

MOROCCO



In 2004, Morocco achieved a major reform of the 1958 Code du statut personnel (Personal Status Code), now called the Code de la famille (Family Code) or *Moudawana*. Although the reform did not include all the proposals made by the feminist movement, the new version of the code is an improvement on the past, both symbolically and in terms of actual provisions, and therefore offers possibilities for future amendments.

Morocco is continuing its democratic transition process and looking to a future based on sustainable development and respect for human rights. Tremendous social changes experienced in Morocco during the past few decades have profoundly affected the status of women and created new realities, needs and aspirations. These changes include increases in women's access to education, including higher education (more than 40 per cent of students), participation in paid work (27 per cent of the population) and participation as heads of household (16.5 per cent); increased use of contraception (over 70 per cent); and greater public participation.

Equality in the Family is Necessary

- ▶ Despite the 2004 reform, discrimination and injustices persist, including:
 - **Minimum age of marriage:** The exception to the minimum age does not specify an absolute minimum or conditions. Judges authorised nearly 89 per cent of applications for marriages of minors, of whom 97.5 per cent are girls. Requests for permission for early marriage continue to rise.
 - **Polygamy:** The justifications for polygamy are not specified. There was a small decline in polygamy between 2005 and 2006, but it still affects vulnerable women who do not have resources to support their families.
 - **Divorce:** Judges require large amounts of evidence for certain types of divorce. Statistics show an increase in the number of divorces between 2004 and 2006, including in types that tend to favour the husband.

- **Distribution of property** upon divorce does not take into account women's contributions to the care of the family and home.
- **Custody and guardianship:** A mother may lose custody of children over 7 years old if she remarries. The father retains guardianship even if she has custody; she cannot travel abroad with her children without his written permission.
- **Inheritance** provisions remain discriminatory.

- ▶ There was no comprehensive implementation strategy. This has resulted in lengthy procedures, with insufficient resources to handle demands. Corruption persists in the courts. Female litigants are especially affected, as many are poor, poorly educated and appear without legal assistance. Some judges are reluctant to apply the new provisions, positioning themselves as defenders of morality and the patriarchal family.

Strategies used in the Personal Status Code Campaign:

- ▶ **Networking:** A network was formed in March 2001 by 9 organisations; by 2004, it had grown to 30 organisations. A challenge was developing an internal management system to ensure a common vision, sharing of power and optimisation of efforts towards the agreed-upon goals.
- ▶ **Context analysis:** Research was conducted to ensure a comprehensive, grounded understanding of the goals, opportunities and constraints of the political and social environment, the players and their positions.
- ▶ **Communication strategy:** A variety of advocacy methods were used to target decision-makers, including meetings, memoranda, dinner-debates, mailings, press releases, requests for endorsements of appeals, etc., all accompanied by media outreach. Awareness raising included messages displayed through flyers, advertisements, etc., based on the real cases of four women victims of violence.
- ▶ **Arguments supporting reform:** The campaign built four types of arguments around the slogan 'Reform of the Personal Status Code is Necessary and Possible': sociological arguments regarding societal changes and the new challenges of development; legal arguments drawn from national legislation; universal human rights arguments; and religious doctrinal arguments.

Equality in the Family is Possible

- ▶ Achievements in the 2004 reform included:
 - Recognition of the principle of equality in the family, including joint responsibility and equal rights and duties for both spouses;
 - Equal age of marriage (18 years);
 - The abolition of compulsory guardianship for women and a wife's duty of obedience to her husband;
 - Regulation of polygamy;
 - Divorce proceedings are subject to judicial review. Different types of divorce (mutual consent, discord) were introduced to allow women to initiate divorce;
 - The mother has stronger claims for custody;
 - Spouses can develop separate contracts detailing the management of their property;
 - Recognition of a child's rights to custody, alimony, paternity and legitimacy, even if born outside of marriage;
 - Orphaned grandchildren can inherit from maternal as well as paternal grandparents through obligatory bequests.
- ▶ The women's movement is preparing for a number of new struggles:
 - **Inheritance reform:** Key activities in a new advocacy campaign around inheritance include: (1) preparing doctrinal arguments to show the religious possibility for reform, and sociological arguments on how families

circumvent the current rules of inheritance because the rules are not relevant in the current context; and (2) developing a coalition of organisations through training sessions, discussions, and networking.

- **Land rights:** Collectively-owned land is beginning to be sold, but only men are considered eligible to receive compensation. The plight of women who must leave their land is being publicised through letters, interviews with officials, press conferences and meetings with the media, as well as a large public sit-in before Parliament that was held in November 2008.
- **Lifting of CEDAW reservations:** The King of Morocco officially announced the lifting of all reservations to the CEDAW Convention on International Human Rights Day 2008. This was due in part to a court case on this issue and a major national and regional advocacy campaign called 'Equality Without Reservations'.
- **Women's political participation:** Women's groups are mobilising for the 2009 elections to raise participation from the current level of 0.6 per cent to 12 to 15 per cent.
- **Reform of the Penal Code:** Women's groups are advocating for reform of the Penal Code and a specific law on violence against women.
- ▶ Other reforms in recent years include the labour law (2003), criminal law (2003), nationality code (2007) and the electoral code (2008).

Source: Report submitted to Musawah in French by L'Association Démocratique des Femmes du Maroc, based on their involvement in the 2004 reform process and ongoing attempts at reform. See the Musawah report for more extensive information about the substance of the new law and details of the strategies involved in advocating for reform.