

## Morocco

### (16<sup>th</sup> session)

45. The Committee considered the initial report of Morocco (CEDAW/C/MOR/1) at its 312th, 313th and 320th meetings, on 14 and 20 January 1997 (see CEDAW/C/SR.312, 313 and 320).

46. In introducing the report, the representative of Morocco informed the Committee that Morocco's initial report had been submitted to the Secretariat in July 1994 in accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, one year after Morocco had acceded to the Convention. King Hassan II had taken the initiative in 1992 and had invited various women's associations to submit amendments to the existing Personal Status Code in order to eliminate the obstacles impeding Moroccan women from the enjoyment and exercise of their rights. A number of articles of the Personal Status Code were amended accordingly and in conformity with various international agreements and instruments, while the Code maintained its respect for the principles of Islamic law, the shariah.

47. The representative pointed out that the initial report described institutional, legal, administrative and other measures taken to promote and protect the human rights of women within an overall political and legal framework. The Government of Morocco linked the status of women to human rights and recognized the inseparable links between the respect for human rights, democracy and social, economic and cultural development. The human rights protection aspects of the elimination of discrimination against women and the advancement of women were transferred from the social affairs ministries to the Ministry of Human Rights, which was working in cooperation with other ministerial departments on these issues.

48. The Constitution, revised in 1992 and 1996, now contained provisions intended to ensure a greater respect for human rights in general and for the human rights of women in particular. The revised Constitution established a bicameral parliament and also allowed for the establishment of fact-finding commissions to address the elimination of discrimination against women. As a result of the reform of Morocco's family law, any case of discrimination against women could now result in legal proceedings.

49. The representative then briefed the Committee on legal and administrative measures that had been taken in his country to achieve equality between women and men within the framework of promotion and protection of women's human rights. The legislation relating to employment, as well as the Penal Code, had been modified. Efforts had been made, especially in the field of education and employment. The Government was

concerned about the high rate of illiteracy among women, and it considered women in rural areas the most vulnerable group. A literacy campaign had therefore been launched with the goal of reducing the illiteracy rate to 10 per cent by the year 2010, specifically among rural women. However, while all citizens had an equal right to education and employment, pursuant to article 13 of the Constitution, the representative acknowledged that there existed a number of statutory exceptions that excluded women from entering certain professions.

50. In concluding his presentation, the representative of Morocco recognized that there were still a number of barriers preventing women from exercising and enjoying their human rights and participating fully in the socio-economic development of the country, but he assured the Committee of his Government's willingness to pursue the task of eliminating all such obstacles.

#### Concluding comments of the Committee

##### Introduction

51. The Committee thanked the State party for its report, which had been submitted on time. It noted, however, that the format of the written report had not adhered to the Committee's guidelines. The State party had nevertheless established a frank and constructive dialogue with the Committee through its oral report and its replies.

##### Factors and difficulties affecting the implementation of the Convention

52. The Committee was of the view that, although the instrument of ratification of the Convention by the Kingdom of Morocco was in itself an important event, the fact that it had been accompanied by declarations and reservations concerning the substance of the Convention seriously hindered the latter's implementation.

53. The Committee noted the obvious contradictions between the obligations deriving from the undertaking made by the State party at the time of signing the Convention and the persistence of considerable discrimination against women in Morocco, particularly in the field of family law.

##### Positive aspects

54. The Committee noted with satisfaction the revision of the Constitution, which strengthened the rule of law in Morocco by solemnly proclaiming the country's commitment to internationally recognized human rights.

55. The Committee believed that that undertaking by the State would inevitably benefit women, since women's rights were an integral part of human rights.

56. The Committee noted with satisfaction that the women's unit set up within the Ministry of Human Rights was involved in the overall process initiated by Morocco in that regard.

57. The Committee welcomed the efforts made by the State party to revise and amend the Personal Status Code (Moudouana). Those preliminary efforts reflected the political determination of the State party, at the highest level, to further the development of the legal status of women.

58. The Committee noted with satisfaction the emergence of a women's movement which had managed to give expression to women's demands and to give their concerns a national dimension.

#### Principal areas of concern

59. The Committee was deeply concerned at the number and importance of the reservations made by Morocco, particularly the reservation to article 2, one of the Convention's central articles. The Committee considers any reservation to that article to be contrary to the object and purpose of the Convention and incompatible with international law. The Committee was likewise concerned that the combination of reservations to articles 2 and 15 leave no room for evolving concepts of Islamic law.

60. The Committee noted with regret that the State party did not envisage withdrawing any of its reservations.

61. The Committee also noted that, unlike other international treaties, the Convention had not been mentioned, publicized or published in the Official Gazette.

62. The Committee expressed regret that there was no specific women's rights machinery that could coordinate and guide activities and projects for women in order to improve and better inform women of their rights.

63. The Committee expressed concern that, despite the efforts made in the political sphere, women's representation at the policy-making level was minimal.

64. The Committee emphasized that cultural characteristics could not be allowed to undermine the principle of the universality of human rights, which remained inalienable and non-negotiable, nor to prevent the adoption of appropriate measures in favour of women. As a result, the Committee remained concerned at the profound inequalities affecting the status of women in Morocco. Considerable discrimination in the areas of marriage, conjugal relations, divorce and the custody of children still exists. Laws regarding the punishment of adultery and the ability to pass on nationality continue to benefit the husband to the detriment of the wife.

65. The Committee emphasized that discrimination was not limited to the private sphere but also affected the public realm. Blatant inequalities could be observed in women's recruitment, wages and leave entitlements, as well as in legal restrictions on women's, but not men's, employment, which reflected stereotypical attitudes regarding appropriate work for women.

66. The Committee noted with concern that no legislation was envisaged to protect women against all forms of violence. The Committee was also surprised that the report made no mention of article 6 of the Convention, which concerned prostitution.

67. The Committee was concerned at the high rate of female illiteracy, which affected girls and rural women in particular.

68. The Committee noted with concern the high rate of maternal mortality in Morocco, the high number of unattended births, the unavailability of safe abortion and the need to develop further reproductive and sexual health services, including family planning.

#### Suggestions and recommendations

69. The Committee recommended that the State party incorporate the principle of equality between men and women into all spheres of life and into the Constitution, and that it bring the Constitution into line with the relevant international norms of the Convention.

70. The Committee expressed the hope that the Government would envisage, through the political will of its leaders, the progressive withdrawal of the many reservations that were seriously undermining the proper implementation of the Convention.

71. The Committee strongly recommended that the Government continue its efforts to amend legislation that was still discriminatory in order to bring it into line with the provisions of the Convention. While respecting the stages in Morocco's political, economic, sociological and cultural evolution and the need for the population to support any reform concerning women's rights, the Committee encouraged the Government to persevere in using ijtihad, which was the evolving interpretation of religious texts so as to give the necessary impetus to the improvement of the status of women and thus gradually to change attitudes.

72. The Committee recommended the establishment of specific machinery located at the highest policy level, with adequate financial and human resources, that would coordinate and guide action in favour of women, would be able to prevent the persistence of attitudes, prejudices and stereotypes that discriminate against women and would narrow the gap between de jure and de facto equality.

73. The Committee further recommended that education in women's rights, covering national and international legislation, be provided in all schools and university systems and to women's associations and non-governmental organizations, as well as in rural areas.

74. The Committee recommended that the competent national bodies, the women's sections of the different political parties and associations and non-governmental organizations do their utmost to bring about as great a change in men's traditional role in the family and in society as in women's, so as to ensure genuine equality of opportunity between men and women in all spheres. It observed that revising the content and orientation of school textbooks in order to eliminate stereotypes and negative images of women could help to speed up a change of mentality and remove certain obstacles.

75. The Committee also asked the Government to pay particular attention to vulnerable groups, women heads of household, abandoned women and disabled women, and to take the necessary steps to protect them from any form of exclusion or marginalization. Overcoming inequality contributed to poverty reduction and to the country's economic development.

76. The Committee recommended to the Government that appropriate, effective measures be taken to reduce both the illiteracy rate and the maternal mortality rate, which were high in rural areas.

77. The Committee urged the Government to address the issue of violence against women, to adopt the necessary measures to overcome this phenomenon and to establish support services for victims of violence, in both urban and rural areas, in accordance with general recommendation 19.

78. The Committee strongly recommended that the Government take special measures to reduce maternal mortality rates and protect women's right to life by ensuring full and timely access of all women to emergency obstetric care.

79. The Committee recommended that the Government review existing restrictions on women's access to employment, particularly those based on stereotypical assumptions concerning women's work.

80. The Committee requested the Government of Morocco to address the concerns included in the present concluding comments in its next report, to include information on the implementation of the Committee's general recommendations and to follow the Committee's reporting guidelines carefully, including with regard to the follow-up to the Beijing Platform for Action. It requested the Government to provide statistical data disaggregated by sex with regard to all areas in the Convention in its next report. In particular, it requested the wide dissemination of these comments throughout Morocco.