

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 40TH SESSION MOROCCO, COMBINED 3RD AND 4TH REPORT 24 JANUARY 2008

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Information submitted to the Committee

On 18 September 2006 Morocco submitted its combined 3rd and 4th periodic reports to the Committee to Eliminate All Forms of Discrimination Against Women (the Committee) regarding its implementation of the *Convention on the Elimination of All Forms of Discrimination Against Women* (the Convention).¹ The Convention entered into force in Morocco on 21 July 1993 with several reservations.² Morocco's lengthy report focused primarily on national legislative reforms, political representation, and violence against women.³ Specifically, the delegation noted reforms to its family law, as well as new non-discrimination measures in its Penal Code, Code of Criminal Procedure, and Labour Law as evidence of its efforts on behalf of women's rights.

On 16 August 2007 the Committee provided the list of issues to the State party. The Committee was concerned mainly with efforts to increase women's representation in decision-making roles. Additionally, the Committee addressed questions about Morocco's policies on women's employment, education, and health generally, but also rural women specifically. In response to the Committee's questions, the State party submitted written and oral replies. It pledged to withdraw several of its reservations on the Convention,

¹ CEDAW/C/MAR/4, 18 August 2006. Available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40>.

² Available at: <http://www2.ohchr.org/english/law/cedaw.htm>.

³ CEDAW/C/MAR/Q/4/Add.1, 15 November 2006. Available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>.

continue its gendered approach to legislative reforms such as gender-based budgeting, and expand female representation in both national and local government.

Three United Nations organisations (the International Labour Organization (ILO), the Food and Agriculture Organisation of the United Nations (FAO), and the United Nations Educational, Scientific and Cultural Organisation (UNESCO)) submitted reports to the Committee. The ILO report stressed the disproportionate effects of unemployment on women, as well as discrimination in pay and the need for objective job evaluations. The FAO report acknowledged campaigns underway in rural Morocco to improve food resources, while UNESCO noted Morocco's recognition of women's research in science and health.

Two non-governmental organisations (NGOs) submitted alternative reports to the Committee on the women's rights situation in Morocco.⁴ The Association Démocratique des Femmes du Maroc (ADFM) prepared a comprehensive report and identified several positive reforms by the State party. These included legislation to counter discrimination against women, namely changes to the Family Code, labour laws, and transferability of citizenship, a new gendered approach by the Ministry of Economy and Finance and the Department of Planning, and government programmes that promoted women's rights as part of human rights generally. Yet ADFM also noted several shortcomings, including Morocco's failure to comprehensively incorporate the Convention into domestic legislation, to formally withdraw reservations and to accede to the Convention's Optional Protocol. The NGO also regretted the State party's failure to increase women's political participation and office holding, and to combat stereotypes about women and girls. Specifically, ADFM recommended that Morocco:

- Formally declare international law's precedence over domestic law.
- Create quotas for women in office.
- Allow women to transfer their nationality to their foreign husbands.
- Ratify the *Convention on the Nationality of Married Women*.
- Improve educational standards as mandated by the Convention on the Rights of the Child.
- Expand non-discriminatory measures in employment.
- Develop free health care and increase training for medical staff.
- Revise the Penal Code, especially those provisions that relate to rape.

Themes and issues

The Moroccan delegation was headed by Mrs Nouzha Skalli, Minister for Social Development, the Family and Solidarity. A number of other delegates participated in the dialogue with the Committee, namely Mrs Hind Jalal and Mr Saïf Eddine Snoussi from the Ministry of the Economy and Finance, Dr Abdelouahed Zirari from the Ministry of Health, and Mrs Saadia Drissi Amrani from the Ministry of National Education.

The Moroccan delegation's lengthy opening statement highlighted the State party's progress. For example, since the delegation's last report, it had withdrawn several reservations to the Convention, and had also adopted new family and criminal laws to further protect women. Morocco also initiated new national policies, such as gender-based budgeting procedures, as well as improved education and training programmes for State officials and children on women's rights.

Despite the focus on positive achievements, the delegation noted areas where the State still needed to do more to establish gender equality in Morocco. Mrs Skalli admitted that while Morocco had accomplished several of its goals since the last periodic report, much remained to be done.

⁴ Available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>.

The Committee appeared to share that sentiment. Throughout the session, Committee members congratulated the delegation for many of its policy changes, but also had many questions and comments about what Morocco should do next. The Committee thanked Morocco for its detailed report, but pressed the delegation to explain how it would move forward given Morocco's often conservative culture and limited resources.

Status of the Convention in domestic law

The Committee first addressed the status of the Convention in Moroccan law. When the State party acceded to the Convention in 1993, it submitted several reservations and interpretive declarations.⁵ The delegation claimed that the State began the process to withdraw reservations and join the Optional Protocol to the Convention in March 2006. It intends to replace all reservations with interpretive declarations to define the Convention's content precisely, which would also allow the State to preserve its existing family law. To date, Morocco has lifted its reservation to Article 9 and declaration to Article 15. As further evidence of positive reforms, the State party cited the decision to replace its reservation on controversial Article 16 with an interpretive declaration.⁶ The Moroccan delegation stressed that it is gradually moving towards unconditional membership and accession to the Optional Protocol. The Committee however, specifically Committee members Schöpp-Schilling and Battan, expressed some concern that Morocco has yet to fulfil these promises and deposit its withdrawal of reservations with the United Nations Secretary-General respectively to accede to the Optional Protocol.

In response to Committee member Flinterman the State party affirmed that Morocco treats international conventions (to which it is a party) as superior to domestic law in the event of conflict, pointing specifically to Article 113 of its Penal Code. Mrs Skalli claimed that recent jurisprudence from the Ministry of Justice further confirms the primacy of international law in Morocco. While she did not cite the cases by name, she mentioned, most notably, a decision from 2000 by the Moroccan Supreme Court. The decision held that Article 11 of the *International Covenant on Civil and Political Rights* trumps domestic law.

The Moroccan delegation went on to describe several reforms within domestic law that have improved women's rights since its last report to the Committee in July 2003. These included a revised family law code that eliminates the need for a father's approval for marriage, introduces gender equality for the age of consent, and provides better access to divorce proceedings and related protections for women and children. Committee member Shin thanked the delegation for these efforts, but also expressed concern about the limited practical circumstances under which a woman could use the new family code rules. When pressed about local judges' reluctance to use the new family law on behalf of women, the delegation merely responded that there were 'signals' and 'cues' that women could use to convey to a judge that there were legitimate grounds for divorce.

While the Committee was receptive to the explanation that social conditions keep divorce and similar proceedings taboo, the Committee stressed the need to change those mentalities. In response, the Moroccan delegation argued that social norms do not shift immediately, and furthermore, that the State party had initiated awareness-raising activities about these laws. These included annual assessments led by the Ministry of Justice about the reforms' use (next scheduled for February 2008), access to training and literature for judges, establishment of family courts within tribunals, and the increased representation of female judges within family courts.

In its concluding observations, the Committee called for Morocco to officially withdraw its reservations to the Convention by notifying the Secretary-General of the United Nations and to continue its efforts to become an

⁵ Morocco reserved on paragraph 2 of Article 9 (gender equality in transfer of citizenship); Article 16 (rights and responsibilities in marriage and childrearing); and Article 29 (dispute resolution under the Convention). It also issued interpretative declarations on Article 2 (immediate implementation of gender equality measures) and paragraph 4 of Article 15 of the Convention (legal status of women).

⁶ Article 16 of the Convention requires State parties to take 'all appropriate measures' to create complete gender equality in marriage and childrearing. Because of Morocco's relatively conservative culture, equality of this kind remains controversial.

unconditional party to the Convention and to accede to the Optional Protocol. Furthermore, the Committee asked the delegation to formally declare the supremacy of international conventions within the domestic legal order.

Non-discrimination

The delegation assured the Committee that gender equality remains a priority for Morocco. Mrs Skalli stressed the State's use of gendered perspectives in setting its legislative goals and policy making. Committee members appreciated these efforts, but were concerned that they were primarily aspirational. Currently, the efforts were merely government declarations, pledges, or pending initiatives.

Committee member Flinterman suggested that, if the State intends to use a 'gendered approach' to promote equality, it should define gender discrimination more precisely. Committee member Patten also pushed the delegation to answer whether the principle of non-discrimination will be formally incorporated into the Constitution. In response, the delegation pointed to several legislative reforms:

- Elimination of discriminatory provisions in the Penal Code.
- Increased protection of women's human rights in the Code of Criminal Procedure.
- Creation of equality in job opportunities.
- Criminalisation of sexual harassment.

Morocco also highlighted the work of several institutions tasked with improving human rights in general, and gender equality in particular. The Committee was especially interested in Morocco's Advisory Council on Human Rights (Advisory Council), which the State party created in accordance with the Paris Principles in 2007.⁷ The Advisory Council administers hearings on human rights abuses and offers compensation to victims.

Committee member Schöpp-Schilling also praised the delegation for the work of its Justice and Reconciliation Commission, which studies human rights violations of the past. The Reconciliation Commission has established various development programs to assist both male and female victims. Beginning in 2007, this body began offering global health coverage to victims.

Women are especially well represented on Morocco's Consultative Committee on Human Rights (Consultative Committee), which also has the power to compensate victims of human rights violations. This agency appears to wield even greater power through publication of its annual reports and recommendations to the State to improve compliance with international law. However, the Committee questioned whether any of these bodies address sexual violence.

Committee members Chutikul and Dairiam also asked several questions about the National Initiative for Human Development (INDH). Launched in 2005 by King Mohammed VI, INDH seeks to end gender and regional inequalities in relation to economic, social and cultural rights. Mrs Skalli reported that all INDH programs have some female representation and incorporate a gendered perspective. INDH efforts emphasise female participation and local mobilisation. In the past, Morocco's development programmes focused on providing direct aid, like money or services, to women. Through INDH, Morocco has shifted to a support model that allows women to personally participate in the generation of their income, for example through microfinance programmes.

⁷ The 'Paris Principles' were adopted by the United Nations General Assembly as an Annex to *Resolution 48/134*. They define the role and functions of national human rights institutions in the promotion and protection of human rights. Available at: <http://www.un.org/Depts/dhl/res/resa48.htm>.

One of Morocco's proudest achievements on behalf of women's rights was its new 'gender-responsive budgeting' which began to be implemented in 2002. Committee member Chutikul asked for details about how allocations were made and what performance indicators the State party was using. Mr Snoussi from the Ministry of Finance reported that the primary goal of this new procedure is to respond to the different needs of men and women across Morocco through 17 coordinated departments. The programme's budget increased by 16% between 2007 and 2008, from 395 million dirham to 460 million dirham.⁸ Through gender responsive budgeting, Morocco narrowed the gender gap in illiteracy and also improved access to clean water and electricity.⁹ To educate government officials about this programme, Morocco's Ministry of Finance and the United Nations Development Fund for Women (UNIFEM) prepared a guidebook on budgetary reform, which is now available to members of Parliament. The Ministry also produces an annual 'gender report' to assess the success of GRB and develop strategies to improve its effectiveness.

In its concluding observations, the Committee applauded Morocco's timely report, and the numerous of legislative and policy reforms it implemented on the domestic and international level to promote women's rights.¹⁰ Domestically, the Committee appreciated Morocco's efforts to eliminate discriminatory language in its Penal Code, and to adopt progressive legislation like the Family Code, Nationality Law, Labour Code, and Code of Criminal Procedure. However, the Committee reiterated its concern that Morocco's Constitution still lacks specific mention of gender equality, as required by the Convention. The Committee also asked that the State intensify awareness-raising activities and trainings on new legislation. In its next report, Morocco is to provide information on relief available to victims of gender discrimination.

Political representation

One of the signs of improvement in Morocco is the growing number of women office holders at the national and local level. Most notably, seven women were appointed to the cabinet in 2007 and women represent 10.8% of the House of Representatives. A delegate from the Ministry of Religious Affairs also reported that each of the Ministry's 22 councils included at least one female member. The delegation admitted, however, that such strides owe mainly to informal affirmative action measures. The State is still considering whether it will implement a formal, institutional affirmative action policy.

Committee member Neubauer applauded Morocco's cabinet appointments, but questioned why female representation is so poor in other government departments. Committee member Gaspard urged the delegation to consider temporary special measures—as adopted by India—to improve women's representation in politics, particularly at the local level. The State party reiterated that it is still considering a formal quota for female candidates, or simply to pressure political parties to nominate female candidates. Given the impact women have on development, the delegation stressed that their participation will be a critical issue in the elections in 2009. Yet Morocco admitted that negative stereotypes faced by women remain the biggest obstacle to improving gender equity in political life. Mrs Skalli lamented that while female candidates are available, the electorate has not yet responded. Toward the end of the session, Committee members Begum and Halperin-Kaddari questioned whether efforts to increase women's political participation in rural areas has been a priority for Morocco, but the delegation did not respond specifically. Mrs Skalli noted briefly that education, training, and other services available to women in urban centres are also available to rural women.

In its concluding observations, the Committee urged Morocco to take more substantial legal steps, such as temporary special measures, to improve women's representation in political office. Specifically, the Committee asked the State to institute legal quotas for women during the 2009 municipal elections. The Committee also called on the delegation to increase public awareness campaigns to combat negative

⁸ Approximately \$50.9 million to \$59.3 million US Dollars.

⁹ Mr Snoussi stated that 92% of Morocco's population has access to clean drinking water, but did not mention a correlative figure for access to electricity. According to the delegation, women are generally responsible for getting water and working in the home, so these improvements have helped this group in particular.

¹⁰ CEDAW/C/MAR/CO/4, available at: <http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>.

stereotypes about women, and to increase women's own knowledge of their rights through literacy campaigns and improved access to legal services.

Violence against women

The Committee turned to questions on violence against women, particularly domestic violence, trafficking, and honour crimes.¹¹ The Moroccan delegation conceded that domestic violence persists in many forms but expressed its hopes that the situation will improve with the implementation of pending legislation that will serve to punish abusers. The Committee appeared sceptical of the success of the legislation the delegation mentioned because it lacks a specific definition of 'domestic violence.'

Chairperson Simonovich cited a rising number of domestic violence incidents as a cause for worry. Yet Mrs Skalli replied that the data actually shows that the situation is improving. She claimed that the figures increased only because women are more and more likely to report abuse and there are also better ways to analyse the statistics. Morocco's newest initiative is an observation centre, which studies governmental and non-governmental activities on domestic violence to develop institutional recommendations for curbing such violence. The delegation also pointed to the success of its call centres and health centres that support victims medically and psychologically. The Health Ministry stated that it hopes to provide victims with access to health professionals nationwide soon.

Despite the number of legislative reforms underway, the Moroccan delegation repeatedly stressed the importance of its efforts to combat negative stereotypes about women. To that end, the State has run advertising campaigns for the past ten years about violence against women and recently began a programme to educate youth about such abuse. The State also promotes women's rights through coordination between the Ministry for Social Development, the Family and Solidarity and the Ministry of Islamic Affairs.

The delegation was less detailed about other kinds of violence such as trafficking and spousal rape, despite several questions from Committee member Chitukul. An advisor to the Ministry for Social Development merely stated that the Morocco has criminalised trafficking but did not elaborate further. In response to questions about marital rape and its potential criminalisation, the delegation said only that the Criminal Code does not explicitly address marital rape. Mrs Skalli admitted that while current legislation sees such abuse as part of a woman's 'conjugal duty', the Ministry for Social Development recognises that any violence in the family must be condemned. She regretted that Morocco's legal tradition has hindered more progressive legislation, but noted also that women can still lodge complaints and that their attackers might be prosecuted.

In its concluding observations, the Committee further urged Morocco to adopt legislation that criminalises all forms of violence against women, including spousal abuse, as well as measures to prevent trafficking. Furthermore, the Committee asked the State to conduct studies to determine the prevalence of violence against women and the actual impact of State policies to curb such violence. In addition, the Committee called for the State to formally criminalise marital rape and ensure that the rapists are prohibited from marrying their victims to escape prosecution.

Labour

Regarding women's labour rights, the Committee focused mainly on new labour code provisions, employee benefits, and women in the informal labour sector. Committee member Patten was particularly vocal in this discussion. She inquired not only about government efforts to publicise the new labour code, but also more specifically about job segregation, gender-based disparities in pay, access to jobs, and domestic workers. Committee member Coker-Appiah echoed these concerns, and additionally asked about the female-dominated

¹¹ There is no official legal definition of 'honour crime'. However, honour crimes are those committed against women as punishment for actions that allegedly tarnish their families' reputation. These crimes include everything from forced marriage to rape to murder.

textile industry, where 85% of women work without contracts. The delegation was quick to note that in general, fewer women work in the informal sector than in the past. However, the delegation also conceded that an alarming 84% of rural women are still employed as domestic workers. There were some successes in this industry, including a pending law to monitor domestic sector employment, a publicity campaign to raise awareness about the perils of such labour, and an increasingly organised civil society that actively lobbies for change.

Regarding employee benefits, Committee member Shin congratulated the State for extending the maternity leave period from 12 to 14 weeks, but questioned why 80% of women still did not have access to this benefit at all. The State party responded that it has an active policy to expand social security for women, which includes healthcare and the right to retirement. Committee member Coker-Appiah pushed for more specific information on rural women's access to employment benefits, but the delegation simply referred again to draft legislation intended to monitor employment dynamics.

There was limited discussion about women's employment in Western Sahara. Mrs Skalli simply noted that Morocco's general labour policies are applicable in this region as well. The delegation also mentioned Western Saharan women have benefited from increased investment in the region, as well as affirmative action policies. It did not identify any specific measures or projects in place.

In its concluding observations, the Committee asked that the State to do more to combat child labour by prohibiting the employment of children under the age of 15. On labour generally, the Committee urged Morocco to intensify its inspection procedures to assure comprehensive implementation of the Labour Code and also to eliminate gender-based occupational segregation.

Education

The Committee expressed concern about the educational disparities among men and women in general, but especially about poor educational services for rural women. Vice-Chairperson Simms asked specifically about why there are more preschools in urban centres than in rural areas, and about what kinds of career counselling services are available to students. The delegation reported general improvements in education, including rising primary school enrolment among girls in rural and urban areas¹² and literacy rates.¹³ Committee member Xiaoqiao reminded the Moroccan delegation that its intention to cut illiteracy by 20% by 2020 would require it to close both the gender and regional gaps in education.

In 2002, the State party established guidelines through the National Education and Training Charter, which included the following measures:

- A formal strategy to incorporate gender equality and equal opportunity into the educational system.
- Textbook review commissions guided by human rights principles.
- A media campaign to combat female stereotypes.

That same year, the State party passed legislation that made education mandatory, established a school monitoring system, encouraged schooling in rural areas, and increased budget allocations for education. But similar to the discussion around labour issues, the Committee continued to press the delegation to explain how it intended to fund various educational programs.

¹² Nationally, primary school enrolment increased from 74.2% in 1999-2000 to 90.1% in 2005. Most recent statistics show that 95.7% of girls in urban areas are enrolled in primary education, compared to 84.3% of girls in rural communities.

¹³ According to the delegation, illiteracy dropped from 43% in 2004 to 38% in 2007.

The Committee inquired whether the delegation had made more progress since 2006, when the Special Rapporteur on the right to education, Mr Vernor Muñoz Villalobos visited Morocco.¹⁴ However, the delegation repeated the literacy statistics it had cited earlier, as well as the improvements Mr Villalobos identified in his report. Like Mr Villalobos, the Committee worried that rural girls, street children, and disabled children still lack meaningful access to education.

The Committee congratulated Morocco in its concluding observations for ratifying both Optional Protocols to the *Convention on the Rights of the Child*. The Committee urged the State party to do more however, to ensure that all girls and women have access to education. To do so, the State party must improve access to water and electricity, canteens, and boarding facilities, which will improve educational access. But the Committee asked the party to expand its awareness-raising campaigns, to educate women about their rights and also to combat negative stereotypes about them. The Committee also concluded that Morocco must institute comprehensive formal and non-formal programs to educate children, as well as adults.

Health

The Committee's discussion of healthcare was particularly lively regarding reproductive health. Morocco's infant mortality rate between 1993 and 2003 was a shocking 227 deaths per 1,000 live births. The delegation was the first to acknowledge that the State must do more to reduce this figure. It explained that there is a commission tasked with developing recommendations to that end. Specifically, the State party established training programs on infant care for health professionals, an audit procedure to investigate each infant death, and also intends to create a National Observatory on maternity mortality. Morocco reported that 117 health centres are to be reopened across the country, and that the Ministry has received a larger budget allocation than in the past,¹⁵ which it intends to use to increase medical services in rural areas. Committee member Xiaqiao questioned the criminal status of abortions as well, but the delegation did not respond directly.

Committee member Tan asked further about the health of rural women given the lack of development in rural areas. Ms Shin echoed these concerns, asking specifically about health programs for disabled and elderly women. The delegation claimed in response that many health concerns in rural areas are attributable to climate change. Rising temperatures have caused longer droughts, which have in turn complicated access to clean drinking water. Limited potable water has also increased school and job absences. The delegate from the Ministry of Finance argued that living conditions in rural areas have improved generally because of electrification, a trend that should continue thanks to Morocco's increasing use of solar energy.

In its concluding observations, the Committee called on Morocco to increase women's access to reproductive health care and family planning services. Moreover, the Committee asked the State party to intensify its awareness campaigns on the importance of health care and information on sexually transmitted diseases.

Nationality

Committee members Belmihoub-Zerdani and Flinterman questioned Morocco's discriminatory policy on the transfer of citizenship between spouses, whereby a foreign wife can gain citizenship from her Moroccan husband, but a foreign husband cannot gain the same from his Moroccan wife.¹⁶ Mrs Skalli did not respond

¹⁴ A/HRC/4/29/Add.2. Full report available at: <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsf-m.htm#morocco>.

After meeting with several governmental and non-governmental officials, Mr Villalobos issued a number of observations and preliminary conclusions. He applauded Morocco's educational reforms, including ratification of the Convention on the Rights of the Child, adoption of the National Charter for Education and Formation, creation of the consultative High Council on Education, incorporation of human rights into the national curriculum, and use of gender-based budgeting procedures. However, Mr Villalobos recognised that rural children still lacked access to education, a problem further complicated by child labour. Mr Villalobos recommended that the State adopt specific legislation to ban child labour, establish educational minimums for access to employment, and monitor street and working children. He also pressed Morocco to do more to combat gender stereotypes.

¹⁵ Dr Zirari reported that his Ministry's budget is currently 1 billion dirham, or approximately \$128.9 million US Dollars)

¹⁶ *Constitution of Morocco*, Articles 9 and 10.

directly to the question, explaining rather that women cannot be stripped of their nationality unless they so choose, and that moreover, women can now transfer their nationality to their children.¹⁷ The State party insisted that nationality transfer involves more complex policy considerations than simple gender discrimination, and that the recent gains in citizenship transfer are merely the beginning of the reforms it intends to initiate. The Committee pressed the delegation further for reasons why the disparity exists. Mrs Skalli instead turned to improvements to women's access to political rights generally.

The Committee in its concluding observations called on Morocco to amend all discriminatory provisions on women's rights in the Nationality Code.

Marriage

The Committee finally turned to marriage practices, focusing mainly on polygamy, early marriage, and women's access to divorce proceedings. While praising Morocco for its accession to the *Convention on the Rights of the Child* (CRC), the Committee pressed the delegation to identify what measures were in place to prevent early marriages in rural areas. Mrs Skalli claimed that despite the State's efforts, judges often abuse their power to allow such marriages. Moreover, rural women themselves circumvent laws to marry off their young daughters. Committee member Tan applauded the 6.7% reduction in polygamous marriages and asked for updated figures. The delegation reported that polygamy was on the decline, but deferred until later to provide specific data. Ms Schöpp-Schilling asked whether the State regulates polygamy differently in rural areas, but the delegation did not specifically respond.

On the issue of divorce, the Committee asked whether divorce proceedings are usually handled by family courts, what proportion of these cases were filed by women, and whether mediation is a pre-requisite to a formal divorce process. Judges will generally only authorise a divorce if the claimant meets certain criteria. (The delegation did not provide details on what those criteria were, however.) Mrs Skalli admitted that Morocco needs new family legislation but that such projects have been met with opposition from the country's relatively conservative culture. Until new legislation can be passed, Morocco has responded to the problem by providing training to its judges to ensure that do not abuse their power to deny a divorce when one is warranted.

In its concluding observations, the Committee first urged Morocco to impose a strict age minimum for marriage and formally ban polygamy. The Committee also asked that the State party amend the Family Code to approve child marriages only 'under exceptional strict mandatory legal conditions' and to eliminate any discriminatory provisions relating to divorce or custody of children.

Conclusions and next steps

The Chairperson thanked the delegation for its presentation and applauded its progress thus far. The Committee closed its discussion with observations and comments. Several Committee members urged the delegation to immediately withdraw its reservations. Committee member Tavares da Silva suggested that Morocco shift from the French term 'droits de l'homme' to 'droits de la personne humaine' to remove this gender bias in the struggle for equality.¹⁸ The Committee repeated its concerns, as it had at the close of each topical discussion, that the Government of Morocco lacked the necessary funding to execute its planned initiatives. It asked the delegation to provide concrete details of how it intended to pay for the various programmes it reported to the Committee. Finally, Ms Schöpp-Schilling asked whether Mrs Skalli

¹⁷ *Family Code*, Article 54; *Nationality Act*, Article 6.

¹⁸ The traditionally used term for human rights in French 'droits de l'homme' corresponds to the 'rights of man'. 'Droits de la personne humaine' ('the rights of the human person') more aptly captures the concept of human rights.

independently had the authority to initiate legislation, even if such legislation concerns responsibilities of other ministries.

Because of limited time, the delegation did not answer the Committee's final questions and comments individually. Instead, the Chairperson gave the floor to Morocco's permanent representative to the United Nations Office at Geneva, Ambassador Loulichki. He closed the session by assuring the Committee that he will not be passive on women's issues. As social mentalities change, the Ambassador said, Morocco would expand its social policies and programmes. Its current focus is to continue to withdraw its reservations to the Convention by adopting compatible domestic legislation.

A number of other UN treaty bodies made previous concluding recommendations on the issues addressed by the Committee. The Committee on Economic, Social, and Cultural Rights urged the State to intensify efforts to combat unemployment, and also to begin regulating the working conditions of domestic workers, echoing recommendations made by that Committee six years prior.¹⁹ The Human Rights Committee asked the State party to adopt legislation against child labour and officially ban polygamy.²⁰ These committees, among others, echoed the same concerns as the CEDAW Committee regarding gender equality in Morocco.

The Committee asked the State party to respond to the Committee's concerns in its next report, which Morocco was invited to submit as a combined fifth and sixth periodic report, in 2014.

Last revised and updated: 21 February 2008.

¹⁹ Paragraphs 18 and 40 E/C.12/MAR/CO/3 (CESCR 2006); Paragraph 45 E/C.12/1/Add.55 (CESCR 2000).

²⁰ Paragraphs 30 and 31 CCPR/CO/82/MAR (HRC 2004).

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The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the six treaty bodies (all but the Committee on the Rights of the Child) and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm>.

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