

Women's Rights in Morocco: Assessment and Perspectives

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Hayat Zirari

Professor of Anthropology
Hassan II University, Mohammedia
Ben Msik Faculty of Humanities, Casablanca
Chair of Social Sciences and Governance, Euro-Arab
Foundation, University of Granada

Women's first demands for equal rights in the history of Morocco revolved around the reform of personal status regulations and family laws beginning in the late 1940s. The debate on personal status continued in Moroccan politics until the year 2000.

The evolution of women's rights also reflects Morocco's socio-demographic evolution. Morocco today has a greater urban than rural population. The decrease in fertility rate, the rise in the average age of first marriage, access to education, training and paid employment testify to the significant social and cultural transformations affecting women's lives. Morocco today has changed, both in its economic and social profile, as well as on the political level.¹ These changes confirm the need to ensure an equal status for men and women with regard to human and social development.

The mobilisation of women's NGOs since the end of the 1980s has allowed the onset of significant legal reforms.² These reforms could not have been passed into law without a major mobilisation led by diverse organisations, among them women's organisations, through networks and groups connecting civil society. Using proposals, memorandums, parallel reports, campaigns and lobbying, they managed to convince a large section of the political class to back their demands.³

Despite the constraints and difficulties encountered in putting it into practice, the reform of the Family Code constitutes the most important achievement to date of this national movement towards a social project based on the values of democracy and gender equality, a project that constitutes a fundamental imperative today, its objective being to mainstream the principles of gender equality in public policy.

Women's rights are an imperative for modernisation and democratisation. The rigid resistance encountered as a response to demands for social, political or cultural equality, in particular with regard to the Family Code (or Personal Status Code), are testimony to this.

Civil and Political Rights of Women in Morocco: The Advance of Mobilisation for Equality

The reform of the Family Code occurring in 2004 was the result of a slow progression, a long struggle and unrelenting engagement and effort over the course of more than fifty years by all human rights and women's rights advocates.

Background and Frame of Reference of Progress towards Equality: Women's Activism in the Past Decade

The process of women's mobilisation to fight for their rights dates back to the 1950s. The *Akhawat Safa* movement constituted the first nucleus of feminist

¹ Cf. Hayat ZIRARI, "Trajectoire des droits des femmes au Maroc : Progrès et résistances," in *Le Maroc d'aujourd'hui*, Paola GANDOLFI, ed., p. 226-244, Bologna: Il ponte, 2007.

² The reforms of the organic law of the Chamber of Representatives and the Electoral Code (2008), Nationality Code (2007), Family Code (2004), Labour Code (2004), Penal Procedure and Penal Codes (2003 & 2002), the Family Record Book (2002), as well as the Code of Commerce and of Obligations and Contracts (1995).

³ Cf. "Rapport parallèle des ONG," Morocco, 2004.

activists making fundamental demands (raising the minimum marriage age, abolition of polygamy, etc.). These pioneers in the struggle for women's rights triggered a process that has marked the different stages of the struggle for equality in independent Morocco.⁴

The controversy on the status of women in the family has brought up the issue of women in the private sphere and their movement towards the public sphere, and has turned it into a public and political issue

It was in 1958 that the Personal Status Code (i.e. Family Code) was passed, with a conception of hierarchisation of roles subjecting women to the authority of their husbands. The different attempts to reform this code (1961, 1968, 1982) had all failed, lending the text a nearly sacred aura and putting the issue of women and the family into a reserved sphere.

As of the 1970s, Morocco experienced a more open political atmosphere, particularly fostering the resumption of activities by opposition parties. In this environment of openness accentuated by a favourable international context (the UN declaration of the Decade for Women, 1976-1985; and the adoption of the Convention on the Elimination of All Forms of Discrimination against Women – CEDAW – in 1979), women's activism has allowed members of opposition political parties to open the debate on the issue of women's rights, and in particular on the revision of the Family Code (the *Mudawwana*). The 1980s saw the emergence of independent women's organisations. The issue of the emancipation of women and the demand for equality as a prerequisite for democracy was also put forth independently.⁵

The Personal Status Code enshrined the patriarchal model in which women are relegated to the status of reproduction. It was applied through its primary institutions (polygamy, repudiation, marital tutelage, in-

heritance inequality, the duty to be obedient) to a society undergoing change but that put the issue of women and the family in a sphere apart. The reform of 1993 succeeded in modifying certain stipulations of the Code without fundamentally changing the philosophy behind it (including the duty to be obedient and the supremacy of the husband's authority, etc.). This revision was nevertheless essential because it contributed to desacralising the text (the *Mudawwana*) and confirmed the need for continued activism towards its reform.

The controversy on the status of women in the family has brought up the issue of women in the private sphere, to which they have been relegated for too long, and their movement towards the public sphere, and has turned it into a public and political issue. By maintaining the pressure through unequalled social activism,⁶ the feminist movement, backed by civil society, has succeeded in defining a vision and a project for society. The stormy debate on the reform of the Personal Status Code (the *Mudawwana*) was an opportunity to pose the problem of the text's grounds, an opportunity that feminist associations seized, demanding an in-depth reform.

The expression of Islamist opposition to the reform of the Personal Status Code is actually a public confirmation of the existence of two concepts of the family advocating two different projects for society: a modern, progressive one advocating the principle of equal rights within the family, and another, conservative one based on the submission of the woman and the hierarchisation of roles.

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The new Family Code likewise advocates a change in conjugal relations from the model of obedience to

⁴ Rabéa NACIRI. *Le mouvement des femmes*, RDH50, 2004

⁵ Establishment of the first independent women's associations, the ADFM (Association Démocratique des Femmes du Maroc) and the UAF (Union de l'Action Féminine). Since the 1990s, activism by women's associations has been reinforced and diversified (broadly establishing itself in different fields of intervention, including politics, development and the struggle against violence) and has spread to different regions of Morocco.

⁶ The protest marches in Rabat and Casablanca in March of 2000 were the high point of this mobilisation.

one of consensus, as well as the establishment of reciprocity of rights and duties between the spouses. It prioritises negotiated forms of family conflict resolution (divorce by mutual consent, mediation). The conjugal relation now becomes based on mutual freedom of choice between partners.

This new stage requires not only making the acquis contributed by this reform effective, but also opening up new perspectives in order to consolidate equality as a priority field of democratic development for the country.

The controversial issues of abortion, inheritance, polygamy or conjugal rape are matters that must be put on the agenda for the legal, institutional and political reform necessary to lend content and meaning to the principle of gender equality and equity in the public sphere of action as well as the private one, within the family.

Women's Participation in Public, Civil and Political Life

By putting the debate on women's status, equal rights and the priority of improving women's condition in centre stage, feminist associations have refocused the debate around the issues of citizenship, modernity and democracy.

However, women remain very highly underrepresented in politics as well as in government decision-making bodies, among other things due to the non-institutionalisation of measures of positive discrimination such as quotas.

Even if the Constitution establishes the principle of equality and thus guarantees the exercise of public liberties for women and men, the field of responsibility and decision-making is more favourable to men and the participation of women in economics and politics remains low.⁷ Various causes can account for this backwardness, in particular the persistence of sexist stereotypes, discrimination in terms of access to resources and the weakness of social structures that could remedy the difficulties encountered by women in striking a work-life balance.

The presence of women in public decision-making bodies on the national, local and regional levels is low.⁸ The feminisation of public positions and the increase in the number of women holding such positions does not, however, mean there is equality or equal opportunity insofar as responsibilities and positions. Hence, despite laws, there are still obstacles in Morocco keeping women from attaining the decision-making sphere on an equal footing with men.

The field of politics remained particularly closed to women for decades. The formal presence of women in legislative and executive institutions has slowly progressed, while women have played a significant role in different levels of public life through active participation. Women's organisations are responsible for the progress made in women's participation in politics and in their being taken more into account in public policy and programmes.⁹

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The revision of the Organic Law on the Chamber of Representatives (Upper House of Parliament) in 2002 introduced the regional and national list system. In response to lobbying and activism by women's movements, the political parties decided to reserve all of the places on the national list for female candidates, thus allowing 35 women access to Parliament (30 elected through the national list and 5 through regional lists). As a result, Morocco is one of the Arab countries with the highest number of female representatives in parliament today (10%).

⁷ Morocco was ranked 124th among 134 countries in *The Global Gender Gap Report*, World Economic Forum, 2009, p. 142.

⁸ H. ALAMI M'CHICHI. *Genre et politique au Maroc ; les enjeux de l'égalité hommes-femmes entre islamisme et modernisme*, Paris: L'Harmattan, 2002. p.155 (www.cndp.fr/spino/cndp/frame.asp?Requete=Maroc)

⁹ The "Mouvement pour le tiers des sièges élus aux femmes, vers la parité" is a coalition of feminist associations working for women's access to decision-making positions and for women to be present in political representation. It has opened debate on the quota system and parity and proclaims the urgency of measures of positive discrimination with a view to reducing the gender gap in order to optimise conditions for equal opportunity.

SECOND MINISTERIAL CONFERENCE ON STRENGTHENING OF THE ROLE OF WOMEN IN SOCIETY

The Second Ministerial Conference on Strengthening the Role of Women in Society was held in Marrakesh on 11 and 12 November 2009. The Ministers of the 43 Euromed Partner Countries discussed the progress made in the struggle to eliminate discrimination against women, including migrant women, refugees and women living in rural areas, in need of particular attention. It was the Ministerial Conference of Istanbul in 2006 that lent the project for cooperation on women's rights real impulse through a joint declaration and the establishment of an action plan and a follow-up process, today called the "Istanbul Process."

Although the Ministers praised the progress accomplished, they nevertheless pointed out the extent of work that remains to be done and denounced the persistence of inequality. They also reiterated the commitments made by the Mediterranean partners in three key areas: civil and political rights, economic rights, and cultural and social rights:

- They first stressed the need to abide by international conventions and to amend any discriminatory laws that may still be in force in certain countries. Furthermore, the importance of women's access to positions of political responsibility and their inclusion in decision-making processes was also emphasised.
- Regarding women's economic rights, particular attention was paid to promoting equal opportunity in employment, especially the issue of access to corporate ownership, which could be facilitated by micro-credits. The second important point in this area was the implementation of policies enabling women to manage their own assets and resources.
- Finally, with regard to cultural and social rights, the ministers highlighted the progress to be made in the field of education and vocational training, as well as the specificity of women's needs in healthcare.

To attain these objectives, the role of civil society needs to be fostered and the importance of cooperation among the 43 countries and with international organizations should be emphasised.

The Ministers thus appealed to the UfM Member States to turn all of these recommendations into concrete policies and projects visible to the population. Six new projects have already been proposed:

- The Foundation of Women for the Mediterranean (France, Lebanon, Jordan and Morocco) will be a resource and training centre on gender equality and will host an observatory on violence against women in the Euro-Mediterranean Region. The Foundation also hopes to contribute to carrying out projects.
- The Centre for the Political Empowerment of Women (Egypt) plans to be a regional centre aiming to strengthen the qualities and skills of future female members of parliament.
- Information and Communication Technologies for Poverty Reduction (Egypt): the main objective of this centre will be to train women entrepreneurs by stepping up their ICT skills so that they may manage and market their products.
- Education and Training project for vulnerable women and girls (Jordan).
- Women's Safety project for vulnerable women and girls (Jordan).
- Women's Empowerment and Protection Media Network (Jordan).

The next Ministerial Conference on the Role of Women will take place in 2012.

For further information:

http://ec.europa.eu/external_relations/euromed/women/docs/2009_11_conference_en.pdf

By the same token, as with town councils, women's representation at the prefecture level and in provincial and regional government levels long remained negligible. Women's access to political decision-making positions and their participation in managing public affairs has been the focus of a multi-sector programme. In the 2009 local elections, 3,408 women were voted into office, as opposed to 127 in the preceding local elections (0.56% of local seats in 2003 as compared with 12% in 2009).

Violence against Women

Long confined to the secrecy of the home, violence against women has now been brought to the public and political light. The same is true of the thorny issues of single motherhood, domestic labour by girls and violence against women (including domestic violence), as well as sexual harassment at the work-

place, which is now penalized by the Labour Code since its latest partial revision.

Despite some progress (partial reform of the penal code, etc.), the measurement of the scope of violence against women remains insufficient. Apart from the data collected from dozens of counselling centres and networks of shelters for women victims of violence¹⁰ undertaken by women's associations, recognition of the phenomenon and its prevalence, as well as statistics on it remain insufficient.

Nonetheless, certain initiatives have partially lifted the veil on this phenomenon, but the legal framework for penalising violence against women is still lacking. Indeed, the debate on the reform of the penal code and the urgent need for a specific law on violence against women has mobilised feminist movements and formed part of their activism agendas for years.¹¹ An agenda for the consolidation of gender equality has been relaunched, namely through the creation of a new action front, "Le printemps de la dignité"

¹⁰ In particular the national network of counselling centres for women who have been the victims of violence, Anaruz: www.anaruz.org

(The Dawn of Dignity), a coalition for penal legislation protecting women from discrimination and violence.¹²

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A number of other actions and measures have been recently undertaken to improve the situation of women, the most important being Morocco's accession to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the announcement that it would revoke the reservations made with regard to CEDAW provisions, even if this revocation has not yet been made effective. And it cannot become effective unless the Moroccan government proceeds to deposit the instruments of reservation revocation and of Optional Protocol ratification with United Nations Secretary-General, thus guaranteeing the harmonisation of internal laws with the stipulations of the international convention.

Acquis and Limitations in Economic and Social Rights

The Rights to Education and Training

Of the 10 million Moroccans who do not know how to read or write, a majority (7 million, or 62%) are women. Women constitute a priority target in the struggle against illiteracy. Despite positive developments in said struggle, the number of illiterate people is tending to rise in accordance with demographic growth and the non-generalisation of rural schooling. There are not only gender inequalities, but also inequalities according to location, since there is a high-

er rate of illiteracy among rural women than among those living in urban environments.

Access to education and training constitutes a vector for integration into the labour market and society. It conditions perceptions of work, family and citizenship. A factor in decompartmentalising the public space and mainstreaming women's presence there, personal investment in training allows a reconsideration of the socially assigned roles and the construction of a future of equality. The schooling of girls, which began as soon as independence was gained, has provided the first generations of educated girls, who have therefore been able to access paid work and positions of public and political responsibility, but decades have been necessary to spread schooling such that it is not longer an essentially urban phenomenon.

After implementation of the national charter for education and training in 1996, the gender gap has tended to diminish at different levels of education but the urban-rural gap persists, illustrating the existence of a major geographical, social and gender disparity.

The Right to Work

The improvement of access to employment under equal conditions by both men and women is another issue of public policy in employment promotion that requires struggling against the different forms of labour market segregation (wage discrimination, non-remunerated female activity, higher rates of unemployment for women than men).

Despite the progress experienced in female employment rates, they represent such a small percentage of the labour force that Morocco is ranked one of the five countries with the lowest such percentage in the Middle East and North Africa (MENA) Region.¹³

Moroccan women represent only 25.5% of the active population and women's employment rate remains lower than men's. Active women are relatively more exposed to unemployment, in particular young women between 25 and 34 years of age. This rise in women's unemployment reflects the great fragility of their integration in the workforce.

¹¹ A bill of law against domestic violence is being studied. The Ministry of Social Development has initiated consultation with the different associations, counselling centres and government ministries.

¹² The "Printemps de la dignité" (Dawn of Dignity) coalition, its name being a reference to "Printemps de l'égalité" (Dawn of Equality), presented its objectives and main strategy lines at a press conference in Casablanca during the month of March 2010.

¹³ Kingdom of Morocco, *Millennium Development Goals: 2007 National Report*. September 2008, p. 31.

Moreover, the majority of employed women are illiterate (58.9% of women and 32.9% of men). Among rural women, the illiteracy rate rises to 84% and the majority of women who are working are not remunerated (work for the family and apprenticeships).

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Unpaid work for women is an overwhelmingly widespread phenomenon. Women who are active without remuneration represent nearly 31% of the total working female population (84% of women in rural areas). This situation has detrimental effects on women's degree of independence and their capacity for negotiation within the family. Despite the law establishing strict wage equality for the same work, gender-based wage inequality predominates. In civil servant or government positions, women (who represent nearly a third of the State's personnel) receive only 29% of the gross annual payroll.

Right to Social Protection

The reform of the labour code has allowed salaried workers' legal conditions to improve,¹⁴ but labour law regulations are not always abided by, in particular in small and medium-sized enterprise.

Moreover, women have a relatively low union membership rate. Sexual harassment at the workplace remains a concealed issue, rarely denounced for fear of reprisal and threats that may weigh upon their employment.

Despite the advent of a new Compulsory Health Insurance regime in 2006, large sectors of the female workforce are not covered by it. With regard to access to health care, the rate of affiliation with a health

coverage system is 17.3% for active men and 16.1% for active women.¹⁵ Women working in the fields of family assistance, domestic assistance and in the traditional sector do not yet receive social or medical protection. (The population covered by compulsory health insurance consists of 30% women as compared to 70% men).

These male-female inequalities persist and come up again in the matter of retirement benefits, which are insufficiently extended to women. Since the majority of women earn less than men and a great number of women work part-time or hold precarious jobs or jobs under temporary contracts, their contributions and retirement benefits are lower than men's.

Perspectives for Mainstreaming Gender Equality in Public Policies

Morocco can be considered to have undergone significant progress insofar as fostering women's rights, in particular through the Family Code enacted in 2004, but there is yet immense progress to be made before equality is attained.

Today, it is broadly acknowledged that the struggle against inequality requires a revision of the processes and social institutions that create gender inequality to the detriment of women. Hence the need to deal with the processes whereby inequality and discrimination are produced by boosting access to material and symbolic resources.

Morocco seeks to initiate this new generation of reforms by developing a "National Strategy for Equity and Gender Equality through Gender Mainstreaming in Policies and Development Programmes." Based on the gender mainstreaming approach,¹⁶ which systematically takes the gender issue into account in all spheres of public policy action (legislative, social, economic, political, cultural, etc.) and at all stages and levels of these policies (conception, implementation, follow-up and evaluation), the strategy offers a new frame of reference for the Moroccan government's general approach to gender equality.

¹⁴ However, the new Code excludes domestic employees and workers in the traditional artisan sector from its sphere of application.

¹⁵ Source: Government of Morocco, Haut-commissariat au Plan (High Commission for the Plan), "Activité, emploi, chômage : résultats détaillés" annual statistics report on employment, 2008.

¹⁶ Gender Mainstreaming is an expansion of the notion of *equality mainstreaming* that emerged with the equal opportunity policies seeking affirmative action to the benefit of minorities excluded from the educational system and the labour market in the United States during the 1970s. It is simultaneously a scientific notion, a norm for public action and an instance of social engineering. In gender mainstreaming, gender is no longer considered an isolated matter, but one concerning all policies and programmes.

Following a circular addressed in 2005 by the Prime Minister to the Ministers and Public Institutions, the latter adopted integrated strategies of support to efforts tending to ensure gender equality, in part due to dissatisfaction caused by the previously chosen strategies, which primarily focused on projects specifically targeting women.

The Minister of Social Development took a preponderant part in this action by drawing up the Strategy and launching different initiatives to make it known. Many ministerial departments announced their intention of including the mainstreaming approach in the ensemble of their ongoing efforts to attain gender equality.¹⁷ The implementation of the integrated strategy for mainstreaming equity and gender equality in public policy is but beginning. It requires real political will, tools and instruments to reach the desired goals, a national mechanism for monitoring and follow-up on the strategy's application, more resources and an information system, sufficiently broken down statistics, differentiated according to gender and region, and strengthening of the Administration's skills and capacities (particularly by training civil servants). The mainstreaming approach to equality is essential for the establishment of democracy in national institutions (government, parliament). The influence of the international framework is determining, for both defining strategic lines of gender equality policy and legitimizing and justifying it.

Conclusion

An analysis of the evolution of women's rights in Morocco demonstrates that, whatever the efforts made, inequality and discrimination are still a reality for women on different levels: illiteracy, difficulties of access to healthcare and resources (water, education, credit, etc.) and low representation in the political and public spheres. This situation generates a low visibility of women's economic contribution, even more pronounced poverty and vulnerability (divorcees, widows, female heads of household...), as well as greater exposure to marginality and violence, in particular conjugal and domestic violence.

The ensemble of these shortcomings cannot be overcome without significantly changing male-female relations and without public policies being thoroughly impregnated by the principles of gender equality and equity. Women's struggle for equality is naturally part of this movement and has taken advantage of the context to assert the need for equality to be at the centre of the construction of democracy and the modern State.

¹⁷ Certain international organizations such as the UNDP, the Canadian International Development Agency (ACDI), and the Agency for Technical Cooperation (GTZ) are believed to have helped or encouraged the ministers to establish and develop programmes for integral approaches to equality.