



Parallel report on the work of Morocco

The International Convention on the Elimination of All Forms of Racial Discrimination

around:

Civil society monitoring of women's rights

Between universal principles and regional specifications

The Moroccan Sahara is an example

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On the occasion of the 111th session on the International Convention against Forms of Racial Discrimination, the International Institute for Desert Studies Andalusia took the initiative to interact with the relevant UN mechanisms

Human rights, based on the concept of national commitment to international conventions ratified by Morocco, and pursuant to the advocacy roles of civil society organizations concerned with human rights, in expressing opinions and monitoring the status of implementation of the obligations of member states of the United Nations.

The Andalusian Desert Studies Institute was established in the year 2019 and has its permanent headquarters in the city of El-Ayoun in the south of the Kingdom of Morocco. Whether it is the strategic field in the field of sustainable development, through constructive cooperation with the national or international scientific elite, companies, and the various circles of civil society, which share with the Institute research on common issues.

The Institute is open to all competencies that share with it the fields of research and thinking, without exclusion or any discrimination in any form.

The Institute believes in pluralism as a noble value, and opposes intellectual unilateralism with a holistic dimension. It works to besiege the values of racism, discrimination and all forms of hatred, and considers it a direct cause of many of the crises that humanity is going through. Its components of different nationalities have agreed that human rights can unite between People, based on the common existence among them, even if their nationalities, colors, and beliefs differ, and the Institute was opened to all national and international activities that share with it the values of human rights and seek to serve them.

Aware by the Institute of the importance of human rights, and their role in promoting security and peace, whether at the national or international level, without which development can only be defective, and its advancement in this case remains a matter closer to imagination, far from touching reality. And since the world today has developed the practice of the Convention in the field of human rights, which sought, through a number of mechanisms, to promote and advance human rights, regardless of the differences that exist among all members of the same society, the Institute considers this a best practice, for all humanity to do everything in its power There is no strength to strengthen it, because this is the only way to achieve a bright tomorrow in which people will enjoy all their rights without discrimination or exception.

First: Constitutional and legal guarantees for women's rights

1- Women's rights in the Kingdom of Morocco have witnessed significant qualitative developments, as a result of several factors. First, there is the royal will declared on many occasions, which he translated into practical measures in order to improve the conditions of Moroccan women, whether in terms of economic or legal empowerment. Ownership leads to a human rights dynamic in general, of which we are concerned here with those related to women's rights.

2- The various measures were translated into legislative texts that were adopted amid debate, and they were also translated into executive programs that penetrate all broad institutional and public policies.

3- Discrimination has been criminalized under the Criminal Code in the section related to felonies and misdemeanors. Discrimination shall be any distinction between natural persons on the grounds of national origin or origin social status, colour, sex, family status, health status, disability, political opinion, union affiliation, or because of belonging or supposed non-affiliation to a particular race, nation, race or religion. Discrimination is punishable by imprisonment from one month to one month Two years and a fine of 1,200 to 50,000 Moroccan dirhams (Article 431).

4- The Family Code of 2004 gave an important impetus to women's rights in various personal status issues, especially The ruler of the marriage of minors, by recalling the need those that concern the issues of marriage and divorce. to take into account the best interest of the minor on the occasion of applying the Family Code in this matter, while playing an important role in cases of expulsion from the marital home, issues of nationality, issues of alimony and custody, determination of the dues of the wife and children, then capacity and legal representation.

5- The adoption of the national list for the election of members of the House of Representatives led to a clear improvement in the representation of women, in the 2002, 2007, 2022, 2026 elections. The representation of parliamentary seats developed, as women b2e0c2a1mbeenefits, as out of 395 women, 90 seats will be obtained as a result of converting national lists into regional lists.

6- The representation of women has been improved in territorial communes of all three levels (regions, prefectures and regions, communes), as well as professional chambers in their four categories (chambers of commerce, industry and services, agricultural chambers, traditional industry chambers, fishing chambers).

7- This women's rights series was crowned with the advanced provisions of the 2011 Constitution, regarding which we mainly refer to Article 19, which states the following: "Men and women enjoy, on an equal footing, the civil, political, economic, social, cultural and environmental rights and freedoms contained in This section of the Constitution, and its other provisions, as well as international conventions and covenants, as ratified by Morocco, all within the scope of the provisions of the Constitution and the constants and laws of the Kingdom.

The state seeks to achieve the principle of parity between men and women.

For this purpose, a commission for parity and combating all forms of discrimination shall be created.

8- The Kingdom of Morocco ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1993, and the Optional Protocol attached to it, and it also withdrew some of its reservations, while maintaining others, noting that Morocco is ready to apply the provisions of all articles, provided that they do not conflict with Islamic Sharia.

9- In addition to CEDAW, the Kingdom of Morocco has ratified the basic human rights conventions: the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of Persons with Disabilities; Convention against Torture and Other Cruel, Degrading and Inhuman Treatment; Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Rights of the Child; Convention on the Protection of the Rights of Migrant Workers and Members of Their Families; The International Convention for the Protection of All Persons from Enforced Disappearance.

10- On February 24, 2022, the Kingdom of Morocco acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights adopted in New York on December 16, 1966, and to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women adopted in New York on October 6, 1999.

11- On March 08, 2020, in Marrakesh, Princess Allaha Maryam, President of the National Union of Moroccan Women, chaired the signing ceremony of the Marrakesh Declaration, which includes a number of commitments aimed at combating violence against women for the seven signatories of the declaration: the Ministry of National Education, Vocational Training, Higher Education and Scientific Research, Ministry of Health, Ministry of Culture, Youth and Sports, Ministry of Solidarity, Social Development, Equality and Family, Delegate Ministry in charge of Higher Education and Scientific Research, Presidency of the Public Prosecution Office, High Commission for Audiovisual Communication.

Regular meetings are held between the concerned parties regarding the follow-up of the implementation of the requirements of the Declaration.

12 The issuance of Law No. 103.13 related to combating violence against women, and its entry into force Implementation in August 2018. Which included a broad definition of violence against women, which is “every act material, moral or abstention based on discrimination on the grounds of sex and resulting in physical harm or psychological, sexual or economic for women“.

The law stipulates protection orders that prevent every person convicted of crimes of harassment, assault, treatment, or violence against women or minors from having sexual exploitation or abuse with the victim, or approaching her whereabouts, or communicating with her.

Violation of orders is punishable Protection and violation of preventive measures, imprisonment or a fine. But the law requires women to File a lawsuit against the perpetrator to obtain an order of protection.

12- Law No. 103.13 amends some articles of the Criminal Code by raising penalties for some forms of violence criminalized by the latter, especially crimes committed within the scope of the Criminal Code.

including coercion into marriage, and dissipation of property and money It also criminalizes new acts, family.

marriage with the intent of circumventing requirements related to alimony or dues resulting from the termination of the marital relationship, expulsion from the marital home or refusal to return the expelled spouse, and sexual harassment in the public and electronic space. The law expands the concept

Sexual harassment referred to in Chapter 503 of the Criminal Code to include harassment by a co-worker or family member.

13- The law on combating violence against women provides for the establishment of women's support cells

and children in courts, central interests and security forces, as well as national committees

And regional and local to address violence against women, while entrusting the coordination of the tasks of sponsorship cells to the Public Prosecution.

14- Institutionalizing these cells at the level of the Ministry of Health, which has adopted the “National Program for Health in order to take care of women and children victims of violence.” This is a program developed in consultation between the components of the Ministry of Health, partners in other sectors, civil society, and United Nations agencies. In general, its objectives are to spread treatment units and integrated medical, psychological, social and forensic care activities for women and children who are victims of violence, while taking care of the victims and helping them to benefit from free medical services.

Take charge of all tasks related to reception, listening, support, guidance and accompaniment.

15- The issuance of Law No. 47.14 related to medical assistance in procreation, which aims to “correct the inability or weakness in fertility of a pathological nature that is medically diagnosed, and to avoid the transmission of a dangerous disease to the child who will be born or to one of the

Both spouses affect their reproduction. It also aims at medical assistance in reproduction through “every clinical or biological technique that enables in vitro fertilization, preservation of gametes, zygotes, reproductive tissues, sperm fertilization, or zygote transfer, as well as any other technique that enables reproduction outside the natural context.”

Second: the starting points for monitoring women's rights in the Moroccan desert

16- The need to invest in the symbolism of women in the Sahrawi community to achieve progress in society, given the distinguished status of Sahrawi women in various fields.

To evaluate and proceed to gain Make the celebration of International Women's Rights Day a station New, and appreciating the various aspects of progress in the field of women's rights in our country in general, and in the Moroccan Sahara in particular.

17- Considering the legal progress regarding the status of women as a tangible issue, while registering the vast disparity between the text, commitment and practice, and evoking the various paradoxes and differences known to the cultural download that may make some negative local practices an obstacle to the development of women's rights.

18- Considering the violence in the Sahrawi community as a direct result of the stereotyping process, which is lost Private societies and cultures have their own identity, as is the case with Hassani and desert culture in general.

19- The need for an objective assessment of the Saharawi women's membership in the councils of territorial communities, and in the advisory bodies of these councils, and the need to establish an observatory that deals with Building measurement indicators on the success of women's performance in this regard.

Third: Observations related to the role of human rights and territorial institutions in the Moroccan desert

20- The Regional Committee for Human Rights in the Laayoune-Sakia El Hamra region worked at the regional level to enhance the effective participation of women, and to improve the mechanisms of dialogue and consultation, based on what is permitted by the provisions of Article 44 of Law No. 76.15 related to the reorganization of the National Council for Human Rights, which states that “the Regional committees for rights

Human, the powers of the council at the level of territorial influence for each side, under the authority of the council president.

21- The contribution of the regional committee for human rights in the Laayoune-Sakia El Hamra region, in realizing the effectiveness of women's rights, between the duality of usurpation and privacy, local privacy and the need for participatory listening.

22- Appreciate the efforts of the Regional Human Rights Committee of the Laayoune-Sakia El Hamra region, which is framed by the provisions of the constitution, and the requirements of Law No. 76.15 related to the reorganization of the National Council for Human Rights in dealing with complaints, directing women victims of violence to listening centers, and visiting women prisoners.

23- The balanced presence of Sahrawi women in the bodies of equality, equal opportunities and gender approach in the various territorial groups in the two regions of the Moroccan Sahara, and their participation with the need for more training at the level effective, of civil society organizations.

Fourth: monitoring the interests of associative actors and academic researchers in the Moroccan desert

24- The regular celebrations that are held on the occasion of the International Day of Women's Rights, in various desert regions.

25- Considering the occasion of the 8th of March of each year as an opportunity to stand up to what has been achieved at the with level of human rights for Sahrawi women, and to look forward to consolidating the gains achieved, focusing on the status of the desert regions in the national and territorial unity of the Kingdom.

26- Recording the advanced constitutional status of women's rights in Morocco, with the increasing gains through the provisions of the Kingdom's export of the year 2011, especially what was stipulated in the penultimate paragraph of it: "Making international agreements, as ratified by Morocco, and within the scope of the provisions of the Constitution, the laws of the Kingdom, and its identity Well-established patriotism transcends, as soon as it is required to be published, over national legislation, and works to harmonize these legislation with that ratification.

27- Focusing on the developments mentioned in Article 19 of the Constitution, especially in its first paragraph, "Men and women enjoy, on an equal footing, the civil, political, economic, social, cultural and environmental rights and freedoms contained in this chapter of the Constitution, and in its other requirements, as well as in international conventions and covenants, Morocco also ratified it, and all of this is within the scope of the provisions of the constitution and the kingdom's constants and laws.

28- Highlighting the gains in the field of political empowerment of women, their presence in constitutional, economic, social and administrative institutions, and their brilliance in the field of journalism, creativity and art.

29- The extensive discussion of the issue of women's rights between international obligations and the national legal system from the point of view of evoking various documents, agreements, covenants and instruments related to women's rights, especially those ratified by Morocco, and which have become international obligations for the Kingdom.

30- Recording the good status of women in recent years, which has witnessed progress and accumulation At the level of achievements, which represents a unique experience at the African level

and regional.

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Dr. Women to positions in various fields, specifically in positions that have been monopolized -32 less

On men, as is the case with the justice plan (traditional documentation), as well as the issuance of Law No. 103.13 related to combating violence against women, the socio-cultural obstacles that push battered women to give up, especially since it is often practiced in closed spaces, which makes

It questions in depth the actuality of women's rights, and calls for the need to review the criminal law group and the criminal procedure law to enhance legal guarantees for the protection of women.

Fifth: the factors affecting the status of women's rights in the Moroccan desert

33- The freedom of movement of goods and services puts pressure on cultural specificities And special cultures, as is the case with Hassanian and desert culture in general, because the goal of cultural globalization is stereotyping that makes private societies and cultures lose their identity.

34- The need to make more efforts to eliminate violence against women, especially since the status and symbolism of women in Sahrawi society can be considered an important experience for achieving progress in society and not Moroccan retreat as a whole.

35- Universal principles and local specificities in the Family Code, the need to amend the Code in terms of civil obligations and giving precedence to international obligations, and "universal" principles considering that human rights are an indivisible whole, and that most of the principles are applicable and the basis of them are the principles of freedom and equality, with the elimination of any practices Local does not go in this direction.

Sixth: Recommendations to address some gaps and deficiencies

36- Addressing the issue of the weak political representation of women in the Council of Advisors, and the reality of poverty and vulnerability affecting women, especially among women in a special situation and women in non-urban areas.

37- Strengthening the legal personality of women in light of the challenges posed by the issue of abortion, the legal relationship of the fetus and the woman's body, the problems of surrogacy, and the relationship of the women's rights system to new technologies in the fields related to health and medicine.

38- Evoking levels of differentiation between international obligations and national laws, in the direction of appropriateness, without **obscuring** the positive local practices of the Sahrawi community.

39- Focusing on aspects that need more efforts, such as issues of nationality, marriage of minors, and problems related to violence against women, especially domestic violence, and the difficulties it poses at the level of proof, with regard to Moroccan society in general.

40- Removing discrimination in the law between the legitimate son and the abandoned son, given that Article 146 of the Family Code states the following: "Filiation to the mother is equal in its effects, whether it results from a legal or illegitimate relationship," while the provisions of Article 148 stipulate "However, "the illegitimate filiation of the father does not result in any of the effects of the legal affiliation."

41- Addressing the problems posed by Articles 236 and 238 of the Family Code regarding the guardianship of children, and the challenges posed at the level of sharing property or money acquired during the existence of marriage, and the problems that this raises that may turn marriage into a joint stock company.

42- Considering the economic empowerment of women as the solution, as studies show that women Economically empowered women are less exposed to violence.