



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

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**Committee on the Elimination of Discrimination
against Women**
Fortieth session

Summary record of the 825th meeting

Held at the Palais des Nations, Geneva, on Thursday, 24 January 2008, at 3 p.m.

Chairperson: Ms. Šimonović

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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)

Combined third and fourth periodic reports of Morocco (continued) (CEDAW/C/MAR/4, CEDAW/C/MAR/Q/4 and CEDAW/C/MAR/Q/4/Add.1)

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

Articles 10 to 14

2. **Ms. Zou Xiaogiao** requested information on the positive measures taken by the Government since 2003 to reduce inequalities and promote the enrolment of rural girls. She would like to know what action had been taken to ensure that rural and urban children enjoyed access to comparable educational facilities and quality of education and the funding allocated to education in rural areas. She questioned the accuracy of the female illiteracy figures provided in the report and asked about the mechanism whereby the Government would eliminate illiteracy by 2020.

3. **Ms. Patten** commended the progress made in the enactment of the new Labour Code, noting the importance of the labour market as an arena for the promotion of gender equality through economic empowerment. The challenge would be to ensure that it was implemented, as the reality on the ground contrasted with the ideals expressed in the Code. She wished to know what the Government would do to raise awareness about the Labour Code among women and its social partners and employers in the private sector. Women continued to be concentrated in low-skilled jobs with low pay and poor working conditions, often in the informal sector. She requested information on measures being taken to promote career development for women, to encourage them to work in non-traditional areas, highly-skilled jobs and senior management positions, and to promote equal employment opportunities. Further, she requested information on mechanisms for the adjudication of cases of pay disparity and wage discrimination in the private and the public sectors. She asked whether the resources available to the Labour Inspectorate enabled it to ensure respect for the principle of equal pay for equal work. The Government must accord priority to

the issue of domestic workers, in particular the link to child labour.

4. **Ms. Simms** expressed concern that stereotypes in society were being perpetuated in the educational system, despite the excellent performance of women in tertiary education, as their choice of subjects ultimately led to pay differentials that favoured men. Although more and more girls were entering the education system at all levels, the education available to girls continued to limit their employment opportunities. Improved career guidance was needed to encourage them to assume non-traditional roles.

5. Education in rural areas continued to provide cause for concern. She asked what strategies ensured that the same level of preschool services were available in rural areas, as preschool education was important for the socialization of girls and boys into non-traditional ways of thinking. Furthermore, she asked whether the Government would focus on disabled women as an important part of the female population.

6. **Ms. Coker-Appiah** noted that the data provided in the report appeared to contain contradictions and requested clarification as to whether female employment was growing or stagnating as a result of the new employment laws. She asked what the Government was doing to ensure that the laws applicable to women in employment were recognized by employers, in view of the fact that women in the textile and clothing industry, who often earned less than the minimum wage and worked without employment contracts, enjoyed no legal protection. Data contained in the report was not disaggregated by rural or urban area or by region; she would like to learn more about the employment status of women in Western Sahara in particular.

7. **Ms. Shin** observed that 85 per cent of women in the clothing and textile industry had no employment contracts and many worked far more than the legal hours. She asked whether the Government was aware of the problems of women in that industry.

8. Maternity leave had been increased from 12 to 14 weeks, which was a positive development, but 80 per cent of women did not have maternity leave. She asked whether labour inspectors viewed that as a labour issue, rather than as a health issue, and whether there were cases of employers being sanctioned for violations.

9. **Ms. Skalli** (Morocco) said that social and economic rights formed part of human rights and employment and education were areas of central importance for the full enjoyment of human rights by women.

10. **Ms. Amrani** (Morocco) said that progress in the area of education had been made, as was evident in primary school enrolment figures in rural areas, which showed an increase of 2 per cent since 2003. With regard to informal education, women and men benefited from programmes to prevent students from dropping out of school in urban and rural areas. Illiteracy had fallen to 38 per cent between 2004 and 2006 and mechanisms existed for the promotion of literacy.

11. Progress made in the face of challenges such as dropout rates, preference of boys over girls and the rural dropout rate was evident in the measures taken. An Act had been promulgated in 2000 on basic compulsory education. Ministerial decisions had been taken on the monitoring of school absenteeism. Efforts had been made to ensure access to schools from age six and to encourage the establishment of schools in rural settings. Moreover, the budget allocation for schools had increased each year at a rate greater than the increase of the general budget.

12. With respect to mechanisms to combat stereotyping, a permanent standing committee ensured that the principles of equality were respected and that a positive image of women was promoted. Moreover, measures were in place to provide educational support for disadvantaged women, in particular in rural settings. Measures to encourage the enrolment of girls in rural areas included grants and scholarships, housing and transportation to school. Work was also done through non-governmental organizations (NGOs) to raise awareness at the local level of the importance of education for girls.

13. The lack of preschools in rural areas could be attributed to the fact that most preschools were private schools, in cities. There were future action plans to promote preschools in rural areas. The obligation to provide education from preschool through secondary education and the integration of gender equality would be included in all future action plans of the Ministry of Education.

14. **Ms. Amrani** said, with reference to stereotypes, that education was essential to combating violence by

raising the awareness of different groups and it was important to ensure that it started in school.

15. **Mr. Belghazi** (Morocco) said that discrimination against women in the labour market stemmed from discrimination against girls in schools. In Morocco, many people had diplomas but were also unemployed; the Government therefore encouraged the establishment of small and medium-sized enterprises. There was an active policy to broaden social security coverage, pension rights and medical coverage. The effect had been, as the indicators showed, that the female employment rate had risen, mainly due to increased employment in the rural sector. Trends and variations in employment since 2001 indicated that the employment figures for women were more dynamic than they were for men.

16. The pay gap between men and women was widest among the persons in the highest and lowest income bracket; wages equalled out in the middle income bracket. The reform of the Labour Code was aimed at addressing that inequality, including increasing the representation of employees and their negotiating power. The Code also urged businesses to adopt socially responsible policies on a voluntary basis. There had been an increase in activities spearheaded by women in the garment and textile industry in recent years, sometimes outside the scope of unions, to improve their social conditions. Tripartite consultations had taken place within the framework of the International Labour Organization to promote decent work in Morocco. International competition, including competition with China for exports to Europe, had also raised problems. Morocco had therefore sought to diversify its economy, expanding into the automotive, aeronautics and electronics industries, among others.

17. Rural women were experiencing considerable unemployment. Some 80 per cent of those employed were domestic workers. Nevertheless, between 2001 and 2006 the number of women wage earners increased. The National Initiative for Human Development was aimed at promoting modernization in the area of health, education, water, electricity, rural roads and energy.

18. **Ms. Skalli** (Morocco), concerning the implementation of women's programmes in the Saharan provinces, said that national policies were applied to the entire territory of the country. In the past 30 years, the Government had invested greatly in the

Saharan provinces, which was more economically vulnerable than the other parts of Morocco. The provinces had therefore benefited from affirmative action programmes in such areas as education, drinking water and health infrastructure.

19. **Ms. Benyahya** (Morocco) said that the Government had developed draft legislation to address the employment of young girls as domestic workers. It included monitoring of the situation, criminal penalties for organizers and outreach programmes to raise awareness among parents. A public information campaign had been launched in previous years about the risks posed to girls who did such work. Furthermore, efforts were made to enhance the partnership between civil society and the Government to reduce the school dropout rate. The Government had also taken steps to assist women with disabilities and appealed to all the relevant organizations which received its support to redouble their efforts to promote their rights.

20. **Ms. Pimentel** sought further clarification concerning marital rape. Issues like rape, unwanted pregnancies and HIV/AIDS and other sexually transmitted diseases were resolved within the family, often to the detriment of the women concerned. While she acknowledged that family matters were often delicate, she would like to know whether the Government had a specific strategy to address such issues outside that private context.

21. **Ms. Zou Xiaogiao** would like clarification on the causes of the increase in the maternal mortality rate, whether studies had been conducted on it and how the Government planned to respond to the problem. She expressed concern that criminalizing abortion had led to unsafe and life-threatening abortions. She wondered whether any study had been conducted on deaths arising from unsafe abortions and if the Government was willing to reconsider the law.

22. It was also a matter of concern that rural women often had to travel great distances to gain access to health services. More specific information on the provision of affordable health care in remote areas would be useful.

23. **Ms. Coker-Appiah**, noting the report's mention of the considerable strides made in the area of access to health care, said that access was still a problem for women in rural areas. She would like to know how effective the compulsory health insurance mentioned in

paragraph 267 of the report had been, especially as health insurance was always difficult to maintain for the self-employed and workers in the informal sector. Clarification was needed on how the Government was ensuring that every Moroccan citizen was covered. That paragraph also referred to cost recovery for public outlays on health services, which often entailed the elimination of Government subsidies to the detriment of the poor and marginalized. She would therefore appreciate an explanation of what was meant by cost recovery. Reference was also made to greater contribution by the private sector to the task of enhancing the health status of all Moroccans. It was not clear precisely what that contribution involved. More private sector participation in health services usually resulted in the reduction of State intervention in that area.

24. **Ms. Skalli** (Morocco) said that the issue of marital rape was currently being considered within the framework of forthcoming draft legislation on violence against women. In the light of the principle of equality between men and women, the law would not allow for that kind of violence within the family. Although the issue of marital rape was indeed sensitive, married women were able through signs to convey to the courts that they had been sexually abused. For example, a woman who placed her babouche slipper before the judge in a specific way implicitly conveyed such abuse.

25. She referred to the figures cited in paragraph 276 of the report, which showed a decline in maternal mortality rates. It emphasized that the decline had been more impressive for urban areas than for rural areas. Nevertheless, the maternal mortality rates were of great concern to her Government.

26. **Mr. Zerrari** (Morocco) said that the figures on maternal mortality in the report covered the period 1993 to 2003. In the years from 2004 to the present, the Government had taken robust action to address the problem. Nevertheless, the maternal mortality rate was not in keeping with the social and economic level of the country, and reducing maternal and neonatal mortality was a top priority for the Government. It sought to increase access to health-care service and had increased public funding to create more health service posts.

27. A significant part of that funding would be allocated for maternal and child health care in rural

areas. Some 200 health facilities which had been closed down because of a lack of qualified staff would be reopened. The Government was also making efforts to increase the quality of care. It had adopted new guidelines from the World Health Organization and United Nations Population Fund concerning maternal and neonatal care. Training aimed at strengthening the capacity of health-care professionals would be carried out in 2008. The causes of any maternal death would henceforth be reviewed and plans had been made to establish a national maternal mortality monitoring centre. The public funds for medicine would be doubled in 2008, and to increase access in the most remote areas, 4 X 4 vehicles were being made available to health professionals.

28. **Ms. Skalli** (Morocco) said that cooperation with the private sector was aimed at involving private doctors in efforts to reduce maternal mortality. It did not mean in any way that the private sector was being favoured at the expense of the poor.

29. **Mr. Snoussi** (Morocco) said that basic health insurance coverage aimed at improving the state of health of the population by increasing access to health-care services and mobilizing the necessary funding for such services. Civil service and private sector employees as well as pensioners were covered by compulsory health insurance. The programme, which began in 2005, had enabled Morocco to increase medical coverage from 17 per cent to 34 per cent of the population. A complementary system of medical assistance for low-income persons, who made up a third of the population, had also been developed. It would be implemented in March 2008 in the Tadla-Azilal region as a pilot project and extended at the end of the year to other regions. It was hoped that medical coverage would increase from the current 34 per cent to 70 per cent of the population. The remaining third of the population were independent workers for whom specific programmes had been implemented to provide them with medical coverage. Despite the challenges, which were considerable even in countries with a higher income level, the ultimate aim was universal coverage, with a goal of more than 80 per cent coverage by 2009.

30. **The Chairperson**, recalling General Recommendation No. 24, said that legislation criminalizing abortion should be amended to remove penalties imposed on women who underwent the procedure.

31. **Ms. Tan** said that she was glad to see that improvement of the rural sector had been given high priority. She would like to know what constituted the social priorities programme mentioned in paragraph 311 of the report and which areas were covered by it. It would be useful to have further data on programmes like the rural community drinking water supply programme, the rural electrification programme and the national rural roads programme. She asked what was being done to increase the low number of girls in the apprenticeship training programme in agricultural techniques referred to in the report and whether there were campaigns to help girls and their families to overcome the cultural obstacles to joining such a programme. Rural women were excluded from decision-making positions and tended to assume responsibility for domestic work. Furthermore, only 2.5 per cent of Morocco's useful agricultural area was managed by women. She wondered whether anything was being done to encourage men to take on a fair share of domestic work and involve women in a wider range of agricultural activities.

32. **Ms. Gabr** commended efforts to face the challenges of rural development and poverty alleviation, and asked if any data was available from the periodic review of development plans on the results and impact of such plans. She would like to know the criteria for choosing NGOs to work in rural areas and whether their efforts had been successful.

33. **Ms. Ara Begum** said that rural women and girls were still marginalized, and she asked how their participation in political and community life was being promoted, how many had received training in community development and how their handicrafts and products were marketed. She would like more information on the status of plans to include a gender perspective in rural development programmes. Early marriage remained a concern in rural areas, and she would also like to know how the issue was being addressed. More information on efforts to combat maternal mortality and care for elderly and disabled women in rural areas would also be of interest.

34. **Ms. Shin** said that, as part of a delegation of international experts, she had recently had the opportunity to visit the homes of women in rural areas of Morocco. She was curious to know if there were any outreach structures designed to raise rural women's awareness of their rights and whether they were taken into consideration in rural development plans.

35. **The Chairperson** said that she had also participated in that visit and had been pleased to learn that Morocco had established its national machinery for women since that time.

Articles 15 and 16

36. **Ms. Halperin-Kaddari** said that paragraph 372 of the report, stating that divorce by repudiation no longer existed in Morocco, and paragraph 374, covering divorce in return for consideration, appeared to contradict each other and required further explanation. She would like to hear more about the economic consequences of divorce, particularly when the regime of separation of marital property was applied. That regime did not appear to be in line with the Convention and the Committee's General Recommendation No. 21, especially regarding the marital home. She wondered if women were encouraged to conclude prenuptial agreements, which gave them more protection in the event of divorce, and whether alimony for the spouse and maintenance for children was required. Statistics on de facto unions and any legal rights or protections offered to partners in such unions would also be of interest.

37. **Ms. Belmihoub-Zerdani** said that the Family Code of 2004 represented progress, yet questions remained about some of its provisions. The Code established the minimum age of marriage at 18 for both men and women, yet it allowed judges to permit derogations from that regulation with no lower age limit, 89 per cent of which were granted. Furthermore, it retained the institution of polygamy, subject to judicial authorization. Although the Code aimed to restrict the practice with a view to ending it, she asked why the family registration booklet (*livret de famille*) still contained up to four pages for wives. Problems also remained in the areas of divorce, custody of children and inheritance. She would like to know the standing of international instruments such as the Convention in domestic law, as it was not indicated in the Constitution.

38. **Ms. Tan** asked if the practice of automatically awarding legal guardianship of children to the father would be brought into line with the Convention. It would be helpful to see whether the 2006-2007 figures on the number of polygamous marriages indicated a decrease. The report stated the expectation that the practice would disappear, but she wondered why the

Government had not simply abolished it in the new Family Code. She also asked if there were any limits on the discretionary powers of Family Court judges, how many of those judges were women, and how many divorce proceedings were initiated by women per year. She wondered if there were any plans to remove the five-year time limit for single mothers to establish a child's paternity, and if DNA testing had been considered.

39. **Ms. Schöpp-Schilling** asked what had been the obstacles to the abolition of polygamy. She would like to receive comprehensive data on the number of polygamous marriages in general, not simply new ones. She also asked if divorce mediation was used in cases of domestic violence.

40. **Ms. Skalli** (Morocco), replying to questions on the subject of rural women, said that the question was at the heart of development priorities, and when rural women fully enjoyed their rights, the country would know that its development plans had succeeded. Under the reform of the public budget, all regions were to benefit equally from public funding, which helped in meeting the challenges of rural development. The numbers of women among the 24,600 local officials in the country's 1540 communes was currently low, but she expressed the hope that in the 2009 parliamentary elections, the percentage of women elected would rise to between 20 and 30 per cent. That was in line with plans to meet Goal 3 of the Millennium Development Goals and would help in the development of rural areas.

41. **Ms. Jalal** (Morocco) said that the Government had selected water, energy and transport as its development priorities. Those priorities were addressed through programmes at the political, international and local levels.

42. Water was a strategic resource which was becoming increasingly scarce in the face of Morocco's expanding population, economic growth and desertification. Only 14 per cent of rural households had had access to safe drinking water before implementation of the water programme; in 2007, that figure had risen to 92 per cent. The programme had a huge impact on the lives of rural women and girls, who were usually assigned the chore of carrying water for the family. Improved access to water had freed up significant amounts of time that could be spent on schooling for girls and income-generating activities and participation in community affairs for women, in

addition to the improvements in health resulting from clean water.

43. Rural electrification programmes, using both conventional electrical grids and individual solar energy kits, had expanded the availability of electricity from 16 per cent of rural households in 1996 to 94 per cent in 2006. The immediate impact on girls and women was a significant reduction in the time spent gathering firewood for cooking and heating, again freeing more hours for school attendance and other activities. Its impact on health included a reduction in respiratory illnesses caused by wood smoke. The impact on the community as a whole took the form of increased security through street lighting, resulting in a drop in violence against women, and stimulation of local trade and business, helping to stem the exodus from rural areas to the cities.

44. **Ms. Skalli** (Morocco) said that a number of multi-purpose centres had been established in order to provide rural women with literacy and vocational training. The centres also encouraged those women to engage in income-generating activities by, inter alia, forming cooperatives. The products they made were then marketed through the centres.

45. While the reform of the Family Code was a welcome development, ensuring the implementation of its provisions remained a challenge, particularly since resistance to change led many people to circumvent the law. Nevertheless, the abolition of divorce by repudiation (*talaq*) was a significant achievement, and a court decision was now required before any marriage could be dissolved. Moreover, although divorce in return for a consideration was still permissible, the legislature had also introduced the concept of divorce on the grounds of irreconcilable differences. Women wishing to leave their husbands thus had many more available options.

46. With a view to bridging the remaining gaps in the Family Code concerning the distribution of marital property in the event of divorce, couples were permitted to enter into a prenuptial agreement stipulating the terms and conditions of the distribution of any future property. However, such agreements were not very common, probably because couples did not wish to contemplate the possibility of divorce. In the absence of a prenuptial agreement, the presiding judge was authorized to assess each spouse's contribution to the marriage and distribute the marital property accordingly.

47. Under the new Family Code, the minimum age for marriage was 18 for both sexes. However, exceptions to that rule were made when, for instance, the prospective bride was pregnant, since children born out of wedlock were regarded as illegitimate. The number of early marriages was far higher in rural areas, and that problem was compounded by unscrupulous judges who sanctioned such practices. In order to remedy the situation, the Ministry of Justice, working in partnership with non-governmental organizations (NGOs), conducted annual evaluations of judges' activities.

48. **Ms. Mezdali** (Morocco) said that, while polygamy was still permitted under the Family Code, it was now subject to authorization, on a case-by-case basis, by a judge. During the reporting period, the number of polygamous marriages had continued to drop, from 841 cases in 2005 to 811 in 2006.

49. **Ms. Skalli** (Morocco) said that, in the past, polygamy had been used as a weapon: husbands who wanted a divorce had taken a second wife in order to prompt the first one to leave. However, when drafting the new Family Code, lawmakers had intended to impose such strict conditions on polygamous marriages that they no longer seemed worthwhile. In practice, judges usually authorized second marriages when the husband had sufficient means to support both wives but, if the first wife did not consent to the second marriage, she was automatically granted a divorce. Under the amended Family Code, men were no longer permitted to take a third or a fourth wife, and the Government would therefore take steps to ensure that that new state of affairs was duly reflected in all relevant documentation.

50. Lastly, with regard to women's inheritance rights, she pointed out that men were not entitled to inherit twice as much as women in all cases. For instance, under Islamic law, the mother and father of a deceased child inherited equal shares of the latter's property. Furthermore, grandchildren were now entitled to inherit from their maternal grandfather in the same way as from their paternal grandfather. She acknowledged, however, that the Family Code still contained a number of discriminatory provisions on inheritance and assured the Committee that further efforts would be made to address them.

51. **Ms. Shin** enquired whether labour inspectors were responsible for monitoring compliance with the regulations on maternity leave. Since the State party had not yet adopted legislation on domestic violence,

she wished to know more about existing measures to deal with perpetrators.

52. **Ms. Tavares da Silva** welcomed the steps taken by the State party to promote women's participation in public and political life. A recent survey had revealed that 82 per cent of the Moroccan population would be willing to vote for a female candidate, and the Government should therefore take full advantage of that situation in order to increase the number of women in elected office. Lastly, she encouraged the State party to phase out its use of the French term *droits de l'homme* (literally "men's rights") and to replace it with a gender-neutral phrase such as *droits de la personne humaine* (literally "rights of the human person").

53. **Ms. Belmihoub-Zerdani** drew the State party's attention to the difference between a reservation to the Convention and an interpretative declaration.

54. **Ms. Halperin-Kaddari** expressed concern that, by her calculation, early marriages had accounted for 12 per cent of all unions contracted in Morocco in 2006. In that connection, she asked why the Family Code did not specify the circumstances in which exceptions to the law were permitted.

55. **Ms. Schöpp-Schilling** underlined the cross-cutting nature of women's issues and enquired whether the Minister for Social Development, the Family and Solidarity had the authority to submit legislative proposals relating to the advancement of women in areas falling within the jurisdiction of other ministries. It would also be useful to know whether the Minister was authorized to review legislative proposals submitted by other ministries in order to determine whether those proposals would have differing effects on men and women.

56. **Mr. Loulichki** (Morocco) recalled that, in accordance with the Vienna Convention on the Law of Treaties, States were permitted to formulate two types of reservation to a treaty: first, reservations designed to exclude the legal effect of certain provisions of the treaty in their application to the State in question and, second, interpretative reservations modifying the legal effect of certain provisions with a view to ensuring that the implementation of the treaty was compatible with the national legal order of the State in question. He assured the Committee that the Moroccan Government would notify the Secretary-General of any changes to its position in that regard.

57. **Ms. Skalli** (Morocco) said that, as Minister for Social Development, the Family and Solidarity, she was committed to taking early action on all legislative proposals in order to ensure that they were in line with relevant gender equality policies. She routinely reviewed all draft legislation with a potential impact on women.

58. Referring to the remarks made by Ms. Tavares da Silva, she stressed that attitudes did not change overnight. Although more women were putting themselves forward for election at all levels, they still accounted for only a tiny proportion of the total number of candidates. While the population at large might indeed be willing to vote for female candidates, many of the established procedures for winning nominations and raising campaign funds were inherently discriminatory. In addition, members of tribal communities often voted en masse for the same candidate, usually the son of one of the tribal leaders. It was very difficult to change such ingrained behavioural patterns. In her view, affirmative action was the only solution to those problems, and she urged the Committee to study that issue even more closely.

59. **Ms. Benyahya** (Morocco) drew attention to paragraphs 255 to 263 of the report (CEDAW/C/MAR/4), which detailed the legislative measures introduced to protect women in the workplace, and confirmed that labour inspectors routinely monitored compliance with the provisions of the Labour Code relating to maternity leave. Employers were not permitted to dismiss women who became pregnant.

60. **Mr. Belghazi** (Morocco) pointed out that women on maternity leave were entitled to social security benefits. In recent years, there had been a discernable shift in attitudes towards women in the workplace and employers were far less likely to discriminate against them. Under the new Labour Code, all alleged violations of women's employment rights must be investigated by the appropriate authorities.

61. **The Chairperson** commended the State party for the significant progress it had made during the reporting period and urged it to pursue its efforts to eliminate all remaining discriminatory legislation. It should be possible for the Moroccan Government to withdraw or significantly narrow the scope of its remaining reservations to the Convention, and further thought should also be given to ratifying article 20, paragraph 1, thereof and the Optional Protocol.

The meeting rose at 5.35 p.m.