Forum Azzahrae for Moroccan Women is a non-governmental organization in consultative status with the Economic and Social Council of the United Nations

Parallel report to the sixth periodic report of Morocco

The International Covenant on Civil and Political Rights

September 2016
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I. Reporting Organization

1. Forum Azzahrae for Moroccan Women is a national independent women NGO, acting in the cultural, Human Rights and development fields. It bases its work on networking, partnership and handling to non-governmental organizations and civil society organizations with common goals. Founded in 2002, it supervises a network of 106 throughout Morocco (Moroccan Sahara, Rif Mountains, the East and central Morocco...) and strives to defend the legitimate rights of women and raise the level of their awareness in all fields. The forum also works to support the efforts for women empowerment and promotes their presence in decision-making positions. Moreover, the forum defends the family institution, namely through the protection and promotion of motherhood. In these regards, Forum Azzahrae produced several memorandums (more than 20 memorandums)\(^1\) and organized numerous meetings with stakeholders advocating for women rights.

2. The NGOs in Forum Azzahrae’s network operate on issues of proximity, the thing that enabled forum Azzahrae to be inherently aware of the real problems facing Moroccan women, especially in remote areas of Morocco, in the far reaches of the Moroccan mountain villages. As a matter of fact, Azzahrae’s network comprises a shelter for women in difficult situations in Tangier, which operates according to the 14.05 law for the management of social welfare centers; in addition to more than 40 hearing centers welcoming women in difficult situations. The network provides capacity building for women suffering from poverty and vulnerability through offering literacy programs and raising women’s awareness regarding their rights and training them on skills and handicrafts (hairdressing, confectionery and bakery industries...). In

\(^1\) Some memorandums: a memorandum on the constitutional reforms; a memorandum on the Social Charter; a memorandum on the image of women in the media; a memorandum to the Prime Minister about the government program in relation to women and family issues; a memorandum on the creation of the institution for parity and the prevention of all forms of discrimination; a memorandum on the creation of the Advisory Council on Family and Childhood; memorandum on the draft law No. 13-103 concerning the prevention from violence; a memorandum on employed women in the public administration law and the civil pensions law; a memorandum on abortion “in order to protect women’s health and the right to life”; a memorandum on the amendment of the penal code; an amendment memorandum on the draft law No. 79.14 regarding the institution for parity and the prevention of all forms of discrimination.
addition to supporting them to overcome the situation of vulnerability through income-generating projects.  

3. The contribution of Forum Azzahrae for Moroccan Women through this report is mainly based on the monitoring of the development that took place in Morocco in the field of women and family rights since the last submitted report in 2005, in relation with the recommendations made by the commission, from the one hand, and regarding articles 2, 3, 6, 7, 18, 23, 24 and 26 of the Covenant, from the other hand. For this purpose we have based our work on a set of official data, on reports prepared by the network’s associations and on the memorandums prepared by the Forum on these topics.

II. The General Context

4. Since it has presented its report before the Human Rights Commission in 2005, Morocco has known significant developments in the field of human rights in general and the field of women rights in particular, as it continued its endeavors to promote human rights through the adoption of a new constitution in 2011, one which stressed the prevention of all forms of discrimination whether it is based on sex, color, creed, culture, social or regional affiliation, language, disability, or any other personal status. Morocco also worked to expand the area of equality between women and men to include economic, social, cultural and environmental rights, as the article 19 states "men and women should enjoy, on an equal footing, their civil, political, economic, social, cultural and environmental rights and freedoms"; while the 1996 Constitution had limited equality to civil and political rights. In order to achieve this aim, the 2011 Constitution calls for the establishment of the Commission of parity and prevention of all forms of discrimination.

5. Morocco also worked on developing its legislative arsenal through the amendment of Citizenship Act in 2007, which achieved equality between

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2 Some Forum projects: education and training centers in traditional sewing, cooking, confectionary and baking, office management; projects to enable rural women; economic empowerment projects for women heads of households in difficult situations; creation of cooperatives projects for the benefit of women; social leaders trainings.

Moroccan men and women regarding the transfer of Moroccan nationality to their children, as well as equality among children of Moroccan fathers or mothers, an issue that was raised in the recommendations issued by the commission. Morocco also issued the Migration Act No. 02.03 containing requirements seeking to protect migrants and to prevent any form of discrimination against them, including gender-based discrimination.

6. Through its national legislation, Morocco developed measures to combat discrimination in legal texts and to establish legal protection for women rights. In fact, the second paragraph of Chapter 475 of the Penal Code, related to marrying a seduced minor to her seducer, was abolished, enabling this latter’s prosecution and preventing him from marrying the deceived minor. Deleted also were some of the provisions of the Penal Code that were degrading to women's dignity as an independent being equal to men and through passing the Law No. 92.13 changing and supplementing the penal code in chapters 494, 495, and 496.

7. In the political field, Morocco has made great efforts to increase the political representation of women, commensurate with international standards, both at the national or local level, through the inclusion of new legal requirements in the election code, in the organizational law regarding the Chamber of Representatives, the organizational law regarding the Chamber of Counselors and the law on political parties. Unfortunately, despite the actions taken at the level of women nomination, this was not reflected on the proportion of women assuming decision-making positions at the level of territorial communities.

III. Adhering to international conventions

8. Morocco has worked on completing its engagement in the Convention on the Elimination of All Forms of Discrimination against Women, through the approval of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and also by lifting the reservations included in items 1 and 2 of paragraph "b" of this Convention. Documents concerning the lifting of the reservations related
to paragraph 2 of Article 9 of the said Convention relevant to citizenship law and Article 16 on the former law of personal status and current family code were deposited at the General Secretary’s. Morocco has also approved the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, of year 2000, on May 7th, 2009.

IV. Issues Associated with the International Covenant on Civil and Political Rights

a. Nationality (Article 3 and 6)

9. The Nationality Act was amended (April 2nd, 2007) in regards to Chapter VI to include equality in granting Moroccan nationality as an original nationality between men and women unconditionally. Despite this important amendment, which did justice to many women and their children who were suffering from discrimination, the nationality law still discriminates against women. This is contained in Chapter 10, which gives the right to men to pass on their citizenship to their foreign wives without enabling women to confer their nationality to their foreign husbands. This makes Moroccan women who are married to foreigners suffer with their families constantly, as it requires couples to renew residency cards continuously with all the inconveniences that this might cause. This being said, it should be mentioned that the government has presented a draft law amending Article 10 of the Nationality Law to the General Secretariat of the Government since March 2013, but this draft law has not taken the approval track yet.

Suggested Recommendations in this regard:

- Amending Article 10 of the Nationality Law as soon as possible to overcome the problems experienced by women married to foreigners.

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4 Morocco’s Report on Beijing+20, March 2015, p15
10. Despite the high level of implementation of family court decisions overall in 2014 reaching 86.33% of the total number of cases, the implementation rate of the provisions of alimony (66.05%) remains below the required level.

11. Despite the creation by the government of the family solidarity fund as a measure that is meant to help destitute divorced women whom spouses have declined to provide for the alimony for their children and that under Law No. 10.41, the fund is facing several problems. As a matter of fact, as though the government has allocated 160 million dirhams to the fund since 2012, only 76.421.857,00 dirhams have been spent as of October 2015, despite the existence of many destitute divorcees who suffer from not receiving alimony, which in turn leads to children losing their rights, dropping out of school and their early entry to the job market.

12. The problems facing the family solidarity fund require reconsideration of some of its organizational requirements for it to achieve its objectives. As a matter of fact, by extrapolating the opinion of the women involved, it shows that their non-recourse to the Fund is mainly due to the complexity of the procedures and the lack of knowledge of its existence, since the government hasn’t made enough efforts to promote it.

13. We have also noted, through monitoring several cases, that the judicial work in some courts is used to rejecting concerned files for minor formal reasons, to a point that the total number of rejected files in 2012 accounted for 55% of the total submitted applications.

Suggested Recommendations in this regard:

• We suggest questioning the government's intention to modifying the law governing the family solidarity fund allocated for divorced

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5 From the annual report of the ministry of Justice and Liberties, Family Courts in Morocco during 2014
women, in a way to simplify the procedures and reduce the number of required documents.

- As well as urging the government to further promote the fund among concerned women.

c. Discrimination on the basis of the dress code (Article 2, 18 and 26)

14. There is no reference in the Moroccan law to dress or belief based discrimination, whether at work or regarding the access to some higher institutes. However, in practice, we noted several cases of the sort: we received complaints from veiled women who have been subjected to discrimination because they chose the head scarf, both in the access to certain professions in public or private institutions or deprivation of the right to schooling in some schools and higher education institutes.

15. In fact, pupils in the city of Tangier have been prevented from entering their high school, Ibn Sina, because of the shape of the head cover which caused them to miss class\(^8\). In addition to that, a Facebook group was formed to protest against depriving many students of their right to accessing Mohammadia Engineering School; a number of victims of such a discrimination have built a Facebook page asking to prevent such an exclusionary procedure. They called it "We demand the acceptance of veiled girls at Mohammadia Engineering School."

16. In addition to the case of preventing a professor from teaching in Moliere's School in Casablanca in September 2013, where the school board rejected the appointment of a professor appointed by the ministry of national education, and justified its rejection in a written letter “due to religious reasons” (wearing the veil) (pour des raisons religieuses port de voile)\(^9\).

17. Veiled women journalists are barred from appearing in the visual media, and this became a custom as it became known that there is no place for veiled women in the Moroccan television, especially since there has

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\(^7\) Report on the implementation of the family code in 2012

\(^8\) The incident was covered by different media, Hespress Website on April 27\(^{th}\) 2013, Link: http://www.hespress.com/videos/77866.html

\(^9\) The letter was published in Aftajdid Newspaper issue 17 November 2013, check appendix 1
never been a single veiled Moroccan news anchor on television, with the exception of religious programs.¹⁰

Suggested Recommendations in this regard:

• We request to question the Moroccan government about the fact of preventing veiled journalists from appearing in the media;
• Urging the Moroccan government to make an effort to amend the legislation in the direction of tightening the punishment on any practice of discrimination against women on the basis of their personal dress choices.

d. Violence against women (article 7)

18. The commission has alerted Morocco in 2004 to the high rate of domestic violence and urged it to take the necessary measures to fight this phenomenon. However, more than 10 years later, the phenomenon is still on the rise and the government has been unable to enact laws preventing it.

19. The current penal code, dating from year 1962 and amended in 2003 to include some important provisions to enhance the protection of women, remains insufficient to protect women from violence. It should be noted that the government has presented the law draft No. 13-103 on preventing violence against women in 2013; however, the text hasn’t seen the light until this date, almost two years later.

20. Physical abuse between married couples is the most common type of violence in the Moroccan society. Courts have dealt with many cases. If the remedy to such a phenomenon is found through social and educational approaches to prevent the aggravation of this phenomenon; the injunctive approach should not be underrated. Hence, the government should deal firmly with the perpetrators of this type of crime; through raising the penitentiary sentence for the case of assault on women to protect them, considering that they are the weak link when conflict occurs in the family; as well as through the development of alternative punishments to contribute to the reduction of this phenomenon. In this regard, the penal code’s approach to the

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¹⁰ Report by the German Channel Deutsch Fila in its written report.
phenomenon of violence against women remains insufficient, since it only considers one form of punishment which is imprisonment, one that proved inefficient especially since the aggressor often goes back for revenge.

21. Field experience has shown that women are more prone to physical abuse from their husband when they exercise their right to seek a divorce after the impossibility of living with them under one roof, for certain reasons. It has also been demonstrated that the most dangerous cases of physical abuse against women happen through beating and wounding using sharp tools on the level of the face or other sensitive areas to tarnish their beauty\textsuperscript{11}. Such attacks happen usually immediately after submitting requests for divorce before the court; the thing that justifies the need for more protection for women during this stage from any potential threat or assault inflicted by the husband. And the most effective measure would be to prevent the husband from contacting her.

22. Sexual harassment is a type of violence that is not criminalized under the Moroccan Penal Code, except in the case of harassment inflicted by one having power over the victim Chapter 503-1, making it insufficient to deal with cases of street harassment. Harassment also poses the problem of providing proof for it since the legislature makes it subject to the general rules of evidence which pushes women not to present complaints or go to court. Here, the outstanding decision issued by the Casablanca Court of appeal on the issue of harassment should be noted: Court of Appeal in Casablanca in the file number 5382/2005 dated 17/05/2007 considered that sexual harassment is a form of women degradation. A part of its decision was as follows: "Sexual harassment is a form of women degradation and humiliation, and it is a form of injustice to its humanity in accordance with Islamic law and international conventions ratified by Morocco". This resolution was based on Article 5 of the Universal Declaration of Human Rights, which condemns any degrading treatment, as well as Article 7 of the international Covenant on economic, social and cultural Rights on “the right of

\textsuperscript{11}\textit{Media covers, almost on a daily basis, cases of husbands abusing their wives during the period of divorce}
everyone to the enjoyment of just and favorable conditions of work”. The Court has ruled in favor of the victim requesting a compensation of 145865 dirhams.

**Suggested Recommendations in this regard:**

- What are the legal and regulatory measures that the government intends to take to promote the protection of women from all kinds of violence directed against them?
- We hope that the government submits an explanation regarding its policy on shelters for women victims of violence and the psychological support provided to them;
- We request that the Moroccan government be asked to present the necessary clarifications regarding the protection of women from violence: Will there be resort to the measure of prohibiting contact with the victim as a preventative way if the wife files a complaint before the Public Prosecutor, alleging she feels or receives threats of assault?

**e. Women Employees (articles 3 and 23)**

23. Women's presence in decision-making positions in public service remains less than the required level especially that the rate of feminization of the administration is on the rise. As a matter of fact, in spite of the organizational law stating to seek equality on the appointment in senior positions, the actual rate is still low since it does not even amount to a third of the positions. For example, in 2014, no woman was appointed as general secretary or general inspector, while there were appointments as directors but at a low rate: 11 women directors for the 106 men directors (10.3%).

24. The weak representation of women in decision-making positions conceals other issues. The process of continuous monitoring, carried out by NGOs affiliated to the network of Forum Azzahrae for Moroccan Women through their varied activities and services offered to women,

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12 Report on Human Resources in the public administration year 2014, p32, [link]
revealed the suffering experienced by working and employed women as a result of the work-family roles and the negative repercussions of this on their family life and career.

25. The results of field research, done by the Forum through a representative sample of 341 women from several Moroccan cities of different administrative levels, age groups and social backgrounds, allowed shedding light on the nature and magnitude of the problems faced by employed mothers. In fact, 78% of the women complained from tiring working conditions, especially since more than 50% of them spend time after work in doing household chores and the studying with children in the absence of any assistance. The results have also showed that most respondents considered that the current legislative provisions are unfair to women regarding administrative leaves related to childbirth and pregnancy.

26. The official figures provided by the Ministry for Public Function and Modernization of Public Sectors requires public policies and legal system to take into account the basic needs of such a wide range of female citizens. As a matter of fact, these numbers indicate the increase in the proportion of women employees in the public service, which has moved from 34% in 2002 to 38.6% in 2012; in addition to the fact that it ranges between 32% and 58% in 75% of the sectors.

27. The study carried out by the ministry in question\(^{13}\), on a sample of 430 male and female employees, revealed that all respondents consider the achievement of a work-family balance a real requirement to modernizing the public service, whether it is to enact measures and procedures that allow employees (men and women) to fulfill their family obligations or measures related to career advancement and access to senior positions in accordance with the principles of equality, fairness and equal opportunities.

**Suggested Recommendations in this regard:**

- We suggest that the government be asked about legal and regulatory actions taken to increase the presence of women in

decision-making positions in the public administration, such as favoring women in accessing positions and tasks, everything else being equal.

- We ask that the government be urged to amend the Public Administration Act in the direction of providing options for employed mothers to work remotely or part-time in exchange for half pay, as well as allowing for 6 months long leaves, with the possibility of renewal for one time at half pay and a second time without pay.

f. The image of women in the media (Article 2 and 3)
28. The government has prepared, in 2005, the National Charter for improving the image of women in the media, calling for the non exploitation of women bodies in commercial advertising, through gestures, pictures, symbols or phrases detrimental to the image of women or affecting their dignity or confining them in inferior roles; and for the focus on the role of women as economic, social and political actors and taking into account the cultural and social diversity of women.

29. The High Authority for Audiovisual Communication was entrusted with the role of preventing discrimination against women in the media through its supervisory role and oversight over the respect for the principles of equality and non-discrimination and the fight against negative stereotypes towards women. These measures had a positive impact on the presence of women in audio-visual media: the interventions of female public figures in the news increased significantly to represent 9.83% during the second quarter of 2014, compared to 5% in the same period of 2013.

30. However, despite the efforts made to have a descent representation of women in the media, the overall image is one that is negative. And if we take into account the role played by the media in building opinions, attitudes and behaviors, as well as its role in the political, cultural and social upbringing, the reflection of such an image has adverse effects on women and, by extension, on the society, which makes it complicated to convince the latter of the positive roles of women in public life.
31. The negative image presented by the national media about women reflects an apparent contradiction to the recipient, a contradiction between governmental and political programs calling for the participation of women in the advancement of society and their access to decision-making positions, and the image conveyed through the media through broadcasting advertising spots exploiting women bodies for the promotion of unrelated products or ads that offer a gender in the role of dominance against the other (such as an ad which highlights the wife being afraid of the return of her husband to the house before the completion of the cleaning in order to promote a user friendly detergent).

**Suggested Recommendations in this regard:**

- We request to urge the government to amend the legal and organizational provisions in a way to contribute to improving the image of women in the media; namely through the amendment of the audiovisual communication law and the inclusion, in Article 2 and Article 67, of clear and precise requirements on the need to protecting the image of women in the media while determining penal sanctions for violators;
- Urge the cinematographic center into incorporating, into the film production funding policy, clear standards to take into account the protection of the dignity of women;
- Increase the number of advertising spots with educational and awareness-raising purposes, besides commercial publicity;
- Establishing an ethics charter for advertising agencies and a text of law that strictly prohibits the broadcast of advertising spots degrading the human dignity of women and men alike.
Appendices

Appendix 1:

Parallel report to the sixth periodic report of Morocco: The International Covenant on Civil and Political Rights

Appendices

Appendix 1:
### Appendix 2: List of the NGOs in the Forum’s Network

<table>
<thead>
<tr>
<th>Organisation Name</th>
<th>City</th>
<th>اسم الجمعية</th>
</tr>
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<tbody>
<tr>
<td>Association Karama pour le Développement de la Femme</td>
<td>Tanger</td>
<td>جمعية كرامة لتنمية المراة</td>
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<td>Association Ressala pour le Développement des Compétences Féminines</td>
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<td>جمعية رساله لتنمية مهارات المراة</td>
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<td>Coalition citoyenne pour protéger les droits constitutionnels des femmes et des enfants</td>
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