

Committee on the Elimination of Discrimination against Women

REFERENCE: BN/follow-up/Morocco/89

13 November 2024

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the fifth and sixth combined periodic report of the Kingdom of Morocco, at the Committee's eighty-second session, held in June 2022. At the end of that session, the Committee's concluding observations ([CEDAW/C/MAR/CO/5-6](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 45 on follow-up to the concluding observations, the Committee requested the Kingdom of Morocco to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 24 (e) and 40 (a), (c) and (d) of the concluding observations.

The Committee welcomes the follow-up report ([CEDAW/C/MAR/FCO/5-6](#)) received on time in July 2024 under the CEDAW follow-up procedure. At its eighty-ninth session, held in October 2024, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 24 (e)** of the concluding observations that the State party ensure “**Set up a system to allow civil society organizations to act as civil parties in cases of violence against women and girls**”:

The Committee takes note of the information that article 7 of Law 103.13 guarantees associations the right to stand as a civil party in cases of violence against women and girls with the written permission of the victim(s).

The Committee considers that the recommendation has been **implemented**.

The Committee considers that the information received from the State party is thorough and extensive, and that it relates directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

In relation to the recommendation made in **paragraph 40 (a)** that the State party “**Repeal, without delay, article 20 of the Family Code so that exceptions to the minimum age of marriage are no longer allowed**”:

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The Committee notes that the subject of marriage under the age of 18 is being studied by the body responsible for amending the Family Code, in view of the principle of the best interest of the child enshrined in article 54 of the Family Code. It regrets however, that the State party has not indicated any intention to repeal article 20 of the Family Code to prohibit marriage under the age of 18 without exceptions.

The Committee considers that the action taken by the State party has not directly implemented the recommendation. It therefore considers that the recommendation has **not been implemented**.

The Committee considers that the information received from the State party is thorough and extensive, and that it relates directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 40 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Repeal, without delay, article 20 of the Family Code so that exceptions to the minimum age of marriage are no longer allowed.

In relation to the recommendation made in **paragraph 40 (c)** that the State party **“Recognize the right of unmarried mothers to assert their rights and the rights of their children without fear of any form of prosecution and stigmatization;”**:

The Committee notes the State party’s assertion that a mother is entitled on an equal footing with a man to declare to the Civil Registry Officer the birth of a son and that an unmarried mother can be a legitimate representative for her children in the absence of the father. The Committee notes, however, that all legislation referred to in the State parties report is from prior to the adoption of the Committee’s concluding observations and is concerned that nothing in the information provided by the State party indicates a recognition of the right of unmarried mothers to be free from prosecution or stigmatisation when asserting their rights and the rights of their children.

The Committee considers that the State party has provided some information, but that there is a **lack of sufficient information to make an assessment** as to whether the recommendation has been implemented.

The Committee considers that that the information received from the State party is vague and incomplete. It thus considers that the quality of the information provided is **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 40 (c)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Recognize the right of unmarried mothers to assert their rights and the rights of their children without fear of any form of prosecution and stigmatization.

In relation to the recommendation made in **paragraph 40 (d)** that the State party **“Enact legal provisions to ensure that, upon dissolution of marriage, women have equal rights to property acquired during marriage, in line with article 16 (1) (h) of the Convention;”**:

The Committee takes note of the State party’s indication that in the absence of a specific agreement, the rule of “toil and effort” applies so that a woman's work outside the home that enhances the husband's assets entitles her to fair compensation, and her efforts within the home that increase marital wealth are also recognized and rewarded. The Committee notes,

nevertheless, that without a specific agreement on the matter, a woman's rights upon divorce to property acquired during marriage is dependent on factors such as evidence of contribution, and judicial discretion. The Committee notes with regret, that no legal provisions have been enacted ensuring equal rights to property acquired during marriage upon divorce.

The Committee considers that the State party has taken no steps to implement the recommendation. It therefore considers that the recommendation has **not been implemented**.

The Committee considers that the information received from the State party is thorough and extensive, and that it relates directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 40 (d)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

Enact legal provisions to ensure that, upon dissolution of marriage, women have equal rights to property acquired during marriage, in line with article 16 (1) (h) of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Natasha Stott Despoja
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Committee on the Elimination of Discrimination against Women