

Second periodic report
Morocco
Concluding observations: 29th session

137. The Committee considered the second periodic report of Morocco (CEDAW/C/MOR/2) at its 627th and 628th meetings, on 15 July 2003 (see CEDAW/C/SR.627 and 628).

Introduction by the State party

138. In introducing Morocco's second periodic report, the representative noted that the Convention was being implemented within the context of the country's culture, religion and civilization. Since 1993, a Ministry for human rights issues was responsible for overall coordination and the preparation and practical administration of laws and regulations at all levels. A governmental body responsible for issues related to the family and the situation of women had been established in 1998, and a ministerial commission headed by the Prime Minister monitored the implementation of the national strategy for the integration of women in development. A reform of the Advisory Council on Human Rights in 2002 had in particular enhanced its role in eliminating discrimination against women, and the Council now had eight women members, out of a total of 41 members. One of the Council's working groups dealt with issues of the family and the situation of women. The Council had also gained the autonomy to handle all matters, including grievances, related to human rights. Another innovation was the creation of the Diwan al Madalim, which functioned as an Ombudsman to ensure respect for the rule of law and to redress any injustices that might be committed by the Administration.

139. The Constitution of Morocco recognized the primacy of international conventions to which Morocco was a party over domestic legislation although conventions could not, of course, take precedence over the Constitution itself without a prior amendment thereto. The Ministry for Human Rights had the task of ensuring that domestic legislation was in harmony with the country's international obligations, including the Convention on the Elimination of All Forms of Discrimination against Women. The Convention itself had been published in the Official Gazette in 2001, and implementation of the Committee's recommendations and comments on Morocco's initial report had been accorded great importance in the country. In the follow-up to the Fourth World Conference on Women, Beijing 1995, a plan of action for the integration of women in development had been prepared which focused on four priority themes: education, literacy and the culture of equality; reproductive health; the economic integration of women; and the improvement of women's legal and political situation. Furthermore, efforts were under way to reform the country's Personal Status Code.

140. Turning to the report, the representative noted that all relevant departments had contributed to its preparation, and the views of civil society had also been considered.

141. The representative drew attention to the legislative measures in place against prostitution and trafficking in women. The penal code prohibited prostitution and established prison penalties ranging from 6 months to 5 years. The Government, civil society and the media had undertaken awareness-raising and sensitization measures, particularly within the most vulnerable sectors of the population, to address the dangers of prostitution and trafficking. The Government also undertook efforts to improve the living conditions of disadvantaged social groups and focused particular attention on providing assistance to women victims of prostitution. Morocco had ratified a number of international conventions related to trafficking, including the United Nations Convention against Transnational Organized Crime and the International

Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

142. According to the Constitution, women and men enjoyed political rights on a basis of equality. Women participated fully in elections, frequently accounting for 50 per cent of the electorate. The representative noted that while considerable efforts had been undertaken by governmental and non-governmental actors to increase and strengthen women's participation in the political arena and in civil service, women's representation in decision-making posts remained unsatisfactory. To address this issue, in 1998 the Prime Minister had instructed all Ministries to appoint women to decision-making positions and, in 2001, members of Government had been invited to report on the measures taken in this regard. The representative noted various developments in 2002: the diversity of decision-making posts allocated to women had increased, and a new law had been adopted, which reserved 30 seats for women in the House of Representatives. Subsequently, 35 women had been elected in the country's legislative elections of 2002.

143. The Nationality Code conferred equal rights to men and women with regard to the acquisition, change or retention of nationality. The representative noted, however, that the Code did not allow Moroccan women to transfer their nationality to their non-Moroccan spouses, or to automatically confer their nationality to children born to foreign fathers. The representative indicated that the Parliament of Morocco was currently considering a bill to allow Moroccan women the right to transfer nationality to their children.

144. The country's laws guaranteed the equal rights of boys and girls to education. Education was compulsory for all children above 6 years of age, and free in all types of public education. The high illiteracy and school drop-out rates in rural areas, particularly among young girls, was a major challenge faced by the Government. Various ministries, including the Ministry for Youth and Sports, were taking concrete measures to combat these problems. The representative noted that school attendance, however, was linked to socio-economic conditions and the existence of infrastructure, such as roads and hospitals.

145. The representative indicated that a National Education and Training Charter, established in 1999, was the current frame of reference for education policy and had set challenging goals in that area. He also indicated that a 1994 partnership agreement between the Ministry of National Education and the Ministry for Human Rights aimed to combat stereotyped gender roles in society through the development and dissemination of a culture of human rights through the education system. Seminars and training courses on human rights had been set up in this regard.

146. The representative indicated that Moroccan legislation guaranteed non-discrimination and equal opportunities for women and men in employment and in the exercise of their functions. The only restrictions for women in this area were related to professions that were considered dangerous or harmful to their health or to their role and responsibilities as mothers. The representative noted that women had been increasingly participating in traditionally male-dominated professions. The Government had recently adopted a new Labour Code, which prohibited any form of discrimination, as well as a new law on medical coverage, which provided compulsory medical coverage for all salaried workers and pensioners. Morocco had ratified a number of international conventions and instruments affirming the principles of equality and non-discrimination in employment.

147. The representative indicated that the maternal mortality rate, which remained high despite its decline in recent years, was a source of concern for the Government. As a result of the measures undertaken by the Ministry of Health to implement the national programmes on family planning, 3 out of 5 married women were currently using some form of contraception.

148. The issue of violence against women was another source of concern for the Government. The national strategy on violence against women outlined a number of measures to be taken, including the criminalization of various forms of violence against women as violations of human rights; the development of innovative approaches to effectively intervene and provide treatment to women victims of violence; and the establishment of adequate databases to promote the scientific study and research of gender-based violence. The national strategy also outlined seven areas of strategic action on violence against women, including the reform and harmonization of laws and regulations; education, awareness-raising and communication; as well as research and partnership development. Amendments to the penal code criminalized various forms of violence, including sexual harassment. These developments were reinforced by the promulgation of the new Labour Code, which protected women from all violations of their physical or moral integrity.

149. In concluding the representative indicated that the Government welcomed the opportunity to dialogue with the Committee as an important means of identifying proposals and measures to improve the situation of Moroccan women and further eliminate discrimination against women in Morocco.

Concluding comments of the Committee

Introduction

150. The Committee expresses its appreciation to the State party for submitting its second periodic report. It commends the State party for the written replies to the issues raised by the pre-session working group and the oral presentation, which provided additional information on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Morocco.

151. The Committee commends the State party for its delegation headed by the Permanent Representative of the Kingdom of Morocco to the United Nations and appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

152. The Committee notes that declarations have been made by the State party to article 2 and article 15, paragraph 4; and that reservations have been made to article 9, paragraph 2, article 16 and article 29 of the Convention.

Positive aspects

153. The Committee welcomes the fact that the State party acknowledges the precedence of international instruments over national legislation.

154. The Committee welcomes the State party's commitment to the implementation of the provisions of the Convention as reflected in a range of legal reforms such as the new Penal and Labour Codes, policies, plans and institutional arrangements. The Committee also welcomes the State party's ongoing cooperation with civil society, in particular with women's organizations.

155. The Committee welcomes the legislative changes and the voluntary quota system established by political parties to increase women's representation in the House of Representatives, which has led to a significant increase in the number of women elected during the last elections.

156. The Committee appreciates the fact that a Royal Commission has been established with the principal goal of revising the Personal Status Code. The Committee commends the State party for the draft bill on the nationality law which would give Moroccan women the right to pass on their nationality to their children on the same basis as men.

157. The Committee commends the State party for the establishment of the Ministry of Human Rights, which creates a positive environment for the protection and promotion of human rights. It welcomes the publication of the Convention in the official gazette in 2001 and the efforts made to integrate human rights principles in textbooks and curricula.

Principal areas of concern and recommendations

158. While appreciating that some progress has been made towards creating an environment for the withdrawal of the declarations made by the State party to article 2, article 15, paragraph 4, and the reservations made to article 9, paragraph 2, article 16 and article 29 of the Convention, the Committee expresses its concern that those reservations continue to be retained.

159. The Committee urges the State party to expedite the necessary steps for the narrowing and ultimate withdrawal of its declarations and reservations to the Convention.

160. The Committee is concerned that although the Constitution guarantees equality before the law, it does not contain an explicit definition of the principle of equality between women and men or of discrimination on the basis of sex. The status of international instruments, including the Convention, with respect to the Constitution and national law has not yet been clarified.

161. The Committee encourages the State party to incorporate the principle of equality between women and men in the Constitution and to reflect fully the definition of discrimination contained in article 1 of the Convention in its national legislation. The Committee urges the State party to clarify the status of international conventions within its domestic legal framework and to ensure that the provisions of the Convention are fully reflected in all legislation.

162. The Committee is concerned about the many remaining discriminatory provisions in the Personal Status Code, which sets different standards for women and men in issues related to marriage and family life; a different minimum age of marriage for women and men; restrictions for women in obtaining a divorce and the risk of repudiation. The law provides for a different age for guardianship of girls and boys and stipulates restrictions on women in becoming legal guardians of their children. A bill is still pending adoption by Parliament concerning a Moroccan woman's right to pass on her nationality to her children when she is married to a foreigner. The Committee is also concerned about the legal difficulties faced by single mothers.

163. The Committee urges the State party to continue, and to expedite, the process of legislative reform within the framework of the Royal Commission on the Personal Status Code and to amend discriminatory provisions affecting women's rights within the family in relation to divorce and repudiation, legal guardianship and the age for guardianship in order to bring them into harmony with the Convention. The Committee urges the State party to take measures to raise the minimum age of marriage for women and men to 18 years, in line with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The Committee urges the State party to expedite the adoption of the proposed bill on nationality and to withdraw its reservation concerning article 9, paragraph 2, of the Convention. The Committee urges the State party to ensure that laws with regard to the status of women in the family as well as single mothers affirm and incorporate the principle of gender equality and partnership between women and men and the full realization of women's human rights. The Committee encourages the State party to reform relevant existing laws in consultation with women's groups.

164. While welcoming the State party's efforts and achievements to increase women's political participation at the national level, the Committee remains

concerned about the low rate of representation of women in decision-making positions in all spheres, particularly in political representation at all levels, the public and private sectors, the judiciary, the foreign service and academia.

165. The Committee requests the State party to take effective and sustained measures to increase the political representation of women at all levels, taking into account article 4, paragraph 1, of the Convention. It also calls upon the State party to increase women's representation in decision-making positions in all spheres. The Committee also suggests that the State party offer support and leadership training programmes to women and carry out awareness-raising campaigns concerning women's participation in decision-making, including in the public and private sectors, the foreign service, the judiciary and academia.

166. The Committee expresses its concern that traditional discriminatory practices and strong stereotypical attitudes persist about the roles and responsibilities of women and men in the family and society, negatively affecting women's enjoyment of their rights and impeding the full implementation of the Convention.

167. The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes to foster a better understanding of equality between women and men at all levels of society with a view to changing stereotypical attitudes and negative cultural norms about the responsibilities and roles of women and men in the family and society. It also recommends that the media be encouraged to project positive images of women and the equal status and responsibilities of women and men in society.

168. The Committee is concerned that there is a lack of specific legislation to eliminate violence against women and girls, including domestic violence, and violence against domestic workers.

169. The Committee recommends that the State party expedite the adoption and implementation of a national strategy to combat violence against women. This would include the collection of sex-disaggregated data on all forms of violence, research into the extent of violence against women and girls including domestic violence and the adoption of specific legislation on domestic violence. In the light of its general recommendation 19, the Committee calls upon the State party to ensure that all forms of violence against women are prosecuted and punished adequately and that victims have immediate means of redress and protection. The Committee requests the State party to ensure the full sensitization and training of law enforcement officials, the judiciary and the public on all forms of violence against women and girls. The Committee also urges the State party to take steps towards the protection of domestic workers and to ensure that restrictions on child labour are enforced.

170. While noting the efforts made by the State party to set concrete targets and develop a national strategy on education, the Committee notes with concern the continuing high levels of illiteracy of women and girls, in particular in rural areas.

171. The Committee calls upon the State party to develop gender-sensitive measures to eradicate female illiteracy, in particular in rural areas, and to strengthen measures to create an environment that increases the enrolment and retention rates of girls in schools at all levels, through increased training and employment of teachers, the development of gender-sensitive educational materials and the monitoring and evaluation of progress achieved towards time-bound targets.

172. Although progress has been made in reducing maternal and infant mortality rates and in increasing access to means of family planning, the Committee is concerned about the insufficient number of health-care facilities

and particularly about the situation of rural women who have little or no access to health-care services and health-care professionals.

173. The Committee calls upon the State party to increase women's access to primary health-care services, including reproductive health care, particularly for rural women, and to further increase access to affordable means of family planning for women and men. It also calls upon the State party to increase awareness campaigns on the importance of health and reproductive rights, including information on the spread of sexually transmitted diseases (STDs), including the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

174. The Committee notes the absence of information on the situation of women in the informal sector and is concerned about the low level of women's participation in the paid labour force and about the persistent wage gap between women and men. The Committee notes also with concern that women are discriminated against in their access to loans and other forms of financial support as well as in the enjoyment of their right to property.

175. The Committee urges the State party to adopt appropriate measures to ensure women's equal access to paid employment, to adopt and enforce appropriate legislation according to its commitments to the relevant conventions of the International Labour Organization to ensure equal opportunities for women and men in the public and private sectors of the labour market, and to prevent direct and indirect discrimination in employment, training and remuneration. The Committee also calls on the State party to ensure that women, particularly in rural areas, have full and equal access to loans and other forms of financial support and that they face no obstacles in the enjoyment of their right to ownership of land.

176. The Committee notes that, although they constitute a large proportion of the population, rural women and girls continue to be marginalized in their access to government services.

177. The Committee urges the State party to take special measures to ensure that the needs and concerns of rural women are fully integrated in the formulation and implementation of all sectoral policies and programmes and to ensure that rural women and girls have full access to education and health-care facilities.

178. The Committee notes the slow progress in the implementation of the Convention by the State party and the modest responses to the Committee's concluding comments presented after the discussion of the State party's initial report. The Committee also notes the persistence of societal attitudes that discriminate against women and girls. Consequently, the combined effects of high illiteracy rates for women and girls, low representation of women in decision-making positions and a low employment rate for women negatively affect the impact of the national policies for gender equality.

179. The Committee encourages the State party to expedite the implementation of the Convention, the concluding comments of the Committee and the national strategy for the achievement of gender equality and to strengthen its efforts to change societal attitudes in order to eliminate discrimination against women and girls. The Committee encourages the State party to establish a national mechanism with sufficient human and financial resources to strengthen cooperation and partnership between the Government and civil society, including women's organizations.

180. The Committee urges the State party to sign and ratify the Optional Protocol to the Convention and also invites the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

181. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report to be submitted under article 18 of the Convention in 2006 as a combined third periodic report, due in 2002, and fourth periodic report, due in 2006. The Committee also requests the State party to improve the collection and analysis of statistical data, disaggregated by sex and age, and to report on the results of programmes and policies, planned and undertaken, in its next periodic report to the Committee.

182. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

183. The Committee requests the wide dissemination in Morocco of the present concluding comments in order to make the people of Morocco, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the general recommendations of the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action; and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".