



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
16 September 2003

Original: English

**Committee on the Elimination of Discrimination
against Women**
Twenty-ninth session

Summary record of the 627th meeting

Held at Headquarters, New York, on Tuesday, 15 July 2003, at 3 p.m.

Chairperson: Ms. Açar

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Second periodic report of Morocco (continued)
(CEDAW/C/MOR/2 and CEDAW/PSWG/2003/II/CRP.2/Add.3)

1. *At the invitation of the Chairperson, the delegation of Morocco resumed their places at the Committee table.*

Articles 10 to 14 of the Convention

2. **The Chairperson** invited the members of the Committee to raise questions under articles 10 to 14 of the Convention.

3. **Ms. Khan** said that the report stated that the contractual system was based on the principle that it was wrong to discriminate between male and female workers, all other factors being equal. Under the Convention, however, equal work for equal value was considered a right. It would be useful to know whether the new Labour Code contained provisions prohibiting discrimination against women in employment. She wondered whether contracts were executed for all types of employment, including part-time jobs, employment in the informal sector, and agricultural work. In that regard, she said that the introduction of the minimum wage system into agriculture was an important achievement.

4. **Ms. Tavares da Silva** enquired whether education was free for girls at all levels. She would also like to know why the school dropout rate had increased, whether measures had been taken to curb that trend, and whether the goal of raising the school enrolment rate to 80 per cent had been achieved.

5. In addition, she asked whether measures had been taken to improve the situation of female domestic workers and whether sexual harassment legislation had been enacted. Lastly, she wondered whether the Labour Code was still in draft form or had been adopted.

6. **Ms. Gabr** said she supported the emphasis on education with a view to promoting the status of women. She would like more information on efforts to improve education for women, especially in rural areas.

7. She commended the Government for adhering to International Labour Organization Conventions; those commitments would, she hoped, soon be reflected in labour policy. She would also welcome more information about gender equality training, and about measures to achieve better conditions for working women.

8. **Ms. Patten** asked what measures were envisaged for improving the situation of rural women, including, in particular, credit programmes, and for reducing gender segregation in employment.

9. **Ms. Achmad** enquired whether women's rights were considered human rights in Morocco, in particular in the development of a human rights culture. She also wondered whether teachers' guides in language, history, geography, civics and Islam had a gender emphasis, and noted that the introduction of gender mainstreaming into Islam would be a difficult challenge. She asked whether measures to eliminate discriminatory stereotypes were based on the principle that women's rights were human rights, and whether human rights curricula reflected positive images of girls and women. Lastly, she wondered what proportion of persons benefiting from illiteracy training were women, and whether illiteracy training also focused on women's rights as human rights.

10. **Ms. Kwaku** suggested that the Government might consider adopting a programme under which doctors would work in rural areas on a shift basis in order to redress the vast disparity between rural and urban areas in the availability of doctors.

11. She commended Morocco for having eradicated female genital mutilation.

12. **Mr. Loulichki** (Morocco) said that the new Labour Code had recently been adopted after a lengthy process involving many participants. The resulting instrument was well designed, and would help to develop human rights, and in particular women's rights. Although school enrolment was indeed free, there were many additional costs of school attendance, such as clothes, supplies and transportation. Local governments in remote areas offered meals and patrons as well as international and national non-governmental organizations were involved in efforts to reduce the high cost of school attendance for disadvantaged students.

13. **Ms. Idrissi** (Morocco) said that while the Moroccan Constitution recognized the right to work it was difficult to implement it in the absence of higher economic levels and de facto social democracy. The Personal Status Code called for equal salaries for men and women; there was therefore no discrimination in that sector. It was impossible to gauge the number of people working in the informal sector, or to determine salary levels. In the private sector, salaries were determined by contract between employer and employee and in large enterprises, equality was achievable. In smaller enterprises that was less certain. Efforts were being made to raise awareness, since, as a rule, women did not have the means to engage in contract negotiations.

14. Article 9 of the new Labour Code prohibited discrimination on many grounds, including race, religion, sex, civil status, and party and union membership. Those who violated that article were subject to fines ranging from 15,000 to 25,000 dirhams, and double that amount for a second offence. The Government had instituted training and awareness programmes for persons involved in overseeing the implementation of labour legislation, in particular, labour inspectors whose task included protecting human rights, with attention to their gender-specific dimension. In addition, there were focal points in the various ministerial departments funded by UNIFEM, among others. Still much work remained to be done in the informal, private and rural sectors, although the fundamental role of rural women in development was widely recognized.

15. Article 4 of the Labour Code addressed the important category of domestic employment but measures to implement those provisions had not yet been clearly defined. For working mothers, maternity leave had been lengthened from 12 to 14 weeks, and for one year following the birth, mothers were guaranteed an hour of rest daily to nurse their infants. Businesses employing 50 or more women were required to provide a suitable place for women to rest and nurse their infants, and to provide comfortable seats for pregnant women.

16. **Mr. Azizi** (Morocco) said that the Ministry of Agriculture and a number of other agencies and institutions conducted programmes for the promotion of employment for rural women as well as pilot programmes for the reduction of poverty and exclusion. Such programmes, which included training, the

dissemination of information, special access to credit for women, and the creation of women's businesses, had had a profound impact on the lives of Moroccan women.

17. **Ms. Chakir** said that her Government had taken measures to reduce school dropouts and to ensure respect for the right to education. Between 2000 and 2003 approximately 92 per cent of children between the ages of 6 and 11 were enrolled in school, and she hoped that the rate would rise to 94 per cent in the coming academic year; 66.5 per cent of children between the ages of 12 and 14 and 41 per cent of children between the ages of 15 and 17 were enrolled over the same period.

18. Since 2000, 95,000 girls had benefited from State programmes to provide food, stipends and room and board for students, especially girls from rural areas, in an effort to integrate them into the school system.

19. Morocco's national education programmes were based on four pillars: religious tolerance, respect for all civilizations, human rights and civic responsibility. Her Government had launched a literacy campaign especially aimed at women, 62 per cent of whom were illiterate.

20. **Ms. Bakkar** said that her Government and local communities had been making concerted efforts to improve access to health care for people in landlocked areas, including the establishment of community-based health centres and regional hospitals. Her Government encouraged doctors to work for three years in the rural areas that the Ministry of Health had designated as priority zones by exempting them from competitive civil service examinations. More than 300 doctors had been recruited in recent years.

Articles 15 and 16

21. **Ms. Gnacadja** expressed concern over Morocco's Personal Status Code, which "has its roots in Islamic Law, mainly the Malekite rite" (CEDAW/PSWG/2003/II/CRP.2/Add.3, para. 38) and said that some interpretations of Islam impeded reform in family legislation. Morocco should clarify the aspects of the personal status laws that were not based on the Malekite rite or Shariah and the possibilities of abrogating or amending laws deriving from Islam. Some 13 per cent of girls between the ages of 15 and 19 were already married and therefore exposed to marital violence at an early age. More information

should be provided on the rights of women to divorce and other discriminatory laws and practices, including, for example, article 12 of the Personal Status Code, which stipulated that only women over the age of 21 whose father had died could enter into marriage without being represented by a male guardian.

22. **Ms. Belmihoub-Zerdani** said that the delegation had failed adequately to address articles 15 and 16 in its report and she wondered whether this was because they had reservations to them. The provision of the Personal Status Code concerning the matrimonial guardian, or *wali*, had no basis in the Koran. Any marriage contracted without the consent of both parties was a breach of both Islamic and modern secular law. In the absence of a prenuptial agreement, women suffered from the prevailing unfair property and inheritance laws in cases of divorce and death of the spouse. Nothing in the Koranic verses devoted to women, however, should prevent legislators from promoting communal estate settlements and enacting substantive law to avoid such injustice.

23. **Ms. Šimonović**, noting that Morocco's Constitution guaranteed equality between men and women before the law, asked what measures had been taken to ensure equality of rights, including civil, economic, cultural and social rights. Single mothers were reported to have abandoned or killed their children after giving birth, and fathers risked imprisonment if they acknowledged paternity of the child of an unmarried mother. Further information on any efforts to change the provisions of the Personal Status Code which affected single mothers would be useful.

24. **Ms. Gaspard** said that inequality in marriage negatively affected women's image of themselves and undermined their autonomy. She would welcome further information on government measures to reform the Personal Status Code, or *mudawana*, which was necessary to improve the status of women and thus further the development of Morocco.

25. **Ms. Morvai** asked whether the Government of Morocco had taken steps to coordinate its women's rights legislation among various ministries and suggested the establishment of an ad hoc commission made up of professional groups, victims of sexual violence, including human trafficking, and non-governmental organizations to put forward a coherent plan of action to combat violence against women.

26. **Ms. González** said that six years after Morocco's initial report had been considered, there were still discouraging signs of discrimination against women in matters of marriage, divorce and child custody, and men continued to be the only recognized heads of households. Cultural customs must not be used to justify infringement on inalienable human rights.

27. **Mr. Loulichki** (Morocco) commended the Committee for providing a useful forum to fully reflect the world's different cultures, religions and political systems and to overcome misunderstandings. Commenting on the possibility of amending laws derived from Islam, he pointed out that discrimination had nothing to do with the religion, which was based on the equality of all people regardless of gender or race. Every effort should be made to adapt laws to the times to promote gender equality. The recent measures taken by his Government and civil society to combat violence against women required greater coordination among various institutions and mechanisms.

28. **Ms. Idrissi** (Morocco) stressed that Islam was a religion of tolerance; the Shariah was perfectly compatible with human rights. Problems certainly remained with regard to implementation of the Convention but her Government was fully aware of those problems and committed to remedying them. They applied mainly to family and marriage rights, including divorce and custody of children. She noted that the Code of Personal Status of 1957-1958 had been aimed at promoting Islamic guarantees of tolerance and social solidarity; the Code was subsequently reformed in 1965, 1981, 1983 and 1993. The advisory committee on revision of the Code of Personal Status, with representatives of religious, professional, legal, civil society and women's groups, would reach a national consensus. On that basis, it would make further recommendations to protect women's rights as an integral component of the promotion of human rights.

29. There had been progress with regard to women's marriage and family rights. A man could no longer simply repudiate his wife without providing a reason. That process had been judicialized; an attempt had first to be made to arrive at a reconciliation and the woman had the right to be present at the judicial proceedings. Furthermore, all marriages, divorces and conjugal relationships now must be registered with the Civil Registry and in matters affecting the custody of children, full account was taken of the need to protect the best interests of the child as set forth in article 3 of

the Convention on the Rights of the Child. Accordingly, even if a woman remarried she had the right to retain custody of any children from her previous marriage; in addition, the father and not the mother's family was second in priority for custody of children.

30. His Majesty King Mohammed VI and the Government remained committed to the cause of promoting women's rights and, guided by the advice of the advisory committee, would continue to work to increase awareness of gender issues.

31. **Ms. Kerrich** (Morocco) said the first campaign to eliminate violence against women had been launched in 1999 and reflected her Government's will to break down the wall of silence on that issue. National efforts to combat violence against women were centred around the definition of a clear policy, organization and coordination of activities to meet the needs of women affected by violence, capacity-building, collection of statistics and the development of indicators to evaluate results. For example, a survey on the situation in the city of Casablanca had been carried out, focal points for domestic violence cases had been created in police stations and the police compiled monthly statistics on violence against women. Training was being provided to police, judges and other groups dealing with violence against women; a manual for that purpose had been prepared and had been shared with journalists and hospitals had set aside special reception areas for women victims of violence.

32. **Ms. Idrissi** (Morocco) said that the ultimate objective of reform of the Code of Personal Status was to replace it with a Code of the Family. With regard to the issue of polygamy, he pointed out that polygamy was not condoned by the Koran nor by the Code of Personal Status. Islam considered marriage to be a contractual relationship between a man and a woman and it was possible for a monogamy clause to be inserted in the marriage contract.

33. In fact polygamy was practised only in isolated mountainous and rural areas where civil administration was weak and it was difficult to enforce the law. However, new regulations required personal information such as births to be registered within 30 days. Her Government intended to raise the minimum age for marriage from 15 to 18 in accordance with article 1 of the Convention on the Rights of the Child. With regard to divorce, she said that a woman could

only request dissolution of a marriage before a court. The Code of Personal Status of 1957-1958 already allowed the option of having the man include in the marriage contract a clause whereby the woman would, if she so desired, be able to request dissolution of the marriage in case of violation of that contract. That provision was, however, virtually never applied. Justice system reforms such as appointment of judges for the implementation of sentences and judges assigned to family law cases should improve the situation.

34. **Ms. Gnacadja** stressed that in her earlier intervention she had not in any way meant to imply that Islam might be incompatible with protection of women's rights; she had simply been requesting an explanation of human rights protections under an Islamic system.

35. **Ms. Idrissi** (Morocco) reassured Ms. Gnacadja that the Committee's questions were welcome as part of the frank and open dialogue between her delegation and Committee members in the context of their shared commitment to the promotion of women's rights.

36. **The Chairperson** thanked the delegation for its dialogue with the Committee. She was, however, concerned by the slow pace of reform of the status of women and stressed that the State party must act urgently to ensure de jure and de facto implementation of the Convention. It must strengthen its national machinery for women's rights, recognize and combat violence against women in accordance with the Convention and the Committee's general recommendation 19 in partnership with non-governmental organizations, punish the guilty and provide protection and rehabilitation for victims. Stereotypes about gender roles which were the root cause of discriminatory attitudes and practices must be eliminated. Although she welcomed efforts to combat illiteracy, the results, especially with regard to women, had been disappointing. Sex-disaggregated data should be provided and measures should be implemented not only to teach gender issues in the educational system but also to provide gender-related training to teachers and ensure that teaching materials reflected a gender perspective.

37. She welcomed efforts to increase the representation of women at the political decision-making level and stressed that although there was often resistance to quotas, the State party must persevere in ensuring that women were fairly represented in the

political arena. In spite of progress, further efforts were needed to increase women's participation in the economy, the judiciary and the diplomatic corps, particularly at decision-making levels. The adoption of new labour legislation was encouraging, as was ratification of relevant International Labour Organization conventions, but more must be done to increase employment opportunities for rural women and to meet the needs of women working in the informal sector and as domestic workers.

38. The situation of women with regard to marriage, divorce and custody rights remained a concern. The Code of Personal Status must be brought into conformity with universal standards in the area of women's rights, which were perfectly compatible with the tenets of Islam. Continued legislative and policy reform would result in the de facto elimination of discrimination against women. She welcomed the State party's withdrawal of its reservation to article 16 and encouraged it to withdraw its reservation to article 9 of the Convention as well. Such measures, as well as adoption of the Optional Protocol to the Convention and support for the amendment to article 20, paragraph 1, of the Convention would be a powerful demonstration of the State party's political will to ensure equality between men and women.

39. **Mr. Loulichki** (Morocco) thanked the Committee for its commitment to women's rights in Morocco. He acknowledged that despite progress, much remained to be done and the Committee's observations would be transmitted to his Government. Efforts to increase awareness of gender issues and adopt and effectively implement reforms would continue in order to empower women to play their rightful role in society. His delegation would recommend ratification of the Optional Protocol to the Convention as well as adoption of the amendment to article 20, paragraph 1, and he looked forward to continued dialogue with the Committee.

The meeting rose at 4.55 p.m.