the former husband, the fiancé or the intimate partner"⁵.

⁴ Same previous source, in addition to the list of issues and questions related to Morocco's fifth and sixth reports, 17 November 2020.

⁵ Press release of the High Commissioner's Office for Planning on the occasion of the national and international campaign on combating violence against women, November 2019.

The same figures also showed an increase in economic violence by 7 points, reaching the rate of 15%, in addition to the emergence of another form of violence, which is “electronic violence”, with a prevalence rate of 14%, or approximately 1.5 million women⁶. Other statistics released by the HCP indicate that the cost of violence against women and girls remains quite high, while the cost of physical violence and sexual violence for families amounted to 2.85 billion dirhams, and spousal violence to 1.98 billion, while health care expenditures accounted for 42.3% of the direct cost of violence, or 986 million dirhams⁷.

12. In the context of the current health crisis and the effects of the global Covid-19 pandemic which have contributed to the aggravation of women’s tragedy and suffering due to violence, the Fédération des Ligues des Droits des femmes (FLDF) has been fully aware of this problem since the state of health emergency was proclaimed. Consequently, and since 16 March 2020, the hotline platforms, set up by FLDF for legal and psychological guidance of women and girls, have received 1774 telephone calls from 1038 women from all over the country to report incidents of violence. In its analysis of these data, FLDF noted that gender-based violence increased significantly during the period of confinement and the state of health emergency by 31.6% compared to the same period in 2019, bearing in mind that the conditions of confinement and the state of health emergency did not allow all women and girls victims of violence to report and declare the acts of violence sustained⁸.

FLDF also recorded a total of 4663 acts of violence, in all its forms and manifestations, perpetrated against women and girls during this period. As such, psychological violence recorded the highest rate, 47.9%, of which 81.8% of cases were observed in the context of spousal violence exercised by the divorced husband, thus prolonging domestic violence despite the dissolution of the marital relationship⁹.

13. Despite the efforts made, the results of the struggle against gender-based violence remain rather limited. Regarding the two governmental plans on equality “Ikram 1” and “Ikram 2”, only a limited proportion of the commitments made by the governmental departments in the field of combating violence against women, has been implemented for several reasons, including: dispersion of efforts due to the large number of programmes and

⁶ Id.

⁷ Memorandum of the High Commissioner’s Office for Planning on violence against women and girls “National survey on violence against women 2019”.

⁸ FLDF’s report on “Violence against women during the confinement and the state of health emergency”, November 2020.

⁹ Id.

activities that are not related to each other, lack of true monitoring mechanisms, poor convergence and lack of involvement of the departments concerned, and which are expected to contribute to implementing these programmes and activities. In addition, there is a complete blackout regarding the monitoring and follow-up of the implementation of the two governmental plans “Ikram 1” and “Ikram 2”, which attests to the absence of a genuine political will to consider combating violence against women as one public policy priority. With regard to Law No. 103.13 on violence against women, this law constitutes a positive step in itself, but its effectiveness is checked by several major shortcomings, especially its focus on the punitive aspect while neglecting the preventive dimension. The law also suffers from the fact that it does not form part of a legislative reform of the penal code and the code of criminal procedure in particular.

Women victims of violence also suffer from the weakness or lack of support services, especially specialized community shelters, as well as psychological and legal assistance, health care services and access to justice, all of which are either unavailable or insufficient as we move away from large urban areas, as shown by the conditions associated with the Covid-19 pandemic. We also noted the poor results of the National Programme of the Ministry of Health for the care of women victims and survivors of violence, which shows that this service ranks secondary among the priorities of the Ministry.

14. RECOMMENDATIONS:

- Need for the anti-violence law to include a definition of violence as a form of discrimination against women and a violation of their basic human rights;
- Need for Government’s due diligence to eliminate violence against women by providing specialized community shelters, as well as treatment centres for aggressors and psychological support for victims and survivors of violence;
- Need to integrate the struggle against gender-based violence within the development programmes and plans of territorial communities (regions and municipalities), create facilities for the care, guidance and support of women victims of violence in the regional and local communities and enhance their role in developing a series of coordinated and accessible services throughout these areas, in cooperation with all local actors;
- Need for urgent action to stop the phenomenon of femicide as a form of gender-based violence, and for the statistics services to monitor this phenomenon, raise

awareness about its seriousness and take the necessary measures likely to put an end to it;

- Need to expand the functions of the cells in charge of providing care to women victims of violence at the level of the public prosecution offices, to include counselling services and proactive legal assistance without the need for the women victims to have to ask for them;
- Increase the efficiency of the staff working in the judiciary, the legal and criminal justice professions, the health sector and the judicial police, to meet women's needs and make sure their rights are respected, through training and other capacity building programmes, and provide the necessary human resources, equipment and appropriate facilities for effective action;
- Provide specialized local shelters and comprehensive services aimed at empowering women;
- Adopt a new approach and more appropriate and simplified mechanisms to enable women to report violence, including toll-free numbers and safe, accessible facilities in the neighbourhoods during crises;
- Adopt an emergency response plan to effectively prosecute cases of violence against women and provide a facility dedicated to gender-based violence; make sure the perpetrators are prosecuted, and put an end to impunity;
- Set up care units for women victims of violence in hospitals and make sure they are available throughout the national territory, especially in rural areas and small towns;
- Make sure first aid centres play their part in combating violence against women and ensure those centres meet the conditions for adequate reception, counselling and guidance and are provided with the necessary human and material resources;
- Check that a full-time doctor is available to supervise the care unit, in addition to a psychologist; provide training and ensure awareness-raising for doctors and staff operating in the area of violence against women and gender issues.

15. After 16 years of implementing the Family Code, we note a number of gaps and shortcomings related to the persistence in some of its articles of several provisions that discriminate against women, abuse their dignity and human rights and maintain them in a

status of inferiority within the family and society, especially with regard to marriage of female minors and polygamy.

RECOMMENDATIONS:

- Provide for a comprehensive revision of the family Code and amendment of a number of its provisions, including the inheritance system, in order to be in keeping with the realistic developments and modern roles for women and in accordance with the constitution and international conventions on women's human rights and the rights of the child, in a manner that guarantees equity, justice and equality;
- Review the inheritance system by promoting creative jurisprudence in accordance with the spirit and provisions of the constitution, especially with regard to prohibiting discrimination on the grounds of sex or religion and in full respect for the principle of equality between women and men and equality between children;
- Prohibit the marriage of female minors under the age of 18;
- Provide for the definitive prohibition of polygamy;
- Ensure the equal right of women and men to marry non-Muslims;
- Abolish all provisions that deny women the right to have legal guardianship over their children and stipulate that the two spouses should be entitled to guardianship over their children during the marital relationship; in the event of a dispute, need to resort to urgent justice to guarantee the best interest of the child; provide for the right of guardianship to the custodian, be they the female or male spouse when the marital relationship has been dissolved.

Secondly: Women's economic and social rights

Articles 10, 11, 12, 13 and 14 of the Convention: Recommendations 28, 29 and 31¹⁰

16. Economic empowerment of women: Despite the reforms and progress made in this area, many challenges are still to be addressed, including women's poor access to available economic opportunities and economic activity in general. In fact, statistics indicate that the economic activity rate for women reached 20.8% in 2020 compared to 69,7% for men. Moreover, the employment rate for women is only 14.7% compared to 61.9% for men. The unemployment rate for women is 15.6% compared to only 11.3% for men. 35.3% of

¹⁰ Concluding comments of the CEDAW Committee, Morocco, 14 January-1 February 2008.

working women work as manual workers in the agricultural sector and 14% as non-agricultural manual workers or are employed in small trades. 12.4% are employees, 11% are craftswomen or specialized workers and only 8.8% are executives or work in the liberal professions. Not to mention the instability in employment and limited social promotion, discrimination in training and recruitment, wage inequalities, the glass ceiling, poor social protection and medical coverage. To illustrate this, 45.6% of female workers have no medical coverage, 47% of them are not affiliated to a pension scheme and 43% of them have no employment contract¹¹.

17. The Covid-19 pandemic has aggravated the suffering of women, due to the increasing rate of poverty and vulnerability among them while many of them have lost their source of income, have seen their income decrease or have lost their jobs. Women are more exposed to risks at work and to the loss of their jobs, bearing in mind that they are often employed in sectors most vulnerable to the crisis, whether in the informal sectors or in the productive, industrial, textile and tourism sectors, which have witnessed large movements of redundancy due to the pandemic, not to mention the agricultural sector which generally lacks the adequate conditions of decent work, especially in rural areas. A large number of women-led small and medium-sized enterprises and cooperatives have greatly suffered from the economic effects of the pandemic... As for the financial aid allocated by the Government to the segments of the population most affected by the economic repercussions of the pandemic, a large number of women have not benefited from such aid because they do not have social security coverage or because men are considered as the heads of the family even when the women are the real breadwinners.
18. **The right to health:** Thanks to the growing number of various health programmes and projects, Morocco has made progress in recent years in terms of access to health care services in urban and rural areas, and expansion of universal health coverage. These achievements have translated into positive results in terms of mortality indicators and disease control. However, they still fall short of international standards, and the country has not succeeded to curb the large disparities between urban and rural areas. Serious distortions continue to affect women in particular, especially in rural areas, including with regard to sexual and reproductive health. On the other hand, other disparities have been recorded, which reflect the deterioration of women's health due to the Covid-19 pandemic and its

¹¹ Information memo of the High Commissioner's Office for Planning on the occasion of National Women's Day (10 October 2020).

consequences. As such, and based on the survey conducted by the HCP, “47.5% of all families headed by women with a member suffering from temporary illnesses do not have access to health services compared to 37.9% of families headed by men”. 34% of families concerned with reproductive health did not have access to health care services during the lockdown. While women and men are “differently” subject to the psychological effects of the Covid-19, female heads of families are more often affected by psychological disorders related to the health crisis than their male counterparts¹².

19. The right to education: The education sector has witnessed several reforms and strategies aimed at improving its quality and ensuring equality among all segments of society. However, the educational conditions of women and girls have declined due to the persistence of unequal opportunities, especially for poor families that do not have sufficient means and resources. This situation has become even worse under the conditions of the Covid-19 pandemic, due to the inability of all families to provide their children with means of remote education and to the existing differences between the two sexes and between urban and rural areas.

20. RECOMMENDATIONS

- Need to upgrade and radically readjust social, economic, financial and tax public policies with a view to eradicating all forms of discrimination against women and effectively implementing equality, parity, social justice and good governance;
- Need for the new development model to take into consideration the requirements and mechanisms for achieving gender equality and to put an end to social disparities in general, and between men and women in the field of working conditions, social and medical coverage, protection from risks, safety at work, retirement schemes, health care, education, and in the green and digital economy;
- Need to ensure convergence and coordination of sectoral strategies and action plans, including the need for comprehensive strategies for gender equality and equity, so that they benefit the most disadvantaged women, especially rural women and women living in precarious conditions;
- Need to take appropriate measures to further integrate women in the labour market and economic activity, and to ensure their right to equal pay for equal work;

¹² High Commissioner’s Office for Planning on the occasion of World Population Day, 11 July 2020.

- Need to extend health care services to all male and female workers and provide medical coverage of all diseases as well as social coverage for female workers in the agricultural sector including social security for seasonal workers in this sector;
- Improve the general working conditions for women working in agriculture and protect them from middlemen involved in informal transport to factories and farms;
- Need for Morocco to ratify all ILO conventions, including Convention No. 87, Convention No. 183 and Convention No. 190;
- Establish a general national strategy aimed at protecting women's health throughout their lives, which includes preventive and curative medicine against all diseases that afflict women, a strategy that also seeks to combat violence while ensuring that all women have access to comprehensive and quality health services as well as sexual and reproductive health services;
- Give priority to the prevention of unwanted pregnancies through family planning and sexual education, and reduce maternal mortality rates through risk-free motherhood and prenatal care; ensure women's right to healthy and safe abortion and remove penalties inflicted upon women who undergo abortions;
- Revise school curricula and make them non-discriminatory and supportive of the culture of equality;
- Implement the law on compulsory schooling and adopt a gender-responsive budget in the education, vocational training and scientific research sector;
- Improve the infrastructure of schools and health facilities by complying with hygiene, health and safety standards in order to encourage rural families to allow their daughters to continue their education.

FLDF's regional member associations in the following regions:

Rabat-Salé-Kénitra

Casablanca-Settat

Béni Mellal-Khénifra

Tangier-Tétouan-Al Hoceima

Guelmim-Oued Noun

Marrakech-Safi

Draa-Tafilalt

Rabat-Salé-Kénitra

Centers of the League's INJAD Network against gender-based violence:

Rabat

Salé

Témara

Casablanca

Mohammédia

Fquih Ben salah

Marrakech

Ouarzazate

Larache

Guelmim

Tilila Shelters in Mohammédia

List of Moroccan Network from regional associations : “ Femmes Solidaires”

Association's name	City
Association Al Oumouma Pour l'Education non formelle et l'Alphabétisation	Inzagane
Association Manal Pour le Développement et la Communication	El Jadida
Association Alwafaa Pour Femmes et Développement	Inzegane
Association d'Accueil des Femmes pour le Développement	El Hoceima
Association Zraig pour le Développement et la Coopération	Jrada
Association Al Amal pour le Développement des Femmes	El Hoceima
Association al Basma pour le developpement des femmes et enfants	MARRAKECH
Association Tamghart contre la violence des femmes	Agadir
Association de Développement Social et Culturel	Meknes
Association Féminine de Bienfaisance El Kheir	Essaouira
Association Voix Des Femmes	Agadir
Espace Associatif Féminine	Ait ourir
Espace associatif Daraa pour Femme et Développement	Zagora
Association de solidarité des femmes	MEKNES
Association de développement des femmes (ADF)	MEKNES
Association Basma El Kheir	Mdieq

Asso. Elwafaa Mtal	Sidi banour
Association Nour	Sidi banour