

Morocco

Morocco ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) on 21 June 1993 and acceded to the Convention's Optional Protocol in March 2006. The country also adheres to the Beijing Declaration and Platform for Action. The Constitution guarantees equality between women and men (Art. 19). The Ministry of Social Development, Family and Solidarity is tasked with promoting and protecting women's rights (UNICEF, 2011).

Moroccan laws are primarily based on French civil law and Islamic Sharia law (UNICEF, 2011). Matters of personal status, such as inheritance, marriage, divorce, nationality, and child custody, are governed by the *Moudawana* or Family Code, for Muslim women. Though Christians and Jews have their own personal status codes, they represent a very small portion of the population. The 2011 Constitution stipulates that Islam is the official state religion and 99% of Morocco's population identify as Muslim (CIA, 2015).

1. Discrimination in the family

a) Overarching legal framework for marriage

Marriage is governed by the 2004 Family Code, or *Moudawana*. The original Family Code, enacted in 1957, was reformed in 2004. Changes were made with regard to marriage including raising the matrimonial age for women from 15 to 18 years of age (Art. 19), placing limits on polygamy (preamble), and removing the requirement that women have the permission of a male guardian to marry (Art. 25). Free consent of both spouses is now required by law to marry (Art. 4, 10, 11 and 25; Hanafi, 2013).

While men are permitted to have multiple spouses, women are not. The 2004 Family Code did not abolish polygamy, but introduced the option for women to include a 'monogamy clause' in marriage contracts, to legally forbid her husband from taking another wife. A husband can circumvent this, by obtaining authorisation from a judge to take another wife, as long as the first wife is present when the husband seeks permission. Around 43% of applications for polygamous marriages were given judicial authorization in 2010 (CNDH, 2015).

In the case of death of a husband, a woman must undergo a legal waiting period (*iddat*) of four months before she is permitted to remarry, or until the birth of her child, if she is pregnant (Art. 129-137).

There is currently no provision against forced marriage, but a draft law on combatting violence against women (Law No. 103-13, Art. 503(2)) would make it a criminal offence punishable by six months to one year imprisonment and fines of 10,000 to 30,000 Moroccan dirhams.

Where the Family Code addresses the rights of married women, it poorly covers the rights of single women and foreign women married to Moroccan men (Sadiqi, 2010).

b) Child marriage

The legal age of marriage is 18 years old for men and women. A judge can allow marriage before the legal age of 18 (Family Code, Art. 20-21). The law does not prohibit child marriage in Morocco and no restriction or penalties can be found for those engaging in or supporting child marriage.

Sexual relations outside of marriage are illegal (Penal Code, Art. 490). Therefore, in rural areas, families are often eager to marry their daughter young to preserve her virginity (Naqrachi, 2016; Alami, 2014). Economic insecurity, poor education, and the social stigma of having children outside of wedlock are also drivers of early marriage (Girls Not Brides, 2016).

In general, data collection on early marriage remains inconsistent and many underage marriages are not registered (Girls Not Brides, 2016). According to Morocco's Ministry of Justice, 99.4% of applications submitted to the court for early marriage were approved by judges (CNDH, 2015). Judges granted permission to marry in 92% of cases where girls were not older than 14 (Naqrachi, 2016). The grounds on which judges approve early marriage are ambiguous and the decision is not subject to appeal (Family Code, Art. 21; Naqrachi, 2016). Rejections of applications for early marriage are extremely limited, with rejection contingent upon extreme immaturity of the minor or physical disability (Naqrachi, 2016).

c) Household responsibilities

Reforms in the 2004 Family Code abolished the legal requirement for a wife to obey her husband and established mutual rights and duties between spouses, including consultation with the other concerning management and protection of household affairs and the right to inherit from each other (Art. 51). Custody is the duty of both parents if they are married (Art. 164). The husband is obligated to financially provide for the family while "women can choose to contribute as their abilities allow" (Achy, 2013).

Reports suggest that women have little say in whether they can work outside of the home or not (World Bank, 2015). Fathers are the main decision-makers about work young women undertake and how their income is spent, especially in rural areas (World Bank, 2015). Women spend considerably more time than men on household chores and childcare, regardless of work or marital status (World Bank, 2015).

d) Divorce

The 2004 Family Code or *Moudawana* governs dissolution of marriage and introduced women's right to divorce and to child custody, within limitations. Reasons for which a woman can file for divorce are harm, abandonment, failure of a husband to provide financial maintenance, absence of the husband for more than one year, latent defect, and abandonment (Art. 98-113). Different conditions need to be satisfied for each of these reasons to be upheld as valid by the court.

A divorce may also be granted, based on mutual consent, whereby the wife pays her husband a sum of money in exchange for a divorce (Art. 114). This type of divorce is referred to as "khula" and judicial decisions on the sum of money to be paid in these cases are not open to appeal (Art. 128; Sadiq, 2010).

A marriage may be dissolved by repudiation. A husband has a right to unilateral repudiation, though this right has been somewhat curtailed by placing it under judicial oversight in the 2004 Family Code (Family Code, Art. 78-93). Women may also use repudiation, but only if their husbands give them authority to do so (Art. 123).

Regardless of the type of divorce, all couples must go through a reconciliation period and the court reserves the right to take necessary measures to reconcile the family (Art. 82). For a divorce sought for irreconcilable differences, the court assigns two arbitrators to try to resolve the differences between the husband and wife (Art. 95-96). If the reconciliation is not possible, the court will decide which spouse is at fault for the separation and adjust alimony or monetary settlement to be paid to the aggrieved party on this basis (Art. 97). Enforcement of court judgements on payment of child/spousal maintenance and alimony are lacking. A survey conducted by the Ministry of Justice revealed that more than 50% of women entitled to these payments do not regularly receive them and nearly a quarter of them have received nothing (CNDH, 2015).

After divorce, a woman must undergo a legal waiting period (*iddat*) of four months, or until the birth of her child if she is pregnant, before she may marry again (Art. 129-137).

The Family Code distinguishes between “revocable” and “irrevocable” divorces (Art. 122-128). Divorces granted by the court to women are irrevocable except in the cases of abandonment and non-maintenance. A man can revoke any divorce he originally sought except after three repudiations, if he has been compensated for a divorce, or if he has given his wife the right to divorce by repudiation.

By law, the mother is given preference in child custody (Art. 171). In practice, this is typically only in the physical sense, with men awarded the right to make major decisions about the welfare of the child (World Bank, 2015). Children that have reached the age of 15 at the time of divorce can choose which parent they wish to live with (Art. 166). In case a woman that has gained custody of her children remarries and her children are above the age of seven, she can lose custody at the request of her ex-husband (Sidiqi, 2010).

Efforts of the court to reconcile marriage disputes can be dangerous to women living within an abusive relationship. Both police and the court have been reported to turn a blind eye to domestic violence for what they consider to be the greater good: maintaining the family unit (USDS, 2016). Though the Family Code instructs that divorce proceedings should not exceed six months they can be long legal battles (Caspani, 2013; Sadiqi, 2010). Adding the option of divorce by “irreconcilable differences” to the Family Code was intended to help women seek divorce without the need to prove harm. Nonetheless, judges often misinterpret its meaning and still push women to provide evidence of harm, even when it is not called for (CNDH, 2015).

Divorced women are stigmatised in Morocco, with some men assuming that divorced women are “loose” (Caspani, 2013). Many women face financial strain after a divorce and have to care for their children and family members with little or no monetary support from their ex-husband (Caspani, 2013). Efforts to train judges and staff in family courts increased after 2004 and today, divorce and child custody proceedings are faster and more consistent (Hanafi, 2013). Additional public sector bodies have been created to support legislative reforms, as well as a Family Solidarity Fund to

guarantee payment of alimony and child support until an enforceable judgement is reached (World Bank, 2015).

e) Inheritance

Women and men do not have equal inheritance rights in Morocco. Clauses covering inheritance in the Family Code are based on Sharia law, where daughters inherit half of what sons do (Art. 342-351). Moroccans can circumvent discriminatory splitting of inheritance in a few ways. The benefactor can 1) put property in a girl's name, while still alive, 2) "gift" one's estate/property etc., an act that is not subject to any conditions, or 3) "bequest" up to one-third of one's estate by way of a will to a specific heir (Zaireg, 2014).

Equal inheritance between women and men is a heated debate (Alami, 2014; Erwin, 2015; Al Araby, 2016; AFP, 2017).

2. Restricted Physical integrity

a) Violence against women

There is currently no law on violence against women (VAW), domestic violence or sexual harassment in Morocco. A draft law on violence against women has been under consideration for many years. Consequently, women are not fully protected against the various forms of violence they may be victims of (Euromed, 2017). In the absence of a law specifically targeting VAW, clauses within the Penal Code are used to criminalise various forms of violence, but with no recognition of the violence as gender-based. So called "honour crimes" are met with leniency under Articles 418 and 420 in the Penal Code. The former excuses the assault of a spouse that has committed adultery, and the latter excuses assault or manslaughter by the head of the family for the discovery of "unlawful carnal business" (Amnesty International, 2016). Though these provisions remain on the books, research by Canada's Immigration and Refugee Board (2013) found that honour crimes are very rare, not socially accepted and viewed as offences by the police.

Morocco's Ministry of Social Development, Family and Solidarity drafted law 103-13 on combatting violence against women, which has been revised multiple times, but was adopted by the House of Representatives in mid-2016. For enactment, it will need to be accepted and adopted by the House of Councillors. Draft Law No. 103-13 defines VAW as "any act caused by sex-based discrimination that results in physical, psychological or sexual or economic harm to women." There is concern about generic language used in the draft law which is considered to lack prevention and protection measures (Idrissi, 2016).

Other than these reservations, the draft Law No. 103-13 would introduce new offences and increases in existing penalties for domestic violence; measures to protect survivors of violence during and after judicial proceedings; the establishment of a National Committee for VAW with regional and local arms to coordinate implementation of the law; creation of support structures to help women access justice and identification of relevant actors; criminalising eviction of spouses from the marital home; criminalising forced marriage; extending the definition of sexual harassment; introducing limited protection orders; and holding court hearings behind closed doors if requested by the victim

(Amnesty, 2016). The draft law seeks to address economic violence by including a ban on deliberate squandering of funds intended for a spouse, children or divorced related payments. Under draft Article 526(1), the offence is punishable by one to six months' imprisonment and a fine.

Data shows that most violence against women is perpetrated by husbands in Morocco (USDS, 2016; Sadiqi, 2010). Women are often reluctant to report violence. Article 446 of the Penal Code was amended in 2003 to authorise health care workers to waive professional confidentiality in order to report cases of suspected domestic or gender-based violence to the proper authorities (USDS, 2016).

The National Council of Human Rights linked the high rate of gender-based violence to social acceptance of it, the impunity of aggressors, and the fact that the law is silent on some forms of violence (CNDH, 2015).

The government supports 45 counselling centres and indirectly supports 97 other centres providing services to victims (USDS, 2016). Access is not equal however, with shelters and counselling services almost exclusively located in urban areas, and services for victims generally overseen by local police in rural areas. Shelters also cannot legally take on the responsibility of sheltering minors (Alami, 2013).

Despite the strong role NGOs and women's associations play in the provision of services for women survivors of violence, they report being regularly side-lined by the government when it comes to drafting national policy for VAW or gender equality and in the monitoring and evaluation of those policies (Euromed, 2017). Most government initiatives on VAW depend on co-financing via bilateral and multilateral cooperation.

b) Domestic violence

In the absence of a law specifically targeting VAW or domestic violence, the Penal Code addresses crimes against a spouse or family member with applicable criminal penalties (Art. 404). Penalties can be applied, based on incapacitation with severity of the penalty dependent on the number of days a woman is injured or disabled.

Rather than women seeking recourse for domestic violence through criminal proceedings, mediation typically occurs within a family (USDS, 2016). Survivors are reluctant to report domestic violence given that police are slow to enforce criminal penalties, with the act considered a personal family affair and societal preference given to a husband's authority (Euromed, 2017; USDS, 2016). In some cases, women have been returned to abusive homes, against their will, by police (USDS, 2016). Art. 53, added to the 2004 Family Code, provides public prosecutors with legal standing to return an evicted spouse (most often women) to the family home and "take all necessary measures to guarantee his or her safety and protection." Where the act of eviction itself is a form of violence, this mode of action is questionable in place of other remedies. Human Rights Watch penned a letter to the Moroccan government stating that police, prosecutors, judges and other authorities "often fail to prevent domestic abuse, punish the abuser, or assist survivors...in part" because "Moroccan laws do not provide officials with guidance on how to respond effectively," (HRW, 2016).

Lawyers interviewed by Human Rights Watch confirmed that prosecutions and convictions for domestic violence are rare, with judges inconsistent and sometimes unreasonable about what

evidence is sufficient for a conviction (Walsh, 2016). The focus of the current law on incapacitation to determine sentencing is problematic given that there are no clear grounds to determine the period of incapacitation (Walsh, 2016). A focus on physical harm also leaves out the inherent psychological trauma of domestic violence, as well as other forms that may accompany it, such as financial and mental violence. Setting time limits on days of incapacitation can also influence arrest patterns. Lawyers interviewed by Human Rights Watch reported public prosecutors waiting to issue arrest warrants until a woman had been incapacitated for more than 20 days, placing women in danger of repeated violence (Walsh, 2016). Protection orders do not currently exist in Morocco.

c) Rape

Rape is criminalised in Morocco under the Penal Code, with a penalty of five to ten years' imprisonment (Art. 486). The definition is not gender-neutral and is defined as when "a man has sexual relations with a woman against her will," (Art. 468). Penalties are increased for the rape of a minor, a disabled person, a pregnant woman, when a victim loses her virginity, or when the perpetrator uses their public or religious authority, with imprisonment ranging from 10 to 30 years (Art. 486-488). The current law allows the downgrading of some cases of rape to the lesser offence of sexual assault (Art. 484-485). Women's Rights groups have lobbied for some language to be changed in articles covering rape and sexual assault that describe sexual violence as an attack on a woman's honour, reputation and virginity, which they say encourages victim-shaming (Amnesty International, 2016). They further contend that rape should be recognised as a crime against the person and their bodily integrity, as opposed to against their morality (Euromed, 2017; Amnesty International, 2016; HRW, 2016). Marital rape is not covered, but a wife may issue a complaint under article 486 of the Penal Code.

Alleged rapists often receive the benefit of mediation, condoned by police and religious authorities, as opposed to facing prosecution (Alaoui and Hanafi, 2013). There have been reports of police and the court asking rape survivors to provide evidence not required by law and which may be impossible to procure, such as an eyewitness (Amnesty International, 2016). A 2015 report by Morocco's National Council for Human Rights highlighted that current laws introduce a sort of hierarchy among rape victims, i.e. married, unmarried, virgin, and non-virgin.

The illegality of sex outside of marriage deters some rape victims from reporting the crime to police for fear they will not be believed and punished for pre-marital sex (Amnesty International, 2016). Due to the legal and traditional importance placed on a woman's virginity and not engaging in pre-marital sex, the emphasis in a rape case tends to be more focused on the loss of a woman's "honour" as opposed to a crime having been committed. Victim shaming and the belief that a girl who has lost virginity has lost her value (even by rape), is common (Alami, 2013). Up until 2014, when Article 475 of the penal code was abrogated, a rapist could be exonerated of charges by marrying his victim.

d) Sexual harassment

Sexual harassment is covered under Article 503 of the Penal Code as "sexual assault" as well as under Article 40 of the Labour Code. A criminal conviction can result in a prison term of one to two years and a fine of 5,000 to 50,000 dirhams. Under the Labour Code, sexual harassment is recognized as an offence, but is not defined. There are not explicit references to spaces where sexual harassment is barred (e.g. public spaces, sports facilities etc.). The Penal Code defines sexual harassment as the

abusive use of authority to “harass a person through orders, threats, coercion or any other means, in order to obtain sexual favours” (Article 503, Penal Code).

Sexual harassment is reportedly widespread in public places (Al Araby, 2016; OSAC, 2016). Women walking alone at night are more vulnerable (OSAC, 2016). Standing up for oneself can result in increased verbal assaults and police often turn a blind eye, or in some cases, have placed blame on women themselves. There have been cases of women seeking protection by the police for sexual harassment, to in turn, be re-victimised. Women reporting sexual harassment, have been arrested themselves for “gross indecency” based on what they are wearing (Al Araby, 2016). As such, women forgo reporting sexual harassment to avoid friction.

e) Female genital mutilation

The law does not prohibit female genital mutilation or cutting. There are no reports to suggest that female genital mutilation is a concern or practiced in Morocco.

f) Abortion

Prior to 2016, Article 453 of the Penal Code mandated that abortion was only permitted if the mother’s physical health was threatened. In June 2016, the Moroccan government approved amendments to the Penal Code that allow abortion in cases of incest, rape and birth defects (Miller, 2016; Al Araby, 2016b). Though abortion is forbidden in Sharia law, the law also encourages Muslims to choose “the lesser of two evils” when there are competing maxims. It was this clause and a debate ignited by King Mohamed VI in 2015 that undergirded the expansion of permissible conditions for obtaining an abortion. A 2016 study conducted by the Department of Justice and Islamic Affairs and the National Human Rights Council found that the majority of Moroccans were in favour of liberalising abortion laws, but only in the cases of rape, incest, and birth defects (Miller, 2016).

The Moroccan Association for the Fight Against Clandestine Abortions reported that 800 illegal abortions were performed daily in the country, with up to 220 000 Moroccan women undergoing illegal abortions each year (Al Araby, 2016; Miller, 2016). Women who cannot afford the cost resort to practices that are hazardous to their health (CNDH; 2015). A doctor representing Morocco’s Ministry of Health affirmed that illegal abortions are a major public health issue in 2012 (Miller, 2016).

The social stigma and laws that discriminate against single mothers (those that have children outside of wedlock or are abandoned by their partners) represent an incentive for single women to undergo abortions. Otherwise, they essentially become “outcasts”, with their families often expelling them from the home in 90% of cases (CNDH, 2015). They face difficulty obtaining work and any support from family. The paternity of a child outside of wedlock is also not acknowledged by the law, and paternity may only be recognised by a man (Family Code, Article 161; CNDH, 2015). A child born to a single mother is classified as “zina” on its birth certificate. The existing laws and social pressure place single women in a precarious situation that can cause them to resort desperate measures including suicide, infanticide, or abandoning their children (CNDH, 2015).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Women and men have equal rights to own property, irrespective of their marital status (Family Code Art. 49, and 207-208). Article 35 of the Constitution guarantees the right to property, but is not specific to gender. The article further guarantees “the equality of opportunities for all,” with “specific protection for the socially disfavoured categories.” There are no legal provisions that require spousal consent for major transactions or administration of property, though the Family Code encourages spouses to consult with one another on decisions with regard to family affairs. Upon divorce, separation of property is the default marital property regime, with the original owner administering property (Family Code, Art. 49).

The current inheritance regime limits female heirs access and control over land and family assets. Though there are no legal restrictions on women’s purchase, sale and ownership of land or property, the paucity of women drawing an income, and preference for property to be transferred to men, limits their overall access (World Bank, 2015). Property can be registered jointly between spouses, but there is not sufficient data to determine the extent to which this takes place (World Bank, 2015).

According to a 2011 USAID report, few women own land in Morocco and even fewer own agricultural land. In practice, women have limited access and control of land and natural resources, with preference given to men (USAID, 2011).

In recent years, a strong grassroots women’s movement emerged, the *Sulyiatte* land rights movement. *Soulaliya* are collective lands administered by tribes and account for an estimated 37 to 42% of Morocco’s land (Alami, 2017; Salime, 2016). A 1919 decree transferred overall responsibility for communal land from tribal authorities to the state and catalysed state-sanctioned privatization of that land (Alami, 2017; Salime, 2016). In the past, communal land could not be seized or sold, but only transferred from fathers to sons over the age of 16. Though communally owned, tenure was historically male-dominated, which led to men’s dominance in the supervision of land transactions with the state (Salime, 2016). The core of the *Sulyiatte* women’s movement is based on the premise that women should also be recognised as rightful land owners of communal land too, as well as benefit from the proceeds of land sold.

b) Secure access to formal financial resources

There is no legal difference between women and men when it comes to accessing bank loans or any other form of financial credit (UNICEF, 2011). The Penal Code prohibits discrimination by creditors on the basis of gender or marital status in access to credit (Art. 431-432). The Code of Commerce provides women with the same rights as men to sign a contract, married or not (Art. 17).

However, *de facto* access to credit and formal savings shows a significant gap between women and men. In practice, married women tend to be required to provide the guarantee of their husband to secure a loan (World Bank, 2015).

The social security scheme is based on a male employment model, meaning that women do not equally benefit from social protection services (CNDH, 2015). Within the tax code, deductions for children and a wife are provided only for the husband (Art. 74).

The *Livret de Famille* (Family Book) is important to access a number of services, including opening a bank account or registering a business. It denotes one's civil status and identity, and is drafted after marriage. It is common practice that the Family Book is automatically issued to the husband (World Bank, 2015). This may prevent women from accessing services or performing administrative tasks.

c) Workplace rights

Morocco ratified ILO Convention No. 100 on equal remuneration in 1979 and ILO Convention No. 111 on discrimination in employment in 1963. Workplace rights are governed by Morocco's 2011 Labour Code. The law provides that women have the right to get a job in the same way as a man (Art. 9). Equal remuneration for equal work is mandated (Art. 346), as well as non-discrimination based on gender in the hiring process (Art. 9). There are not explicit provisions that prohibit asking about a woman's family situation. Domestic workers and those working in the agricultural sector are not covered by the Labour Code, and there are restrictions on the types of jobs women can do.

Women are prohibited to undertake some professions due to "risks of excessive danger," or because the job may "exceed their capacities," or because the job is likely to "impair good morals" (Decree No. 2-10-183, Art. 1 & 4). Articles 179 and 181 of the Labour Code briefly reiterate the prohibitions set in the more detailed decree. Though women are not legally forbidden from doing so, a woman working at night is considered socially unacceptable and often associated with prostitution (Caspani, 2013). This perception further limits the hours and types of jobs that women can partake in.

Morocco ratified ILO Convention No. 183 on maternity protection in 2011. The law mandates 14 weeks of paid maternity leave, covered by the government, with 67% of wages paid for during leave (Art. 152). Maternity leave can be extended, unpaid, for up to an additional 90 days (Art. 156). Three days of paid paternity leave, fully covered by government, is also mandated (Art. 269-270). There are currently no provisions for parental leave or unpaid paternity leave, or for flexible/part-time parental work schedules.

It is prohibited to fire a pregnant worker (Art. 159) and mothers are guaranteed an equivalent position upon returning to work after maternity leave (Art. 156). Nursing mothers are also entitled to breaks for breastfeeding (Art. 161).

Women working in the civil service are entitled to childcare subsidies, leave for family care and special measures for breastfeeding (OECD, 2014).

Given that women make up the majority of the informal workforce, which is not regulated by the Labour Code, they cannot benefit from the protections within it (Morikawa, 2015). Young girls from poor socioeconomic backgrounds and/or rural areas are often employed as maids in cities and subject to harsh treatment: restricted movement, non-payment of wages, no education, and physical, psychological and sexual abuse (CNDH, 2015; Sadiqi, 2010). Morocco is not party to ILO Convention No. 189 on domestic workers.

Paid work for women is often viewed as a “necessary evil” and accepted only when a husband cannot sufficiently provide for his family (CNDH, 2015).

Though illegal, gender-based discrimination is common during hiring processes, with certain women more vulnerable: those who are older, disabled or socially excluded (e.g. single mothers) (CNDH, 2015). The low participation of women in the workplace and male employment model mean that women have significantly lower pensions, especially problematic for widows. A 2015 report revealed that 94% of older women do not receive a retirement pension and 83.7% do not have health insurance (CNDH). The children of single mothers are excluded from Morocco’s Family Assistance Fund (CNDH, 2015).

4. Restricted Civil liberties

a) Citizenship rights

The Nationality Code (2007) allows Muslim Moroccan women married to a foreigner to pass on their nationality to their children, on the condition that the husband is Muslim, and that the couple married in accordance with the Moudawana (Art .7). Foreign wives of Moroccan men may receive Moroccan citizenship within five years of marriage, but the foreign husbands of Moroccan women are ineligible for Moroccan citizenship (Art. 10).

An unmarried woman can confer her citizenship to her children (Nationality Code, Art. 6). However, the rights of the child are limited, even if paternity is recognised. Article 149 of the Family Code states that “adoption has no legal value and does not result in any of the effects of legitimate filiation.” This clause has a specific effect on children born to single mothers, categorized as such on their birth certificates, and making them ineligible for state assistance.

According to Morocco’s Public Service online portal, women and men have equal rights to register the birth of children, which must be done within 30 days, otherwise, late registration is subject to a fine.

Women have the same rights as men to obtain a passport (Decree No. 2-08-310, Art. 2) and travel without the consent of their husband or a male guardian (CEDAW, 2006). The same goes for obtaining a national identity card (Law No. 37-99, Art. 33). However, divorced women who wish to travel outside of Morocco with their children must have the permission of their ex-husband if the children are still under the legal guardianship of the father (World Bank, 2015).

Though women legally have the right for freedom of movement, Morocco has drawn a reservation to Article 15(4) of CEDAW relating to movement of persons and the freedom to choose one’s residence or domicile. In some cases, women’s freedom of movement is limited by husbands or male family members that prefer them to leave the home only for domestic responsibilities (e.g. going to the market). The cost and increased time of using public transport in cities, poor rural infrastructure, as well as social norms that deem it inappropriate for women to use certain modes of transport (e.g. bicycles) also limit women’s overall mobility (World Bank, 2015).

b) Voting

Women have the same rights as men to vote (Constitution, Art. 17; Law 27-11, Art. 3).

c) Political voice

Women and men have equal rights to run for elections and hold public and political office in the legislature and executive (Constitution, Art. 6 & 17; Law 27-11, Art. 3).

Organic Law No. 02.12 (2012) that governs high-level political appointments does not include any specific provisions aiming at achieving parity between women and men. However, candidate lists for national elections for the House of Representatives must feature at least 60 female candidates (15%) and 30 male candidates under the age of 40 (Law 27-11, Art. 23). Lists failing to comply with Article 23 are rejected. In addition, one third of local and regional council seats are reserved for women (Law 59-11, Art. 77).

However, women's access to decision-making positions at the national, regional and local levels remain low. Barriers to women's participation in politics include lack of access and control over financial resources (necessary to finance campaigns), lack of supportive networks (at the family, community and political parties levels), sexist media coverage, fear of reputational risk, low self-confidence, time poverty and rigid gender roles that reserve politics as a man's domain (CNDH, 2015).

d) Access to justice

Article 6 of the 2011 Constitution guarantees that both women and men are equal before the law. Article 19 further establishes an authority for "parity and the struggle against all forms of discrimination." Article 118-121 guarantee access to justice, right to counsel, and right to a fair and speedy trial for all persons.

Before passage of the 2004 Family Code, women widely depended on the dispensation of justice via male religious leaders (*ulama*) who would provide a simple yes or no verdict without the possibility for appeal (Hanafi, 2013). The 2004 Family Code established legal aid organisations to inform women on their rights and how to exercise them, as well as setting up special family tribunals and appointing social workers to courts of first instance (CNDH, 2015; Hanafi, 2013; Lamble, 2011).

A revision of Article 336 of the Code of Criminal Procedure makes it possible for women to take civil action against their husbands. Previously, women required prior authorisation from the court (Hanafi, 2013).

A woman's testimony carries equal weight as a man's in civil and criminal courts (Sadiqi, 2010). Nonetheless, a woman's testimony is worth only half of that of a man in personal status issues (UNICEF, 2011; Sadiqi, 2010). Personal status courts are legally recognized via Article 2 of Law No. 1-74-339. While judges can refer to the Family Code in making decisions on personal status matters, they also consult other Muslim schools of law (e.g. Maliki, Hanafi, Hanbali, Shafi etc.) that provide jurisprudence, with Morocco generally following the more conservative Maliki School (Miller, 2016; Warga, 2015). Each school of law can differ, providing inconsistency in rulings. For example, when it comes to abortion, the Maliki school permits it up to the 40th day of pregnancy, while the Hanafi and Shafi schools permit it until the 120th day of pregnancy (Miller, 2016).

The website "Women's Observatory" (*Marsadnissa*) was established in 2011 as a database to compile judicial decisions taken in cases involving violence against women and personal status issues. It dually

serves as a reference point and forum for lawyers to help them better argue the law and wade through the varying references for jurisprudence (Alami, 2013).

Women face multiple barriers to access justice in Morocco: poverty, discriminatory practices, restricted freedom of movement, language and lack of education (Lamble, 2011). In practice, women are often hesitant to levy charges in court, especially when they involve a male family member, for fear of tarnishing their family's reputation (Sadiq, 2010). Women are disproportionately illiterate in comparison to men, contributing to their weak understanding of the judicial system (Mouttaki, 2015; Lamble, 2011). As such, men customarily lodge court documents on behalf of women in rural areas (Sadiq, 2010). The exclusive use of Arabic is a problem for litigants who do not speak the language (CNDH, 2015).

Women's representation within courts remains a challenge. Article 1(4) of the draft Organic Law No 66-13 on the Constitutional Court, which sought to provide positive measures for women when appointing and electing members of the court, was rejected by Morocco's Constitutional Council (CNDH, 2015).

More

The Moroccan government has strongly supported *murchidates*, or female spiritual guides, who advise women on a variety of civic and spiritual issues. Given their trusted position, it is much easier for *murchidates* to access women and households (Mouttaki, 2015).

Sources

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