



**Oral Statement to the CEDAW Committee: Morocco**  
**82<sup>nd</sup> CEDAW Session**  
**20<sup>th</sup> June 2022**

1. Thank you, Madam Chair.
2. I read this statement on behalf of Musawah, a global movement working towards equality and justice in the Muslim family.
3. Morocco's Family Code 2004, the Mouwadana, was a revolutionary law that significantly contributed to spousal equality and gender balance in the law at the time.
4. *However*, nearly two decades later, we find that the full implementation of the Code remains unsatisfactory.
5. We would like to highlight two critical thematic issues:
6. **FIRST, CHILD AND FORCED MARRIAGE ISSUE**
  - a. The minimum age of marriage is fixed at 18 years for both females and males. However, the Family Court Judges are given discretion to permit cases of marriage between the ages of 16 and 18.
  - b. We are also concerned that Morocco's Ministry of Justice reported that in 2019, out of 32,000 applications for marriage to minors, an alarming 81% was approved by Moroccan courts.

**Musawah recommends the CEDAW Committee to urge the State to:**

- a. Enact legislation to uphold the minimum age of marriage at 18 years without any exception of judicial permission;
  - b. Collect and make publicly available data on the frequency of child and forced marriages, as well as the reasons for judges to grant exceptions to the minimum age of marriage, and work with civil society organizations to address the issue effectively.
7. **SECOND, DIVISION OF PROPERTY IN A MARRIAGE**
    - a. Under Moroccan law, spouses may, through a written document which is separate from a marriage contract, agree on the investment and distribution of assets acquired during the marriage.

- b. However, in 2019, only 0.25% of marriages were accompanied by such written agreements, likely due to lack of awareness.
- c. In the absence of such an agreement, the judge calls for tangible evidence of the wife's direct contribution of marital assets, and hence, disregards her contribution through domestic and care work when determining the division of matrimonial property after divorce.

**Musawah thus recommends the CEDAW Committee urge the State to:**

- a. Undertake public announcements and programmes to inform and educate on the usage of the written agreement on the investment and distribution of assets acquired during the marriage;
  - b. Amend Article 49 of the Family Code to recognise domestic and care work as contribution to the acquisition of marital property during the marriage in absence of the written agreement.
8. We urge Morocco to not only uphold the egalitarian provisions of the Mouwadana, but to also amend remaining discriminatory provisions against women, and ensuring the full implementation of the law with commitment and rigour.
9. Thank you, Madam Chair.

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