

Advancing Society through the Rights of Women: Progress and Challenges in Morocco

Introduction

October 10 was National Women's Day in Morocco, an occasion to celebrate the achievements of women while calling for greater equality. There is wide consensus from [Moroccan women](#), [regional](#) and [subject-matter](#) experts, and [economists](#) that over the past 15+ years Morocco has become a leader among Islamic countries in promoting the rights of women and gender equity. Indeed, progress in women's rights has been a hallmark of the leadership of King Mohammed VI – and one of the issues he is staunchly committed to.

And yet there is also consensus that the country continues to face challenges in this domain – whether it be concerns about the implementation of existing laws or the consistently low percentage of female participation in the labor force. Here is a look at some of the achievements of the past decade-and-a-half, as well as some of the areas where more work remains to be done.

From the Reform of the Family Code to the 2011 Constitution: Legislative and Political Successes for Women's Rights

When King Mohammed VI delivered a [speech](#) in 2003 announcing the landmark reform of the family code, *moudawana*, he set the tone for the country's approach to women's rights for years to come. Calling for granting women new rights in marriage and divorce – as well as equality within the family – the King linked women's rights to the successful development of the country more broadly:

How can society advance while the rights of women - who form half of it - are squandered and they are subjected to injustice, violence and marginalisation despite the deference and fairness accorded to them by our true religion?

As a first step towards eliminating these conditions, in February 2004, Morocco officially adopted a new family code, one of the most [progressive laws](#) on women's and family rights in the Arab world. The [new law](#) raised the age of marriage for girls from 15 to 18, granted women the right to marry without the consent of a male guardian, provided women new rights to initiate a divorce, and gave wives joint responsibility for the family with their husbands and equal rights to property upon divorce. Additionally, sexual harassment was made punishable under law.

Beyond the law itself, the process of the reform was also noteworthy, as it was the result of cooperation between women's rights organizations and the government – over the opposition of some of the more conservative political parties and organizations. As Leila Hanafi, a leading expert on women's rights [argues](#), "Morocco's 2004 *Moudawana* is undoubtedly a progressive piece of legislation for women in Morocco. Two aspects of the family law make it novel. First, it admits the principle of equality in

marriage, and does this by redefining the notion of authority in the family within an Islamic framework. Secondly, the reforms were achieved after decades of Moroccan women's activism for better access to justice." This type of grassroots activism, combined with the leadership of King Mohammed VI, has been essential in driving reform, particularly as cultural conservatism is still pervasive in Morocco.

What followed was an initiative that began to address women's position in the religious sphere – by empowering religious women to play a greater role in their communities. Starting in 2006, Morocco began a program to train women preachers – or mourchidates. Each mourchidate is assigned to one or more mosques throughout the country. While they do not lead prayers (this task is still reserved exclusively to men), the mourchidates give basic religious instruction in mosques and provide support in prisons, hospitals, and schools. The program has since been expanded and serves both to spread Morocco's message of tolerant Islam and to augment the role of women in a traditionally conservative domain.

Unsurprisingly, strengthened legislative and political reforms ushered in profound changes in Moroccan society. In a 2009 report from [Freedom House](#), Fatima Sadiqi sums up the extent of the impact of these reforms:

Moroccan women have achieved considerable progress in consolidating legal equality and access to justice in the last five years, and the autonomy, security, and personal freedom of women has also improved. Women now have more freedom to travel, obtain employment and education, greater equality at home, and more leeway to negotiate their marriage rights. They are spearheading business ventures and advancing to higher levels of education. Important progress has also been made in protecting women from domestic violence, and support networks are getting stronger despite restrictive social norms.

She notes that most of the advances have occurred at the legal level. And it is indeed at that level that the reforms have continued over the past five years, most importantly with the 2011 reform of the [Constitution](#), which further enshrined women's equality in the law. It contains eighteen articles relating to women's rights and Article 19 consecrates the principle of gender equality in the exercise of all fundamental rights – civil, political, cultural, economic, social, and environmental. The Constitution also contains a provision to harmonize national law with Morocco's existing commitments under international law. This is especially important regarding women's rights since Morocco is a signatory to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and in 2011 formally lifted its last reservations to it, followed in 2012 by the adoption of CEDAW's Optional Protocol.

Quotas to improve women's political participation have ensured that this issue remains on the legislative agenda. Thanks to quotas – strengthened with the Constitution - women currently make up 17% of the House of Representatives in Parliament. And new organic laws adopted since then have increased women's representation at the local and regional level – with a 27% requirement in Communal Councils and a 1/3 requirement in Regional Councils.

All of this led the World Bank, in a 2015 [report](#) on women's status in Morocco, to praise the country as displaying "one of the most liberal and progressive legal frameworks in the MENA region in terms of gender equality." Political empowerment is of course only one piece of the puzzle. To gain a more comprehensive understanding of women's equality, next up is the topic of development.

Health, Education, and Economic and Political Participation: Advances and Challenges in Women's Development

The same World Bank [report](#) highlights similar advances in women's development:

Thanks to sound macroeconomic policies and the implementation of a wide range of structural reforms, Morocco saw significant progress in terms of economic, social and human development outcomes during the past decade. Women, as much as men benefited from such progress and increased access to services.

Thinking back to King Mohammed's 2003 speech, as things improve for women, they improve for the country, and vice-versa.

On the specifics, women's health indicators have much improved over the past decade+:

- Women's [life expectancy](#) increased from 66.1 years in 1990 to 76 years in 2014.
- The [maternal mortality ratio](#) decreased from 270 deaths per 100,000 live births in 1990 to 120 in 2014.
- 80.2% of women have access to prenatal and pregnancy [care](#).

Women's access to education likewise improved significantly:

- The gender gap in primary school is almost non-existent, with the percentage of [girls](#) in primary school at 98.5%, compared to 99.5% for boys. This is up significantly from 1991, when just 46.1% of girls were enrolled in school.
- The literacy rate for [adult women](#) increased to 58% in 2011, up from 29% in 1994.
- The literacy rate for [young girls](#) was up to 74% in 2011, compared with 46% in 1994.

Unfortunately, this has not translated into an increased role in the workforce. With a female economic participation rate of 27%, Morocco is among the lowest in the world. When women are in the workforce, they face a substantial wage gap, as high as 29% when controlled for education, age, and place of residence according to the latest stats from the [World Bank](#).

And though the number of women in politics had increased as previously noted, it still remains low – particularly in bodies that are indirectly elected, such as the House of Councilors and the Cabinet, in which women account for [2% and 3%](#), respectively. In the local and regional elections just held in September 2015, all of the new mayors and regional presidents elected were men. And there are just 10 female [Ambassadors](#) out of a total of 84. In the judicial branch of government and related professions, women account for 22% of judges and 20% of lawyers.

With better access to health, better education, and improved literacy, combined with real legislative successes in getting gender equality on the books, there is no doubt that the status of women in Morocco has improved. And yet there is more to be done. Looking at the gaps between law and practice highlights where future efforts to improve women's rights must be directed.

Ongoing Challenges – And Civil Society Activism to Overcome Them

Just as a diverse array of voices has praised progress to date, those same voices continued to stress that more needs to be done. In a February 2015 [report](#), the Democratic Association of Women in Morocco –

a leading Moroccan NGO advocating for women's rights – joined other rights groups in arguing that though Morocco has made important advances in the normative, institutional and legislative framework with regard to women's rights, it continues to face challenges with some existing legislation, including a gap between the rights enshrined in the Constitution and other laws and cultural practices.

This sentiment is echoed by the [World Bank](#), which has stated that “despite progress in reducing gender gaps, women in Morocco continue to face significant obstacles to social, economic and political participation....Legal equality continues to be de facto undermined by weak delivery of public sector services and non-implementation of the legislation, specifically when provisions conflict with social norms.”

Broadly then, key challenges relate to: gaps in existing legislation; implementation of existing legislation; and continued cultural conservatism. In the case of the *moudawana*, these challenges are linked. Though raising the age of child marriage, the reform code retained an exception allowing both boys and girls to be married between the ages of fifteen and eighteen with the consent of a judge. Both requests and approval rates for these marriages remain high. According to the Moroccan [Ministry of Justice](#), in 2013, 43,416 requests were made for the marriage of girls (compared with 92 for boys) and 85.5% of these were accepted – indicating that tradition and culture norms among the populace and the judiciary alike allow child marriage to continue.

Judges and public prosecutors are often also criticized for failing to enforce other provisions of the law – either because of an outright resistance/opposition to the provisions or because of a lack of awareness of them. Then there is the question of resources – new family courts, created under the *moudawana*, are understaffed and underfunded, and personnel are not properly trained, leading not only to a backlog of cases, but to a more pervasive lack of knowledge about how to implement existing laws.

Domestic violence is another area where there are problems with legislation or lack thereof; there is no comprehensive legislation prohibiting domestic violence. This reality, when combined with patriarchal views about the treatment of women, means that violence against women more broadly remains a serious problem throughout the country. More than 62% of women experience some type of [violence](#) against them – whether psychological, physical, or sexual. And 55% of that is within the context of marriage.

Both civil society and the government have launched campaigns to promote awareness of the *moudawana* and challenge cultural stereotypes regarding gender, with varying success. Women's civil society organizations such as the [Democratic Association of Women in Morocco](#) and the [Federation of the Democratic League for Women's Rights](#) engage in substantial activism and, as Leila Hanafi [notes](#), “work freely and effectively to promote gender equality and equal access to justice...having gained momentum in recent years.” They have kicked off a public debate on the need for legislation on domestic violence, with the National Council for Human Rights (CNDH) [advocating](#) for sweeping changes in both the law and practice to address this issue. As a result, a law has been in the works for some time.

Taking on traditional norms, however, presents a much bigger challenge. As Jamal Badaoui, a Moroccan sociologist, [explains](#), “Mindsets are much harder to change than laws.” So what can be done?

Looking Ahead

It is clear, particularly in Morocco, which has a robust legal framework for protecting women's rights, that laws can only go so far in changing realities on the ground. More outreach and education are

necessary to ensure that the entire Moroccan populace – rural and urban, liberal and conservative – are aware of the laws and the impact of them on their lives. There is also a need to continue the training of judges and other public officials, who are required to implement the laws regardless of their personal views. Perhaps most importantly, as CNDH and others have argued, there is a need for more concentrated efforts to promote cultural norms that value women as equal partners to men. This includes everything from the way women are portrayed in the media and public space, to how they are portrayed in textbooks and other materials from the earliest age. Finally, there is a need to understand that change, though urgent, takes time, particularly in a country where there are competing narratives about women’s status. Morocco is headed in the right direction. It needs support and encouragement to continue down that path.

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