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Women's Rights in the Middle East and North Africa 2010 - Morocco

By *Fatima Sadiqi*

POPULATION: 31,495,000
GNI PER CAPITA: US \$2,276

Country Ratings	2004	2009
NONDISCRIMINATION AND ACCESS TO JUSTICE:	3.0	3.1
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	3.1	3.2
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	2.7	2.8
POLITICAL RIGHTS AND CIVIC VOICE:	3.0	3.1
SOCIAL AND CULTURAL RIGHTS:	2.9	2.9

(Country ratings are based on a scale of 1 to 5, with 1 representing the lowest and 5 the highest level of freedom women have to exercise their rights)

INTRODUCTION

The Moroccan feminist movement can be traced back to 1946, when the Sisters of Purity Association publically issued a set of demands including the abolition of polygamy, full and equal political rights, and increased visibility of women in the public sphere. These demands were taken up by female journalists, academics, and civil society in the decades after Morocco gained independence from France in 1956. During this period, through journalistic and academic discourse, feminists started to question gender divisions, examine historical and ideological roots of gender inequality, and promote the recognition of women's labor. They depicted women's condition not as a "natural state," but as a state that stems from historical practices, and women's work, not as merely reproduction, but as production.

The women's movement was bitterly disappointed by the first Moudawana, or personal status code regulating all matters pertaining to family life, enacted in 1957. It was based on the Maliki school of Islamic jurisprudence, whereas other laws, such as the penal code and the constitution, were based on civil law.¹ Women obtained the right to vote in 1956 and had the right to a free education under the constitution, but even female cabinet members and entrepreneurs were considered the dependants of their husbands or fathers and treated like minors under the law. The fundamental principle of marriage required a wife's obedience to her husband in exchange for financial maintenance, and the husband retained the power to abandon his wife without a judge's authorization. Not surprisingly, the Moroccan feminist movement focused its efforts on the Moudawana, which was seen as the prime locus of legal and civil discrimination against women.

From the 1980s onward, the feminist movement also had to contend with growing support for Islamism.² The Islamists' ideology appealed particularly to young, unemployed males who were easily led to believe that women working outside the home robbed them of opportunities. In response, feminists also began to push for women's rights from a religious perspective.³ They implemented new strategies, including a gradual downplaying of the "religious" role of the veil in their writings and practices; increased use of Arabic and references to the Koran and Hadith (the sayings of the prophet Muhammad); a gradual inclusion of children's rights within women's issues; and reinforcement of Islam as culture and spirituality.

These activists also endeavored to draw attention to the problems that women faced as a result of their lack of legal protection. They made excellent use of the media in depicting the misery of women and children who were victimized by divorce, thus reclaiming such social issues from the Islamists and reiterating the necessity of reforming the personal status law. Nonetheless, a package of reforms proposed by the government in 1999, including the abolition of polygamy, ultimately failed in the face of Islamist and conservative opposition. Despite this setback, feminists continued their campaign, increasingly concentrating on the "goals of Shari'a" rather than Shari'a itself.⁴ They also forged an alliance with King Mohamed VI, who took the throne that year and did not welcome increased control by Islamists.

In April 2001, the king formed a commission to study the possibility of revising the Moudawana, but the final push for reform came after May 2003 terrorist attacks in Casablanca stoked widespread antifundamentalist sentiment. The king announced a draft family law in Parliament in October 2003. During the next few months, women's rights organizations, organized within the Spring of Equality network, analyzed the details of the draft legislation and organized workshops, roundtables, and discussion groups to prepare for renewed lobbying efforts in Parliament and to educate the public about the reforms.

The final text was adopted in January 2004. It secured several important rights for women, including the right to self-guardianship, the right to divorce, and the right to child custody. It also placed new restrictions on polygamy, raised the legal age of marriage from 15 to 18, and made sexual harassment punishable by law. However, it did not completely abolish polygamy, unilateral repudiation of the wife by the husband, separation by compensation (*khula*), or discrimination in inheritance rules. This was in part because such provisions are explicitly authorized by literal readings of the Koran.

Whereas the 1998-2003 period was characterized by a flurry of ideological and political debates about women and their rights in Morocco, the period extending from 2004 to 2009 was characterized by a calmer legal discussion over the gains and implementation of the new family law, the new labor code (promulgated in December 2003), and the revised nationality code (which took effect in April 2008).

The implementation of the family law in particular varies from region to region, but it has generally been met with resistance. It is still very poorly understood in rural and sometimes even urban areas, and many male judges are reluctant to apply it. Moreover, the ongoing societal influences of patriarchy, tradition, illiteracy, and ignorance may prevent women from invoking their rights or reporting crimes such as rape, child abuse, sexual exploitation, and domestic violence. Existing efforts to overcome this societal resistance, such as education campaigns conducted in the mother tongues (Berber and Moroccan Arabic), have proven insufficient. Many feminists argue that the new family law can be adequately implemented only in a democratic context, while some advocate a purely secular government system. Another issue is that the law does not adequately address the problems of single women and the non-Moroccan wives of Moroccan men.

Nevertheless, Moroccan women have achieved considerable progress in consolidating legal equality and access to justice in the last five years, and the autonomy, security, and personal freedom of women has also improved. Women now have more freedom to travel, obtain employment and education, greater equality at home, and more leeway to negotiate their marriage rights. They are spearheading business ventures and

advancing to higher levels of education. Important progress has also been made in protecting women from domestic violence, and support networks are getting stronger despite restrictive social norms. Women are increasingly taking up national and local political posts and becoming more involved with the judiciary. Most recently, a 12 percent quota for women was applied to the June 2009 local elections, substantially increasing female political representation.

Women's rights groups and individual activists have collaborated with the government to improve the rights of all women, but true equality remains a distant goal. While the recent legal reforms have allowed the government to promote a modern and democratic image of Morocco at the international level, bringing certain benefits to society at large, more needs to be done to translate these changes into tangible gains for individual women in their daily lives.

NONDISCRIMINATION AND ACCESS TO JUSTICE

It is at the level of the law that Moroccan women's rights have achieved the most significant gains, and the last five years have been particularly rich in this regard. A revised nationality code passed in 2007 eased women's ability to pass citizenship to their children, the country lifted its reservations to CEDAW in 2008, and the Moudawana enacted in 2004 is now considered one of the most progressive legal texts in the Arab world. However, the implementation of that law is still problematic, and little headway is being made despite the sustained efforts of both women's rights activists and the government.

According to Article 5 of the 1996 constitution, "all Moroccan citizens shall be equal before the law."⁵ Although the constitution does not specifically prohibit gender-based discrimination, as a practical matter Morocco's laws have become more attentive to the needs of female citizens in recent years. Even so, social and cultural constraints, as well as a certain reluctance to fully implement the laws, have yet to be overcome.

Thanks in part to the efforts of women's groups, particularly the Democratic Association of Moroccan Women, a new nationality code was passed in January 2007, thereby improving gender equality with respect to citizenship rights. Article 7 of the new law, which came into force in April 2008, enables women married to noncitizen men to pass their nationality to their children. However, the only children eligible for citizenship under this provision are those of a Moroccan woman and a Muslim noncitizen man who married in accordance with the Moudawana. In practical terms, Moroccan women married to non-Muslim men and those married outside of the country and its laws are excluded by the code. Furthermore, while foreign wives may receive Moroccan citizenship within five years of marriage to a Moroccan man,⁶ the foreign husbands of Moroccan women remain altogether ineligible for Moroccan citizenship. Although imperfect, the amendments to the code provide significant benefits for children with Moroccan mothers and noncitizen fathers who were previously excluded from receiving the free education and health care available to citizens.

Legal and societal barriers often obstruct women's access to the justice system, especially in rural areas. Although women enjoy equal testimony rights in most civil and criminal cases, the court gives their testimony half the weight of a man's when it comes to family matters. In addition, many women are reluctant to defend their rights in court, particularly if male family members are responsible for the violations or if it is perceived that their legal action could damage their family reputation. It is also customary for men to file court papers on behalf of women in rural areas, where illiteracy rates remain high. However, in some aspects, access to justice has improved in recent years. Family courts and the training of judges to staff these courts have served to create a friendlier environment for women. In addition, a fund has been established to guarantee payment of alimony and child support pursuant to an enforceable judgment.

Portions of the penal code remain discriminatory against women, and enforcement of amendments made in 2003 has proven difficult. Previously, under Article 418, only a

man was given a reduced sentence for assaulting or murdering his wife or her partner if he caught them committing adultery. This leniency has now been extended to female defendants as well. In addition, under Article 491, the state can now prosecute an adulterous spouse in lieu of either wronged spouse if the latter is out the country; previously, the state would only stand in for an absent husband. Despite these improvements on the books, implementation has faced resistance from some judges and police, especially in rural areas, diminishing the real effect of the reforms.

Article 490 of the penal code criminalizes extramarital sex for women, calling for punishments ranging from one month to one year in jail. These cases are rarely taken to court, since a conviction depends on either eyewitness testimony or a confession by one of the perpetrators. An unmarried woman's pregnancy is proof of sexual relations and may lead to criminal prosecution, while the fault of her male partner is not established by law.

No laws specifically prohibit domestic violence, though general prohibitions against assault found within the penal code are theoretically applicable to such situations. Physical abuse is grounds for divorce, but the wife must be able to call on witnesses to support her claims.⁷ If she is unable to prove her case, the authorities will return a woman to her abuser's home, leaving her in a worse situation than before she filed the complaint. Consequently, few women report domestic abuse.

Sexual assault and rape are both criminalized under the penal code, although spousal rape is not. The maximum sentence for each crime is five years in prison. Given prevailing societal concepts of personal and family honor, victims of sexual violence rarely come forward for fear of shaming their families.⁸ "Honor killings," in which women are murdered by family members for perceived sexual or moral transgressions, do occur in Morocco but are rather rare compared with some other countries in the region. As with other forms of gender-based violence, honor killing is traditionally seen as a private issue, meaning police are rarely summoned and are hesitant to intervene.⁹ Article 475 of the penal code stipulates that a kidnapper or seducer of a minor girl can be acquitted if he marries her.

Although prohibited under Article 184a and Article 184b of the penal code, prostitution is common, especially in urban centers. However, the government neither prosecutes nor protects women who have been coerced into providing sexual services. Trafficking in persons, particularly in child maids, is a problem.

In principle, women are protected from gender-based and discriminatory arrest, detention, and exile. Article 10 of the constitution formally protects all people from arbitrary arrest and detention.¹⁰ In practice, however, women may be singled out for arrest when they are deemed to behave immodestly, particularly in rural communities.

In a move that bore both symbolic and substantive meaning for women in Morocco, the government announced on December 10, 2008, the 60th anniversary of the Universal Declaration of Human Rights, that it would lift all reservations to CEDAW.¹¹ When it ratified the convention in 1993, Morocco, like many other Arab and Muslim countries, made multiple reservations and declarations covering portions that were thought to conflict with Islamic or national law. The reservations include provisions such as Article 9, which relates to the transmission of nationality to children, and Article 16, regarding the equality of men and women's marital rights. The king declared that the reservations were "obsolete" in light of the progressive legislation adopted in recent years. The public proclamations regarding their removal created a stronger legal basis for additional progress on women's rights issues, and carried a political and universal message that was widely applauded by civil society.¹² The government and the media did not adequately explain the content of the convention or the implications of the decision to withdraw the reservations. However, the Moroccan Association of Human Rights and similar organizations are determined to ensure that CEDAW is fully implemented and that all discrimination against women is eradicated.

Women's rights groups and civil society actors work freely and effectively to promote

gender equality and equal access to justice. Although they have gained momentum in recent years, their efforts are often challenged by cultural conservatism.¹³ The Moroccan Association of Human Rights, established in 1979, is one of the greatest proponents of women's rights, and about one-third of the positions in the organization are held by women. The group is based on principles such as the universality of human rights, mass action, independence, progressive thinking, and democracy. It seeks Morocco's ratification of international conventions related to human rights, and the integration of these conventions into Moroccan legislation.

The removal of the reservations to CEDAW was the result of 14 years of hard work by Morocco's civil society organizations. The Democratic Association of Moroccan Women endeavored to help implement the changes, and other local nongovernmental organizations (NGOs) followed suit. Together, they have published booklets and released audiovisual materials explaining women's rights; even popular songs have captured the main themes of CEDAW. The group Global Rights released a booklet under the title *Model Marriage Contract*, and three human rights education sessions intended to raise awareness among women have been released in English, Arabic, and French. These efforts were very well received by the public.

Recommendations

- The constitution should be amended to specifically enshrine the principle of equality between men and women with respect to all rights and responsibilities.
- The government should abolish the prosecution of unmarried pregnant women and amend the penal code to criminalize spousal rape.
- The government should provide legal education to women and help illiterate women to learn about their rights. This may be achieved by publishing booklets in all relevant languages and providing free and convenient classes on the new laws.
- Amendments should be made to the nationality code to provide women with the right to pass their citizenship to non-Moroccan husbands.
- The government should eliminate the clause in the penal code that allows the rapists of underage girls to escape punishment if they marry their victims.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

Autonomy, security, and freedom of the person are in principle guaranteed by law in Morocco, and much progress has been made in these domains over the last five years. In addition to the advances associated with the new family law, women have begun to serve as trained religious authorities, and the government is now tracking data on violence against women. However, social and cultural norms still prevent women from fully enjoying their legal rights or receiving adequate protection from domestic abuse.

Freedom of worship is guaranteed by Article 6 of the constitution.¹⁴ Although most Moroccans are Sunni Muslims, the country is also home to small Christian and Jewish communities. Christian and Jewish women are subject to separate family laws, though they are generally similar to the family law for Muslims. A Muslim's conversion to another religion is socially stigmatized but not illegal. Under Article 39 of the family law, Muslim women may not marry non-Muslims, while Muslim men may marry women of Christian or Jewish faith. The logic behind this policy is that children usually follow the religion of their father, and the government would like to encourage an increased Muslim population.

Women are allowed to pray in mosques, lead women-only prayers, and practice their religious rites freely. They have been steadily increasing their religious freedom in recent years. In May 2006, the first cohort of 50 female *murchidat*, or Islamic guides, graduated from a government-backed program and were empowered to perform all of

the same functions as male imams except leading the Friday prayers. The program was part of the government's drive to promote a more tolerant version of Islam.

The 2004 reforms to the family law improved Muslim women's freedom of movement. Women now have the legal right to travel freely both domestically and abroad,¹⁵ but deeply ingrained social and cultural norms restricting women's ability to travel alone have hardly changed. In their implementation of the new family law, some judges tend to adhere to the traditional divisions between the male-dominated public space and the private space assigned to females.

Despite improvements, it remains difficult for women to negotiate their full and equal marriage rights. Article 19 of the 2004 family law fixes the minimum age for marriage at 18 for both men and women, in accordance with certain provisions of the Maliki school of Sunni jurisprudence. Women who have attained this age may contract their own marriages without the consent of their fathers.¹⁶ However, judges are empowered to waive the minimum age rule, and as a practical matter they are very reluctant to uphold it. About 10 percent of marriages in Morocco involve underage girls, according to the Democratic League for the Rights of Women (LDDF), and such unions have increased in rural areas. The LDDF also warned against what it described as "too many exceptions" in the case of polygamy.¹⁷ The family law (Articles 40-46) allows polygamy only when it is approved by a judge, who must verify that the husband can provide equally for each wife and their respective children. Women have the right to forbid polygamy as a condition in their marriage contracts. Moreover, the first wife must give her consent for a second marriage, and the prospective new wife must be informed of the husband's marital status. In practice, however, a first wife who lacks financial independence may feel compelled to agree to polygamy.

The 2004 family law gives women the right to file for divorce based on harmful behavior by the husband, such as abandonment or failure to provide financial support. Divorce due to irreconcilable differences, initiated by either spouse, is also possible, as is divorce by mutual consent.¹⁸ The latter type of divorce can include *khula*, in which the woman obtains a divorce by providing the husband with financial compensation, traditionally by returning her dowry. Husbands can still initiate divorce through "repudiation," but the practice is now subject to more judicial oversight, and husbands can grant their wives the authority to use repudiation as well (Articles 78-93).

By law, all divorces go through a reconciliation period and should be finalized within six months, but in reality, divorce remains a tedious procedure that may drag on for many months. The results are often advantageous to the husbands due to bribery of the judge and the weight of tradition, which stigmatizes women's appearance in court. Existing social conditions also mean that the wife is sometimes unable to pay the court expenses because of poverty. Social norms encourage men to neglect to pay the *nafaqa*, or maintenance owed by a man to his ex-wife, and *khula* divorces are abused as an opportunity to extort money from women eager for a divorce. However, amendments to *khula* procedures under the 2004 law permit arbitration by a judge when the parties cannot agree to a final amount.

Under Article 171 of the family law, a mother is the first choice for custody of her child, followed by the father and then the maternal grandmother. In a change from previous rules, the father no longer automatically assumes custody of children whose divorced mothers remarry or move out of town. However, a divorced woman with children over the age of seven will lose custody at her ex-husband's request if she remarries. In such instances, the woman retains legal guardianship of her minor children only if their father is dead or incompetent. Both girls and boys are entitled to choose the mother or father as custodian when they reach the age of 15.

Generally, the biggest problem associated with the new family law is enforcing provisions that run contrary to traditional practices. The new provisions are virtually unknown in rural areas, and sometimes even urban areas.¹⁹ In addition, many male judges resist the application of the law.

The new law also has a number of gaps. It concentrates on the rights of married Moroccan women, generally ignoring the needs of single women and foreign women married to Moroccan men. It also failed to abolish four institutions that perpetuate inequality: polygamy, repudiation, khula, and unequal inheritance rules. These institutions remain because activists considered the reforms contained in the new law to be radical enough; to push for more change would have jeopardized general support. Provisions related to inheritance are clearly outlined in the Koran, and many argue that polygamy is endorsed as well, meaning Muslims are generally unwilling to negotiate on these issues. The hope is that education will eventually succeed in conveying the inequality of such practices, and that polygamy, at least, will come to a natural end.

The institution of slavery was outlawed in the first half of the 20th century.²⁰ However, women, including noncitizen women, are not protected from slavery-like practices. Poor girls from rural areas are often employed as maids in cities, exposing them to exploitation by both their families and their employers. They are subject to severe restrictions on movement, physical or sexual abuse, nonpayment of wages, and threats. Poor girls and women are also trafficked abroad for commercial sex and involuntary servitude, though the government has been cracking down on human trafficking operations in recent years.²¹ Several women's NGOs have demanded legal protection for exploited female trafficking victims, and their efforts have led the Ministry of Employment to announce that a bill addressing the issue is imminent.

Female victims of spousal violence are not well protected by the law or the society. Women often have difficulty providing evidence of domestic violence, as they usually lack witnesses and their word is not given much weight by the authorities. The Ministry of Social Development, Family, and Solidarity began publishing official data on violence against women in late 2007. In March 2008, the ministry responded to an upsurge in reported incidents by announcing an action plan to increase the number of support centers for victims and to prepare a draft bill that would specifically outlaw violence against women. According to the ministry, some 17,000 incidents of gender-based violence were reported in the first three months of 2008 alone, 78.8 percent of which were committed by the victims' husbands.²² Violence against women instigated by men under the stain of financial difficulties is also on the rise.²³

In February 2007, the Ministry of Social Development, Family, and Solidarity presented a draft bill offering a legal framework for protecting women's rights by providing safe spaces for female victims of violence. If a woman is a victim of violence perpetrated by her employer, she will be provided with a safe harbor in her workplace and, depending on her condition, reduced work hours or temporary cessation of work. Support networks and shelters for abused women started to appear in big cities like Casablanca, Rabat, and Fes in 2002.

On February 2, 2009, the Union for Women's Action and the Anaruz network launched an initiative to organize public forums aimed at sensitizing local communities to the plight of female victims of violence, set up "listening centers" where abused women are encouraged to speak about their traumatic experiences, and create a free telephone hotline to give legal help and counseling to women. A victim can either file a complaint with the court or, if she can afford it, hire a lawyer to handle the case.

The media play a role in raising awareness of violence toward women and showcasing the activities of civil society groups on the issue. There is debate in the media and within society about the creation of rehabilitation centers where violent men would be helped to control their behavior and psychological problems. Investigative reports and advertisements regarding violence against women are aired on television, and guests on talk shows are invited to discuss the topic.

Gender-based violence outside the home is still a reality. However, societal taboos prevent women from coming forward to report sexual violence, and the police and medical personnel are not trained to deal with such issues. Sexual harassment on the streets has decreased but is still a problem.

Women's rights groups and other civil society actors work freely and effectively to improve the status of women's personal autonomy and security. Their activities include national and international networking, tending directly to the victims of violence, and campaigns aimed at sensitizing the general public to the issues surrounding gender-based violence and implementation of the family law. The impact of these efforts has been tremendous, but they must be increased in rural and semi-urban areas.

Recommendations

- The implementation of the new family law requires training at all levels, including judges, psychiatrists, and policymakers, among others. This could be accomplished by creating pilot centers where experts would advise the authorities who promulgate and implement the laws on how best to enforce specific provisions.
- In addition to the laws that currently exist, additional punitive laws that specifically address domestic violence must be enacted.
- The government should establish a partnership with NGOs to provide aid for female victims of trafficking and violence. Legal counseling, social assistance, and relocation centers should be available in all cities and cater to rural areas as well.
- Proper implementation of the new family law requires the use of Berber and Moroccan Arabic (the mother tongues that the majority of women speak) in campaigns intended to explain the new provisions.
- The government should create centers where violent men can learn to control their behavior.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Since the mid-1970s, Moroccan women have increasingly worked outside their homes, thereby significantly raising the quality of life in Morocco and contributing to the economic transformation of the country. As of 2007, nearly 27 percent of women participated in the workforce,²⁴ compared with participation rates in the single digits in the 1970s. However, a combination of patriarchy, illiteracy, and discrimination in the workplace preclude women from fully enjoying their economic rights. More than five years after the enactment of the 2003 Labor Code, men still have better employment opportunities, make more money, and hold higher-level positions than women.

Article 15 of the constitution guarantees the right of private property. Moroccan women have the right to own and make full and independent use of their land and property, and various articles of the 2004 family law protect women's property rights within marriage. Article 29, for example, safeguards a woman's control over her dowry, while Article 34 protects the possessions she brings with her into the marriage. Article 49 allows couples to draw up a document separate from the marriage contract to govern the management of property acquired during the marriage. Without such an agreement, contribution to the family property is evaluated by judges according to the paperwork provided by each one of the parties. However, by encouraging women's financial dependence on men, social norms restrict women's property rights in practice, and it is not common for women to own land. Similarly, women have full legal access to their own income, but it is often the case that male family members manage their finances.

The 2004 family law made progressive changes to the rules of inheritance, although inequalities remain. As noted in the law's preamble, the children of a man's daughters as well as those of his sons may now inherit from him. Previously, only the grandchildren on the son's side were eligible for inheritance from their grandfather. However, women are still disadvantaged in a number of inheritance situations, with daughters typically receiving half the amount set aside for sons. Moreover, women, especially in rural areas,

often give up their already unequal share of inheritance to male relatives.

The Moroccan commercial code was revised in 1995 to give a woman the right to enter into a contract of employment or initiate a business without her husband's authorization. While women are able to sign their own business contracts and obtain loans, high-level business contracts still usually go to men. In addition, social norms inhibit the interaction of male and female entrepreneurs, and women, especially in rural areas, face difficulty in securing loans because they often do not have bank accounts or assets in their names. Only about 1 percent of the total female workforce owns their own businesses, compared with 6 percent of the male workforce. A 2004 study by the Women Business Managers' Association of Morocco (AFEM) identified 2,283 companies that were run or managed by women.²⁵

The main cause of the vulnerability of working women is a lack of education. According to the World Bank, 43.2 percent of adult women (age 15 and above) were literate as of 2007, an increase from 39.6 percent in 2004. For adult men, the literacy rate was 68.7 percent in 2007, up from 65.7 percent in 2004.²⁶ Women are legally free to access education at all levels and are protected from gender-based discrimination within the education system. No gender-based admissions requirements are in place, and men and women are able to attend the same classes and study the same subjects once enrolled. Yet girls continue to lag behind boys in enrollment rates, with 44.8 percent of girls attending secondary school and 10.7 percent pursuing higher education as of 2007, compared with 53.4 percent and 12 percent, respectively, for boys.²⁷ Social preferences tend to direct female students toward certain subjects, such as teaching and medicine, and a woman's family exercises a good deal of influence over her choice of field of study.

The combination of poor education and societal pressure to work in certain professions or industries has led most working women to take up low-paying jobs. For example, many women work in the textile industry (where they represent 71 percent of the workforce), the agricultural sector (which employed 61.4 percent of working women as of 2007), or as domestic servants. Morocco's failure to ratify the International Labor Organization's Convention 87 on freedom of association and collective bargaining has permitted a hostile environment for organized efforts to defend these workers' rights.²⁸ The 2003 labor code does not apply to domestic and agricultural workers, meaning they do not have the right to form unions. Furthermore, social norms discourage women from working at night, and to the extent that trade unions are able to operate and secure better working conditions and benefits, women are often excluded because union activities take place at night.

Decree No. 2-56-1019 of 1957 prohibits women from performing dangerous work, barring them from some occupations,²⁹ and construction and mechanical jobs are commonly reserved for men. However, some occupations that have traditionally been assigned to men are beginning to open to women, including law enforcement. Beyond such formal employment, large numbers of women are involved in informal economic activity that can be performed at home – like preparing food products for sale on the street – or in semiprivate spaces such as bathhouses.

Article 346 of the 2003 labor code mandates equal pay for work of equal value, but because women are often concentrated in lower-ranking positions in practice, their wages are significantly lower than those of men.³⁰ There is also a greater social tolerance for women's unemployment than for men's, as men are deemed to bear the responsibility for supporting their families financially.

Gender-based protections regarding maternity leave and other benefits provided by law, while essential for helping women balance their professional and private lives, often discourage private-sector employers from hiring or promoting women at the same rates as men. The cost of those benefits is not absorbed by the state through a social security program, but it is passed to individual employers. A woman is entitled to return to her job after giving birth without a penalty, and Act No. 20-94, promulgated by Decree No. 2-95-1 of January 24, 1995, extended maternity leave from 10 to 12 weeks with full pay. For one year after the birth of her child, a woman is granted daily one-hour breaks for

the purpose of breastfeeding.

Women's rights NGOs, labor unions, and other groups have worked to bolster female education and improve access to employment for women. The National Institute of Solidarity with Women in Difficulty works on the socioeconomic integration and legal protection of two categories of vulnerable women: female domestic workers and single mothers. These two categories are interrelated, as domestic workers often become pregnant out of wedlock. They are subject to severe social stigma as well as ill-treatment at the hands of service providers, sexual abuse, infanticide, suicide, dangerous forms of employment, and forced confinement. The government is considering legislation to regulate the work of domestic servants in terms of working hours, health insurance, and other protections. Article 4 of the 2003 labor code called for a separate law covering domestic workers, but no such legislation had yet been enacted.³¹

Recommendations

- The government and NGOs should step up existing efforts to reduce illiteracy and encourage full school enrollment among women and girls, whether through public awareness campaigns, financial incentives, or adult education programs.
- The government should work in cooperation with women's NGOs to educate and inform women about their rights under existing inheritance laws, and provide women with legal assistance to defend those rights when necessary. Judges should be trained to more actively protect women's rights in inheritance and other property cases.
- The government, in consultation with women's NGOs, should revise education methods and materials to ensure that they incorporate concepts of gender equality and exclude negative stereotypes.
- The government should enact legislation to protect domestic servants by regulating working hours and conditions, guaranteeing health care, and allowing worker organization. Labor unions and NGOs should develop additional services for these workers, including personal-finance training, temporary shelters for abused women, and job-placement assistance for those in untenable working situations.
- Further efforts to extend maternity leave, provide childcare, and protect female employees from sexual harassment in the workplace should be accompanied by safeguards against gender-based discrimination in hiring and promotion. In addition to stricter laws on this issue, the government should provide effective complaint and adjudication mechanisms to encourage compliance.
- Women rights NGOs should develop grassroots projects that specifically address the needs of domestic and factory workers.

POLITICAL RIGHTS AND CIVIC VOICE

Moroccan women have come a long way in the field of politics. In the last decade, many have been appointed as cabinet ministers, diplomats, and judges, and thanks to implementation of a quota system, the number of women in the 325-seat lower house of Parliament rose from two in 1997 to 34 after the 2007 elections.³² Another quota rule recently boosted women's representation in local government as well. However, more than five decades after independence, women's participation in political life is still hampered by sociocultural constraints, including the conservative notion that women's voices are *awrah* (not to be exposed in public, as with certain parts of the body). In addition, patriarchal and undemocratic structures within political parties tend to exclude women and youth, limiting their access to politics.³³

Morocco is a constitutional monarchy with a royally appointed government, a popularly elected lower house of Parliament (the Chamber of Representatives), and an indirectly elected upper house (the Chamber of Counselors). Women have had the right to vote and compete for office since 1956, but the character of their engagement has been heavily influenced by traditionalist and Islamist political trends.³⁴ After their disillusionment with the 1957 family law, women's rights advocates generally aligned themselves with leftist parties. They later grew frustrated with the heavily patriarchal structure of political parties in general, choosing instead to organize within NGOs, first with connections to leftist parties and then as independent groups. Zouhour Chekkafi, elected to lead the Democratic Society Party in 2007, was the first woman to head a political party, but women today continue to participate more in NGOs than in political parties directly.

Political Islam emerged in earnest in the mid-1980s. Aware of the potential danger that extremist Islamist ideology presented to both feminist demands and the monarchy, women's rights activists began to coordinate their strategies with the government.³⁵ A new constitution was established in 1996, four women were appointed as ministers in 1997, the first socialist government was constituted in 1998, and a progressive new king took power in 1999. These events boosted women's presence in politics and civil society and led to the promulgation of the 2002 quota system, under which 30 of the 325 seats in the Chamber of Representatives are reserved for female candidates; 35 women were elected to the chamber that year, and 34 were elected in 2007.³⁶ However, women's presence in the 270-seat upper house – which is chosen by local councils, professional groups, and labor unions – has remained minimal, with just three female members elected in 2006.

The government formed in 2007 has the greatest number of women in Moroccan history: seven women head ministries, including the Health Ministry and the Ministry for Social Development, Family, and Solidarity. One woman acts as an adviser to the king, while three women serve as ambassadors and several others head executive departments. Moreover, women have increased their representation in the judiciary. One noteworthy change resulting from the 2004 family law is a growth in the number of female family court judges and a clear rejuvenation of the magistracy. As of 2006, women accounted for about 19 percent of all judges, and 16 percent of those on the Supreme Court.³⁷ Women make up a similar share of Morocco's lawyers.

Until very recently, women were not well represented in local politics: only 127 women won office in the 2003 local elections, giving them less than 1 percent of the contested posts.³⁸ However, women's NGOs and allied groups campaigned vigorously for a 12 percent quota system, and the measure was enacted in a package of December 2008 electoral reforms. As a result, more than 3,400 women secured positions in the June 2009 local elections.³⁹ Some 50 percent of the elected women are under 35 years old, 71 percent have secondary or tertiary education levels, and 98 percent were elected for the first time.⁴⁰

Despite recent successes, women in decision-making positions frequently face various social challenges. Although they are generally seen as less corrupt than men, women leaders are forced to prove their credibility and accountability more than men. Women who do succeed as leaders within politics and the government, however, provide strong role models and help to dispel negative stereotypes.

Article 9 of the constitution guarantees freedom of opinion, freedom of expression in all its forms, freedom of assembly, and freedom to join any political organization. Although the authorities restrict critical coverage on a number of subjects, including Islam and the monarchy, there are no major constraints on discussion of women's rights, gender equality, domestic violence, and other such issues in the media. Similarly, demonstrations that directly challenge the government draw crackdowns from the security forces, but women's rights activists, who generally have maintained good relations with the state, are able to hold rallies.

Grassroots women's rights NGOs have been steadily proliferating in recent years.

Although their ideological backgrounds sometimes conflict, they tend to share the goal of promoting women's dignity in and outside the home, and have had a beneficial overall effect on Moroccan society. The government and women's rights NGOs have collaborated to increase women's involvement in local civic life. In March 2009, the government allocated 10 million dirhams (US\$1.28 million) to boost women's political participation.

In the last five years, women have increasingly gained access to information with the aim of empowering themselves in different spheres of life. Various associations, such as Tadros in Fes and Rabat, are offering computer training and instruction on how to protect oneself on the Internet. They are also helping rural women artists and carpet weavers to sell their products online. Moreover, women in academia have been particularly instrumental in disseminating democratic ideas through the university system. Most current civil society leaders are university professors as well. Postgraduate programs in women's and gender studies are gaining some popularity, and the first cohorts of students have begun to receive advanced degrees in these areas.

Nevertheless, women generally, and rural women in particular, are frequently unaware of their political rights. There is a genuine communication problem in Morocco. Most literature regarding women's rights, political or otherwise, is written in Arabic and French, meaning it is inaccessible to large numbers of women. Some NGOs use Moroccan Arabic (Darija) and Berber in their outreach campaigns, but these efforts are insufficient, particularly in light of the high illiteracy rates among women.

The last five years constitute a turning-point for women's rights activists and the feminist movement. Hard-won gains have been realized, but there is a clear need to reassess priorities for the future. The generational tensions that inevitably accompany a renewal of leadership present a major obstacle. The youth's opinions regarding women's rights are complex, ranging from outright support of the gains the older generations have achieved to a sense of skepticism. The feminist movement will have to address this ambivalence and improve its ties with young people.

Up to now, illiteracy, socioeconomic exclusion, fundamentalist ideologies, and the use of women's issues by the state to combat radicalization have been highlighted as the main challenges for the Moroccan feminist movement.⁴¹ However, urgent attention must be paid to educated, non-radicalized men and women who are politically savvy but cynical, and those who are university educated but unemployed. These groups are important because while they readily adhere to human rights and social justice principles, they do not appreciate the relevance of gender equity within the larger project of democratization. Fewer still see the many links between poverty and gender discrimination.

Recommendations

- Political parties and NGOs should actively recruit and train female politicians to help increase women's representation within party leadership structures.
- The government should promote the use of Moroccan Arabic and Berber in broadcast media to reach all segments of the female population and educate them about their civil and political rights.
- Women's rights NGOs should improve their ties with other groups working on the broader issues of social justice, economic development, and democratization, with the aim of highlighting their common goals and enlisting new supporters.
- The government should bolster public acceptance of its support for women's rights by renewing its practical commitment to human rights in general, including freedom of expression and freedom of assembly.

SOCIAL AND CULTURAL RIGHTS

In the past, women's rights activists argued that the laws were not designed to address real problems, but now that most relevant statutes have been reformed, reality has in many ways failed to catch up to the laws. While health and demographic statistics have improved in recent years, large disparities remain between urban and rural areas, and the media have helped to perpetuate harmful social and cultural attitudes toward women.

Morocco's medical infrastructure improved after independence, and free public health care has allowed most women to give birth in hospitals. The government's commitment to the health of women and their children has been reflected in statistical progress over the past two decades. Life expectancy for women had risen to 72.8 years by 2005, from 66.3 in 1990, and the mortality rate for children under five dropped dramatically over the same period, from 89 to 40 per 1,000 live births. In another sign of better access to medical care, including contraceptives, the fertility rate fell from 4 births per woman in 1990 to 2.4 in 2005.⁴²

Women are generally able to make independent decisions about their health care needs, although poverty and economic dependence on men often weaken this freedom. Women may unilaterally decide to undergo surgery, whether it be necessary or elective. They can easily obtain birth control and legally seek out medical services without permission from their husbands or male guardians. Nonetheless, because women are often subject to a degree of traditional male control over their movements, they may need the consent of their husbands or male guardians to visit a doctor or go to the hospital. Similarly, a mother's permission is enough for her child to undergo medical procedures, but in practice cultural requirements oblige her to obtain the support of her husband.

Article 453 of the penal code was amended by Decree No. 181-66 in 1967 to legally sanction abortion if the life of the mother is in danger or if the fetus has fatal defects. Additionally, because of cultural concerns related to family honor, abortions of pregnancies resulting from rape are tolerated. However, factors such as poverty, the social stigma surrounding abortion and pregnancy out of wedlock, and the government's ambiguous attitude toward this issue have contributed to a situation in which many women die or suffer severe health consequences after undergoing illegal abortions.

In principle, women and men have equal access to health services. Nonetheless, various interrelated social variables divide Moroccan women and affect their access to health care. These variables include residence in urban versus rural communities, income levels, educational attainment, employment status, marital status, and linguistic ability.⁴³ Wealthy, urban, educated, working women tend to have better access than poor, rural, and illiterate women, in part because the health care infrastructure is deficient in rural areas.

Women are far less protected than men from gender-based harmful traditional practices. Although female genital mutilation is not practiced in Morocco, girls are culturally required to be virgins before marriage. As more girls engage in premarital sex, many resort to the surgical reconstruction of their hymens to make themselves more acceptable brides in the eyes of their own or the groom's family.

Women – usually urban and educated – can be found on school boards, in parent-teacher associations, and in neighborhood associations. In this capacity, they are able to participate in and influence local community life, policies, and social development. Although a trust in women's leadership abilities is growing among the youth, societal resistance to women as leaders, even at the community level, is still strong.

Part of this resistance comes from the rather passive and negative image of women that is presented in the Moroccan media, which constantly associate them with the home and the upbringing of children, and downplay their achievements in the public sphere. Female academics, journalists, filmmakers, and civil society activists have made various attempts to alleviate the harm caused by such portrayals. Although male broadcasters, talk-show hosts, and radio announcers outnumber their female counterparts, the latter are increasingly attracting attention from the public and are influential in opinion-

making.⁴⁴

The mainstream media do not reflect the real progress made by women, and rarely use gender-sensitive language. Although they have attempted to tackle issues such as sexual harassment, domestic violence, and gender roles, these efforts have been insufficient. There is a proliferation of magazines in Arabic and French that focus on women's interests, but they tend to be geared toward elite and educated women. Rural and semiurban women are marginalized in the media generally due to poverty and illiteracy.

Poverty has a disproportionate effect on women. Although welfare is available to divorcees and widows, it is not offered to single mothers as such. Even in instances where they are entitled to welfare, poor or illiterate women often have difficulty maintaining the necessary paperwork and making frequent visits to the relevant offices.

Although women have the right to housing and the same legal opportunity to obtain housing as men, very few own their own residence in practice. The 2004 family law obliges a husband to house his wife during marriage and during the waiting period before a final divorce, either in the marital home or a suitable substitute. Article 53 of the family law states that if either spouse unjustifiably evicts the other spouse from the marital home, the public prosecutor will intervene on behalf of the evicted spouse and "shall take all necessary measures for his or her safety and protection." However, reports indicate that authorities are slow to implement this measure and that women are having difficulty proving that they were expelled from the house. Additionally, a father must provide financial maintenance, including housing, to his minor children, even if they are in the divorced mother's custody. However, there is no guarantee that the wife will retain the marital home after a divorce is finalized, and husbands often use personal connections and bribery to avoid a court ruling to that effect.

Women's rights NGOs have been very active in alleviating the plight of poor and illiterate women. Their work is encouraged by the government, and the positive effects are apparent. For example, groups like Feminine Solidarity and Bayti (My House) have been catering to women in financial distress and single mothers. Meanwhile, through investments in rural roads, other infrastructure, and social programs, the government is attempting to improve the life of the rural population as a whole, although these efforts are still very insufficient: paved roads, running water, and schools are still luxuries for most of the countryside of Morocco. The poverty rate in rural areas dropped from 36 percent in 2004 to 21 percent in 2007, according to the findings of a survey by the High Commissioner for Planning, but work to alleviate poverty is still sorely needed.⁴⁵

Recommendations

- The government should allocate more funds to meet women's health needs, particularly by improving the health care infrastructure in rural and other underserved areas.
- The government should establish equitable welfare programs for single mothers and female heads of households, including those who have never married. NGOs should provide services that assist women in obtaining the state benefits for which they are eligible.
- Existing welfare payments should be supplemented by microcredit services, financial literacy training, and employment skills for women in impoverished rural and semi-urban areas.
- The government should sponsor media programs that fight negative stereotypes of women.
- The media sector should partner with women's rights NGOs to create content that would provide the youth with positive female role models, valorize women's impact on society, and lend credibility and stature to women's initiatives of all

kinds.

AUTHOR

Fatima Sadiqi is Senior Professor of Linguistics and Gender Studies at the University of Fes and director of the Isis Centre for Women and Development. She is a former Fulbright scholar and recipient of a Harvard fellowship. Sadiqi has written extensively on Moroccan languages and Moroccan women's issues. She is the author of *Women, Gender, and Language in Morocco* (Brill, 2003), *Grammaire du Berbère* (L'Harmattan, 1997), *Images on Women in Abdullah Bashrahil's Poetry* (Beirut Institute, 2004). She has also edited and co-edited a number of volumes, including *Migration and Gender in Morocco* (Red Sea Press, 2008), and *Women Writing Africa: The Northern Region* (Feminist Press, 2009). Her co-edited volume *Women in the Middle East and North Africa: Agents of Change* will be published by Routledge in May 2010.

NOTES

¹ For example, Moroccan laws related to banking interest and the sale of alcohol bypass very clear prohibitions in the Koran and Shari'a (Islamic law).

² Islamism may be defined as a social movement or organization based on the exploitation of Islam for political aims, or the exercise of political power in the name of religion only. Moroccan Islamists do not constitute a homogeneous group; they represent a variety of conservative, moderate, and radical strains.

³ Indeed, it was the feminists who started to push for rights from a religious perspective. See Farida Bennani and Zineb Miadi, *Sélection des Textes Sacrés sur les Droits Humains de la Femme en Islam* (Rabat: Friedrich Ebert Stiftung, 2000).

⁴ Whereas Shari'a rules are based on a rigid and literal reading of the Koran and Hadith, the concept of "maqasid al-Shari'a" (goals of Shari'a) involves the contextualization of these rules in changing historical circumstances.

⁵ The text of the constitution is available in English at <http://www.al-bab.com/maroc/gov/con96.htm>.

⁶ See Article 10 of the nationality code, available (in French) at <http://www.consulatumaroc.ca/natma2007.pdf>.

⁷ See Article 100 of the Moudawana.

⁸ See Fatima Sadiqi, *Women, Gender and Language in Morocco* (Boston: Brill, 2003).

⁹ See Stop Violence Against Women, "Morocco," Advocates for Human Rights, <http://www.stopvaw.org/Morocco.html>.

¹⁰ Article 10 states: "(1) No one can be arrested, detained, or punished except in the cases and forms provided by law. (2) The home is inviolable. There can be no searches or inspection except under the conditions and the forms provided by the law."

¹¹ Democratic Association of Moroccan Women, "The Withdrawal of the Reservations to CEDAW by Morocco," news release, December 17, 2008, <http://www.euromedrights.net/pages/556/news/focus/68402>.

¹² Sarah Touahri, "Morocco Retracts CEDAW Reservations," Magharebia, December 17, 2008, http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2008/1

2/17/feature-02.

13 Sadiqi, *Women, Gender and Language in Morocco*.

14 Article 6 states: "Islam shall be the state religion. The state shall guarantee freedom of worship for all."

15 Note that Article 9 of the constitution guarantees all citizens the "freedom of movement and freedom to settle in any part of the Kingdom."

16 An English translation of the Moudawana by Global Rights is available at http://www.globalrights.org/site/DocServer/Moudawana-English_Translation.pdf?docID=3106.

17 Agence France-Presse (AFP), "Women in Morocco Progress But 'Could Do Better' – Activist," France 24, March 7, 2009, <http://www.france24.com/20090307-women-morocco-progress-but-could-do-better-activist>.

18 See Articles 94-114 of the Moudawana.

19 A recent (unpublished) study by Leadership Féminin, a local women's association, revealed that 87 percent of women in six rural areas in Morocco do not know anything about the new family law.

20 Mohamed Ennaji, *Serving the Master: Slavery and Society in Nineteenth Century Morocco*, translated from French by Seth Graebner (New York: St. Martin's Press, 1998).

21 Given its geographical location at the crossroads between the Maghrib, sub-Saharan Africa, and Europe, Morocco is at the same time a source, transit point, and destination for human trafficking. See *Combined Third and Fourth Periodic Report – Morocco* (New York: UN Committee on the Elimination of Discrimination against Women, 2006), 22, <http://www.un.org/womenwatch/daw/cedaw/reports.htm#m>.

22 Sarah Touahri, "Morocco Seeks to Criminalize Violence Against Women," Magharebia, April 1, 2008, http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2008/04/01/feature-01.

23 Amina Barakat, "Renewed Efforts to End Violence Against Women," Inter Press Service, March 17, 2009, <http://ipsnews.net/africa/nota.asp?idnews=46150>.

24 World Bank, "GenderStats – Labor Force," <http://go.worldbank.org/4PIIORQMS0> [accessed December 15, 2009].

25 Gender Entrepreneurship Markets (GEM) Program, "Country Brief: Morocco 2005," International Finance Corporation, [http://www.ifc.org/ifcext/gempepmena.nsf/AttachmentsByTitle/Morocco_Country_Brief_Oct05.pdf/\\$FILE/Morocco_Country_Brief_Oct05.pdf](http://www.ifc.org/ifcext/gempepmena.nsf/AttachmentsByTitle/Morocco_Country_Brief_Oct05.pdf/$FILE/Morocco_Country_Brief_Oct05.pdf).

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27 Ibid.

28 World Bank, "GenderStats – Labor Force"; International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards in Morocco* (Brussels, ITUC, 2009), http://www.ituc-csi.org/IMG/pdf/WTO_report_Morocco_Final_EN.pdf.

29 Bureau of International Labor Affairs, *Morocco Labor Rights Report* (Washington, DC:

U.S. Department of Labor, July 2004), 26,
<http://www.dol.gov/ilab/media/reports/usfta/mlrr.pdf>.

30 ITUC, *Internationally Recognized Core Labour Standards in Morocco*, 5.

31 Sarah Touahri, "New Law to Regulate Morocco's Domestic Services Industry," *Magharebia*, March 13, 2009,
http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2009/03/13/feature-03.

32 Inter-Parliamentary Union, "Women in National Parliaments: Statistical Archive,"
<http://www.ipu.org/wmn-e/classif-arc.htm>.

33 For a study on patriarchal and undemocratic structures within one of the leading socialist political parties, see Sassi, Mohammed, "Al-Azma Arahina Liddimoqratia Fi Al-Itihad Alishtirak," *Nawafid* 8 (2000): 26-52.

34 It should be noted that, of the 46 seats that the Islamist Justice and Development Party (PJD) holds in parliament, six are held by women, making it the party with the highest percent of female parliamentarians. One reason for this high level of involvement is because Islamist parties seem to more seriously engage in the implementation of the quota system and put women at the top of their party lists more often than other political parties. Inter-Parliamentary Union, *Parline Database, Morocco, House of Representatives, Last Elections*, http://www.ipu.org/parline-e/reports/2221_E.htm.

35 Although NGOs do not have an official status that would allow them a high level of political influence, the government has gradually taken them more seriously.

36 The 2002 quota system is not established by law; rather it is embodied in a charter among political parties that reserves 30 seats for women on a special National List.

37 *Combined Third and Fourth Periodic Report – Morocco*, 26.

38 *Ibid.*, 25.

39 Amel Boubekeur, "Local Elections and National Democracy Opportunities in Morocco," *France 24*, June 29, 2009, <http://www.france24.com/en/20090629-local-elections-national-democracy-opportunities-morocco-amel-boubekeur-carnegie-middle-east-centre-analysis>.

40 These statistics are taken from a speech by Nouzha Skalli, Minister of Social Development, Family, and Solidarity, delivered in Rabat on June 18, 2009, one week after the elections.

41 See, for example, Moha Ennaji, *Multilingualism, Cultural Identity, and Education in Morocco* (Boston: Springer, 2005); Fatima Sadiqi, "Facing Challenges and Pioneering Feminist and Gender Studies: Women in Post-colonial and Today's Maghrib," *African and Asian Studies* 7, no. 4 (2008): 447-470; Sadiqi, "The Central Role of the Family Law in the Moroccan Feminist Movement," *British Journal of Middle Eastern Studies* 35, no. 3 (2008): 325-337; Sadiqi, "Language, Religion and Power in Morocco," in *Untangling Modernities: Gendering Religion and Politics*, ed. Anne Braude and Hannah Herzog (London: Palgrave, 2009).

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