

## Delegation to Morocco - 17-20 July 2017

### Briefing note for FEMM Members

#### KEY FINDINGS

- The **labour force participation** rate for women in Morocco was 25.3% in 2014 (after 30% in 1999), compared to 72.4% for men, a gap of more than 47 points and the female unemployment rate is close to 30% and thus twice as high as that of men (12.2%).
- The rate of **violence against women** (2009) is very high with 62.8% of which 67.5% in urban areas.
- **Political participation** of women is still low.
- **Female illiteracy** is 41.9% (compared to 22.1% for men), of which 60.4% in rural areas.
- Although Morocco is **politically committed** to women's rights, **awareness and prevention measures are insufficient** and the Moroccan **penal code** does not provide effective legal protection for women against **violence** and **discrimination**.

#### Economic and social autonomy of women

Morocco has made commitments at the international level (CEDAW, ILO Conventions) in order to respect, protect and ensure the right of women to employment. The right to work and the prohibition of discrimination on the basis of race, colour, sex, disability, marital status, religion has been laid down in the law. However, the participation of Moroccan women in working life remains limited. Responsible for this is the distribution of traditional roles between women and men. This distribution predominantly places women in the private sphere and - if they are in the labour market - they are rather active in low-income sectors and positions.

The labour force participation rate for women was 25.3% in 2014 (after 30% in 1999), compared with 72.4% for men, a gap of more than 47 points. Women are mainly hired in low-productivity sectors for low-skilled and low-paying jobs. The gap between women and men is more significant in urban areas, where the participation rate of men is more than three times higher than that of women, compared to a difference of more than double that of rural men.

As a result, urban women, in particular those with a higher education level, are more affected by unemployment, with an average unemployment rate of 22.8% between 1999 and 2014, compared to 14.9% for men. In rural areas, women suffer more from discrimination in terms of access to paid work (73.6% in 2013 of employed rural women have the status of family aid and apprentice without remuneration). Women earn about 17% less than men.

Only 4% of business leaders in Morocco are women, while 18% hold senior management positions. Policies to better integrate women into the economy could contribute to increasing

overall income and significantly improving Morocco's growth prospects. Slower population growth could also be a lever for a level playing field that would increase per capita income by 50% and GDP by 1%.

Concerning access to education, progress has been made. However, significant challenges remain with regard to the rates of wastage and illiteracy which remain high, especially among rural girls. Access to health services has improved considerably over the last two decades in terms of reproductive health, maternal and child health, but further efforts are needed to further reduce the remaining infant and maternal mortality rates.

### **Physical and psychological integrity of women and girls**

Over the past two decades Morocco has made considerable progress in protecting the physical and psychological integrity of women and girls. Work on the reform of the legislative framework has been carried out since 2004, with the adoption of the Moudawana (Family Code). The latter has provided better legal protection for women and has contributed to reducing the violence they have suffered in the event of conflict.

This commitment was reaffirmed in the 2011 constitutional reform, which established the principle of parity between women and men, providing for the establishment of an Authority for Parity and Combating All Forms of Discrimination (APALD). Since that reform, several other legislative measures have been adopted to protect the physical and psychological integrity of women and girls. These include the repeal of article 475 (2) of the Penal Code, which allows a rapist to marry his victim to avoid conviction, and the drafting of Bill 103.13 to establish a conceptual framework for violence against women and develop mechanisms for the care of women victims of violence.

Morocco has developed a number of government strategies and plans to ensure better protection for women and girls. A ministerial department devoted to social issues, including gender parity was created, which is now known as the Ministry of Solidarity, Family, Equality, and Social Development.

A National Observatory on Violence Against Women (ONVEF) was established in 2013. Its mandate is to monitor the various forms of violence and promote the rights of women. A Government Plan for Equality 2012-2016 was developed aimed at strengthening the representativeness of women and fighting against discrimination against women in all fields. On 26 October 2015 a new Plan 2016-2020 (Gender Action Plan II) was adopted. With the support of the EU it intends to (a) guarantee the physical and psychological integrity of girls and women; (b) promote economic and social rights and the economic and social empowerment of girls and women; (c) strengthen the voice and participation of girls and women. The EU Strategy also includes Agenda 2030, in which Sustainable Development Goal 5 aims to achieve gender equality and empower all women and girls.

The reforms adopted by Morocco in the framework of the protection of women's rights have been strengthened by its commitment at the international level. Morocco has taken part in major conferences dedicated to women's rights, including the 1995 Beijing Conference. In April 2011, the country officially lifted its reservations to the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), which it had ratified in 1993. In July 2015, a bill approving the optional protocol to CEDAW was adopted by Parliament. This commitment is also advocated at the level of the Moroccan Constitution, which recognises the supremacy of international conventions ratified by Morocco on national laws.

However, several legislative gaps remain in the operationalisation of mechanisms to improve the protection of women and girls and a number of important projects linked to the commitments undertaken remain unfinished. Institutionally, the reforms adopted are often considered insufficient and marked by delays. Sometimes the implementation of plans and strategies suffers from a lack of concrete impact on women's daily lives. Although political will is demonstrated, the Moroccan legislative system is slow to be harmonised with the international conventions on women's rights. Despite Morocco's commitment to women's

rights, awareness and prevention measures are clearly insufficient and the Moroccan penal code does not provide effective legal protection for women against violence and discrimination.

The criminalisation of consensual sexual relations between adults remains particularly problematic in terms of the protection of women outside marriage and LGBTI. Similarly, the criminalisation of voluntary interruption of pregnancy causes a major health risk in Morocco, where the number of clandestine abortions is estimated to be 600 to 800 per day. The Penal Code prohibits abortion, except in cases where the life of the mother is in danger and to the extent that her spouse allows it. In 2015, a plan to extend the right to abortion to cases of rape, incest or severe malformations of the foetus was drafted, but this reform has not yet taken place.

There are a number of shortcomings in the Family Code (Moudawana) which still permits practices affecting the physical and psychological integrity of women and girls, including polygamy and early marriage. According to the Moudawana, a man can marry several wives. In 2010 judges granted more than 43% of requests for polygamy. According to official statistics, 35,152 cases of marriages of minors were recorded in 2013.

Bill 103.13 intended to improve legal protection of women victims of violence, is severely criticised by some Moroccan civil society organisations. It has many deficiencies, including the definition of violence, which does not cover all forms of violence to which women may be subjected.

In Morocco, violence against women remains a serious problem. A survey in 2009 revealed that 62.8% of the women interviewed were victims of violence during the year preceding the study. 55% of these women were alleged to have committed acts within the conjugal framework. There is a tendency in society to accept domestic violence, as well as a mistrust of the judicial system which makes it uncertain that victims will report a situation of domestic violence.

### **Political participation of women in Morocco**

In recent years there have been significant advances in the political participation of women in Morocco. Their presence in the Parliament increased from 9% in 2007 to 21% in 2016, and 81 women were elected members out of a total of 395 seats. Equality between men and women is a principle enshrined in the 2011 Constitution and it is the responsibility of the State to put it into practice in order to allow women access to political decision-making. However, despite the adoption of several laws and a substantial increase in the number of women in politics, their presence remains timid due to various structural, cultural, economic and institutional factors.

The system has increased from 30 reserved seats in 2002 to 60 seats in 2016, but it has not led to a significant increase in the number of women elected within political parties. Giving priority to the quantitative approach at the expense of quality, however does not give a true picture of women's participation in society and politics. The challenge is for the access of women to positions of responsibility within the communities. No woman has become president of a regional council and few have reached the presidency of communal councils.

The quota system has benefitted women in urban areas and at the national level more. In rural and regional areas, women do not have the resources to facilitate their electoral campaigns. The illiteracy rate also hinders their participation in politics (in 2012, 64% of women in rural areas were illiterate, compared with 35% in urban areas).

The persistence of gender stereotypes is another reason for women's lack of political representation. The idea of women's link to family and private space prevents their entry into a political career or causes their abandonment. Moreover, there is still considerable reluctance to vote for a woman. Stereotypes also limit the presence of women in decision-making and negotiation spaces, which are often located in informal spaces (outside working hours, in

"male" environments, etc.) incompatible with the tasks of care and domestic service that women must assume.

There is a low representation of women in the current Government, which has 9 women/39 members: 1 Minister out of 26 and 8 Secretaries of State out of 13. In the public sector, the presence of women in positions of responsibility is still very limited, accounting for 15%, chiefly as head of department and head of division. In 2013, out of 300 appointments to senior positions, only 38 were for women. There is a large gap between the feminisation rate of public administration (37.7%) and the feminisation rate of positions of responsibility (15%).

## **Gender approach**

Since 2006, with the adoption of the National Strategy for Equity and Gender Equality, Morocco has made clear its political will to actively promote equality between women and men by integrating gender issues in development policies and programs. The Strategy became operational in the 2011 Action Plan - the Governmental Agenda for Equality (GAE) - which will lead to the Governmental Plan for Equality (PGE), an evolution which reflects the implementation of a genuine sectorial policy. Five areas of intervention were chosen: education, health services, basic infrastructure, women's economic and social empowerment and the labour market.

Progress has been made in terms of institutional capacity building and gender mainstreaming in public policy. Due to its operational design, targeting and monitoring/steering of the PGE has been limited to programming/implementation of actions. Major challenges remain in access to education/health, harmonisation of the national legal framework, economic and political participation and creating a culture of equality.

## **EU-Morocco partnership - gender equality**

The partnership relations between Morocco and the EU are converging on the issue of gender equality, in the context of the adoption of the new Constitution of Morocco. The 2013-2017 Advanced Status Action Plan (ESAP) with the Kingdom of Morocco reflected a strong commitment to gender equality, a strengthened strategy with the choice of democratic governance and the state of law as a priority axis of intervention of the "Unique Framework of Support" (AUC) 2014-2017.

The EU contributed to the implementation of the Governmental Equality Program as part of a €45 million support program (2012-2018) organised around three implementation modalities: budget support (€37.5 million); a centralised project-based approach including a technical assistance mission to the MFSSDS (€4.8 million); and a decentralised project approach with subsidies to non-state actors (NSAs) for a total of €2 million.

In addition, technical assistance and support to civil society have helped developments in areas such as: support for women victims of violence (multifunctional reception areas and local initiatives); the promotion of a culture of equality, the fight against gender stereotypes, the promotion of political participation, and the integration of gender in public policies at central and local level. In addition, the EU has continued to support gender equality policy in other programs or institutions (education, health, justice, etc.) or specific budget lines (in particular the European Instrument for Human Rights).

## **International legal framework**

The recent adoption of Bill 125-12 on the approval of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an important step forward. Through its accession to this Protocol, Morocco now recognises the competence of the Committee on the Elimination of Discrimination against Women to decide on communications submitted by individuals or groups of individuals about violation of rights and freedoms, as set out in the CEDAW. Also, Bill 126-12 concerning the Optional Protocol to the

International Covenant on Civil and Political Rights was adopted. Still many issues need to be addressed, such as equality issues (violence against women, the situation of single mothers and children born out of wedlock, marriages of minors, etc.).

### **National legal framework**

Morocco has undergone a process of democratisation and consolidation of the rule of law, which has resulted in a strengthening of human rights and fundamental freedoms. This evolution started in February 2004, with the adoption of the Family Code ("Moudawana"), and the adoption of a new Constitution in 2011 in which the principle of equality of the sexes is laid down (Article 19). Gender equality has also been incorporated into the Nationality Law, electoral laws, the Organic Law of Finances and the laws on advanced territorialisation.

Before the Parliament are the Act on the Authority for Gender Equality and the Fight Against All Forms of Discrimination provided for in the Constitution and a law on violence against women. It should be noted that the first versions of these two projects were presented to the First Chamber and were strongly contested by the Economic, Social and Environmental Council (EESC) and by civil society. The revision of the Penal Code and the Code of Criminal Procedure is in progress.

Nevertheless, many challenges persist, particularly with the adoption of legislation in line with international standards and the detection of discriminatory measures such as the situation of single mothers or inheritance issues.

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