



منظمة تجديد الوعي النسائي
ORGANISATION DU RENOUVELLEMENT DE LA PRISE DE CONSCIENCE FÉMININE
WOMAN AWARENESS RENEWAL ORGANISATION

IOPDHR -GENEVA-NGO

Observatoire international pour la Paix, la Démocratie et les Droits de l'homme, GENÈVE

Parallel report
Periodic reports 19, 20 and 21 of Morocco
(List of themes)

On the implementation of the Convention on the Elimination
of All Forms of Racial Discrimination (CERD)

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I. Introduction :

- ORCF is a Moroccan NGO that campaigns for women's human rights in Morocco and specifically against gender discrimination.
- IOPDHR-GENEVA-NGO is an independent organization based in Geneva whose aim is to create a space for reflection on democracy, peace, and human rights. It aims to carry out follow-up and monitoring work throughout the world, in the MENA region, and particularly in the Sahara and Sahel regions.
- ORCF and IOPDHR-GENEVA-NGO present a joint report on the Moroccan government's periodic reports 19, 20, and 21 on the implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.
- This report has been drawn up in accordance with the CERD Committee's guidelines for NGO reports.
- The report has been prepared on the basis of a cooperative approach between the two NGOs, in interaction with all relevant stakeholders: ministerial departments, national institutions, professional organizations, elected representatives, the media, universities, and civil society.
- The Moroccan government is overdue in submitting its periodic report on the achievements of the two successive government mandates between the periods 2011-2016 and 2017-2021 to the Committee on the Elimination of All Forms of Racial Discrimination.
- We limit our questioning to the Moroccan State, to the extent of its commitment to the implementation of the recommendations that are the subject of our mandate: recommendations relating to discrimination against women and children.

II. Our comments on the periodic reports of the Moroccan Government 19, 20 and 21 in the light of the Committee's recommendations:

- a. This "landmark" period was marked by the implementation of the 2011 constitutional provisions relating to fundamental rights and freedoms. But also, by the obligation to implement international human rights conventions approved by Morocco.¹

¹ Preamble to the 2011 Moroccan constitution.
Link: <https://mjp.univ-perp.fr/constit/ma2011.htm>

Organizations such as UNICEF have praised the efforts made in adopting laws to combat violence against women and children, such as Law No. 27-14 of 2016 on the fight against human trafficking, which provides for harsher penalties when the victim is a child. Law 103-13 on violence against women, enacted in 2018, aims to provide legal protection for women victims of violence, and Law No. 19-12 of August 10, 2016, on the work and employment conditions of domestic workers, which directly affects girls who may be exploited in this sector.

While these reforms have helped to create a more favorable environment for gender equality, further efforts are needed to ensure equality before the law for all.

- b. Contrary to recommendation 7 of the Commission at its respective session, the report submitted by the Moroccan State² is based on data relating to the demographic structure of the Moroccan population. It is likewise linked to the 2014 Census of Inhabitants of Morocco. However, immigration was not as remarkable, as the country was a transit country for most migrants. In recent years, Morocco has seen an overpopulation linked to this immigration - especially of sub-Saharan origin - which now forms a flagrant social category. As a result, there are no precise official statistics providing accurate data on this phenomenon.³

Morocco, as a country of transit and destination for migrants, must take appropriate measures to manage its borders effectively; any failure to do so may attract criticism when it allows criminal networks to exploit the vulnerabilities of migrants, exposing them to trafficking and other inhumane treatment.

In fact, it is essential that Morocco offers adequate protection to migrants, particularly those in an irregular situation. This includes the provision of basic services, as well as access to legal aid and fair asylum procedures.

Morocco must actively engage in the fight against the networks of smugglers who exploit migrants. The emphasis must be on investigating, prosecuting, and severely punishing traffickers. According to the critics, various aspects are highlighted, including the effectiveness of the Moroccan authorities' efforts to dismantle these networks and bring those responsible to justice.

In addition, awareness-raising activities and international cooperation can be consolidated to effectively combat migration-related trafficking, it is necessary to strengthen international cooperation by sharing information and coordinating actions with other countries and competent agencies.

² Nineteenth to twenty-first periodic reports submitted by Morocco under article 9 of the Convention, due in 2014.

Link: file:///C:/Users/PC/Downloads/G2137784- 1_ 1.html

³Statistical Yearbook of Morocco-site hep.ma.

Link: <file:///C:/Users/PC/Downloads/Annuaire-Statistique-du-Maroc -ann%C3%A9e-2021- 1 .html>

- c. Despite the legislative and administrative measures put in place by the Moroccan government, the idea of wanting to facilitate societal access for this new generation of emigrants remains truncated.⁴ Indeed, the Moroccan government still has a long way to go if integration is to live up to Morocco's commitments under human rights conventions. What's more, the protocols to the International Convention on All Forms of Racial Discrimination (ICERD)⁵ remain far from effective. Immigrant women remain among the main victims, according to institutional reports.⁶
- d. Concerning "all kinds of discrimination against women," and according to recommendation 22 of the ICERD committee, the Moroccan government has taken sufficient measures to promote and protect the political, economic, and social rights of Moroccan women.⁷ Several public policies have been implemented since the adaptation of the Moroccan constitution in 2011. Despite this, these public policies have yet to be properly implemented, given that the last 3 years - since Covid-19 - have been particularly marked by renewed interest in the issue of women's and girls' rights. The figures showing cases of violence and other forms of discrimination against women are still very alarming.⁸ This highlights the limits of the legal arsenal designed to ensure effective protection of their rights.⁹

The creation of central care units for women and children in Moroccan courts under paragraph 93 of the Durban Declaration and Plan of Action is a positive way of helping victims of racism, xenophobia, and intolerance. However, it is important to highlight certain shortcomings and potential criticisms of this approach.

It is imperative that these care structures are truly effective and accessible to all victims without discrimination or exclusion. Women and children from all communities and socio-economic backgrounds must receive equal and appropriate support.

⁴ Nineteenth to twenty-first periodic reports submitted by Morocco under article 9 of the Convention, due in 2014.

Link: <file:///C:/Users/PC/Downloads/G2137784-1-1.html>

⁵ International Convention on the Elimination of All Forms of Racial Discrimination.

Link: https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.eods.eu/library/UN_International%2520Convention%2520on%2520the%2520Elimination%2520of%2520Racial%2520Discrimination_1966_FR.pdf&ved=2ahUKEwi_iKz-yPi_AhUUzgLHHaAeAy8QFnoECAwQAQ&usq=AOvVaw3w99YNO9WlZpiyB92ljwj8

⁶ Annual report on the human rights situation in Morocco 2022/ cndh.ma.

Link: file:///C:/Users/PC/Downloads/rapport_annuel_cndh_2022_vf_-_resume_executif_2022_0-1-1-1.html
file:///C:/Users/PC/Downloads/CT.38-Synthese-Argumentaire_AR-1-1-1.html

⁷ Economic cost of violence against girls and women: expenditure and loss of household income/hcp.ma. Link:

file:///C:/Users/PC/AppData/Local/Temp/Temp1_La+femme+marocaine+en+chiffres.+2022-1.zip/La%20femme%20marocaine%20en%20chiffres.%202022-1.html

⁸ cost of violence against girls and women: expenditure and loss of household income -hcp.ma.

Link: <https://www.hcp.ma/file/235301/>

⁹ ORCF and OSPDH Thematic sheet, August 2022 - 4th cycle of the Universal Periodic Review of Morocco.

Link: <file:///C:/Users/PC/Downloads/%C3%A9galit%C3%A9-fran%C3%A7ais.html>

Listening, guidance, and advice from these units are important, but they must be backed up by concrete action to prevent and eradicate systemic racism. This includes educational policies, awareness-raising campaigns, and legal reforms that tackle the roots of these problems.

It's important to note that dealing with victims after racist or discriminatory acts is not enough. Long-term prevention and awareness-raising measures must be put in place to change mentalities, promote diversity and inclusion, and combat all forms of discrimination. The criticism of Morocco as a party to the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, can be formulated from different angles. It is important to note that this review is based on information available up to September 2021, and more recent developments may not be taken into account.

Insufficient implementation: Although Morocco has been a signatory to the protocol since 2011, there may be concerns about the effective implementation of measures to prevent, suppress, and redress human trafficking. Combating this scourge requires concrete action to investigate, prosecute, and punish traffickers, as well as to protect and rehabilitate victims. The capacity of the Moroccan authorities to carry out these activities and to provide adequate resources to victims may be called into question.

Victim protection: It is essential to guarantee adequate protection for victims of human trafficking, particularly women and children. This includes access to support services such as shelter, medical care, legal assistance, and social reintegration.

Prevention and awareness-raising: Preventing human trafficking requires sustained efforts in awareness-raising, training, and coordination between government agencies, civil society, and international organizations. Criticism may focus on the inadequacy of prevention and awareness-raising initiatives put in place by Morocco to prevent human trafficking and educate the population about the dangers of this practice.

- e. Moroccan society is undergoing socio-cultural changes, which are the subject of public and parliamentary debate in connection with the amendment of four important pieces of legislation: the Penal Code, the Code of Criminal Procedure, the Code of Civil Procedure and the Family Code. These codes are of paramount importance for the consideration of the rule of law and equality between women and men.¹⁰

It is encouraging that Morocco has put in place anti-trafficking mechanisms, including support and care measures for vulnerable migrants, particularly women and children. The efforts made to prevent and

¹⁰ Annual report on the human rights situation in Morocco 2022/ cndh.ma.
Link: file:///C:/Users/PC/Downloads/rapport_annuel_cndh_2022_vf_resume_executif_2022_0-1-1.html

protect vulnerable groups and potential victims of human trafficking networks are important and deserve recognition.

However, it has to be said that, despite these measures, criticism can still be leveled at certain aspects. Laws and regulations offer protection for women and children against exploitation and inhumane treatment, but it is important to ensure that these guarantees are effectively implemented in practice. Failure to observe these safety measures, or the continued exposure of vulnerable women and children to risk and abuse, can lead to criticism.

Combating trafficking networks: Morocco has taken steps to combat trafficking networks, but criticism may focus on the effectiveness of these efforts. It is important to actively dismantle trafficking networks, prosecute and punish those responsible, and ensure international cooperation to combat them.

It should be noted that these criticisms must be seen in the context of the comprehensive measures taken by Morocco to combat trafficking and protect vulnerable migrants. It is also important to take into account Morocco's active efforts in this field.

- f. Concerning gender equality in access to economic and social rights, we note that the Moroccan government has taken measures to encourage the economic empowerment of women to improve their economic situation and financial freedom. The government has indicated this in its 2021-2026 government mandate through the encouragement of women's entrepreneurship development through the implementation of several programs; For example: “Idmaj - Taihil - Wafiraa - Minajliki...”; As well as the creation of platforms that facilitate digital access. One example is “AITISSIA”¹¹ is one such example.

However, these measures are still insufficient, especially after the Covid-19 pandemic, as reports from HCP (High Commission for Planning) indicate alarming figures for the household poverty rate in Morocco.¹²

Furthermore, the 2016 law on employment conditions for domestic workers specifically affects girls who are exploited in this sector.

These reforms have helped to create an environment more conducive to gender equality, but further efforts are needed to ensure equality for all before the law and to bring Moroccan legislation in line with the country's international obligations.

¹¹ Upgrading the national plan to combat all forms of racial discrimination; Minister for Economic Empowerment and Small Business and Employment and Skills 2023. Link:

<file:///C:/Users/PC/Downloads/%D8%AA%D8%B9%D9%88%D9%8A%D8%B6-%D8%A7%D9%84%D9%81%D9%82%D8%B1%D8%A7%D8%AA-%D9%85%D9%86-144-%D8%A7%D9%84%D9%89-149-%D8%A8%D9%85%D8%A7-%D9%8A%D9%84%D9%8A.html>

¹² <https://www.hcp.ma/downloads/?tag=Population+et+d%C3%A9mographie>

Moroccan law sets the legal working age at 18 for domestic work, which mainly affects young girls. However, a transitional period of five years is allowed, during which the employment of people under 18 is permitted under certain strict conditions. These include written consent from the legal guardian and a ban on night work. Employers are also required to give their employees' health checks every six months, and working hours must not exceed 40 hours a week. The transition has been criticized by civil society groups as legalizing child labor. Moreover, the law does not provide for any specific reporting mechanism. Complaints must be registered with the Labor Inspectorate, which prevents effective reporting.

The law was referred to in the 2017 report of the Economic, Social, and Environmental Council (CESE), which states that certain provisions, particularly those affecting the work of young people aged 16 to 18, are in line with International Labor Organization (ILO) conventions.

It's worth noting that in much of Moroccan society, the model of a "good son" is often associated with someone who works and brings home money. Unemployed boys are often neglected by their families, while working boys are the pride of their families.

The new Moroccan textbooks for primary education are commendable as they have been designed to promote the education of disabled children and education in diversity, tolerance, and community life. However, it is important to address potential criticisms of this approach.

Firstly, the inclusion in textbooks of Arab, Amazigh, Hassani, and African aspects is a step towards greater diversity; however, this must not be reduced to mere cultural or ethnic stereotypes but rather must be represented in a differentiated way and reflect the realities of Morocco's diverse society.

Also, the use of photographs and illustrations featuring people of color and disabled characters makes a positive contribution to promoting inclusion. However, care must be taken to ensure that these expressions are not reduced to mere symbolic gestures but are integrated meaningfully and respectfully into educational content. For example, disabled characters should be portrayed in a positive and appreciative way, rather than stereotyped or reinforcing negative perceptions.

In addition, it's important to ensure that content, situations or activities reflect an egalitarian view of gender. It's not enough to avoid gender stereotypes; it's important to promote a balanced representation of women and men in all areas and to actively promote gender equality.

Finally, we need to ensure that these manuals are effectively implemented in schools, and that teachers are properly trained to deal sensitively and comprehensively with these issues in the classroom. Without good practice, efforts to promote diversity, tolerance, and inclusion can be superficial and fail to make a real difference.

Indeed, including characters with different names and descriptions in textbooks is a positive step, but it's important to ensure that this is done in an authentic, non-stereotypical, and respectful way. In addition, particular attention should be paid to promoting gender equality and training teachers to implement this content effectively.

To this end, the Moroccan government has pledged, for example, to increase the number of beneficiaries of the TAYSSIR program, expand the network of school canteens and boarding schools, increase the number of scholarship holders, and develop school transport. Nevertheless, certain criticisms and concerns must be voiced as to whether the budgets allocated match these objectives in terms of headcount. In addition, it is important to regularly evaluate the effectiveness of this program to ensure that it is achieving its goals of preventing premature school drop-out and early school leaving.

Morocco has made great strides in promoting children's rights, but many forms of discrimination remain, particularly against children with disabilities. In 2019, the Ministry of National Education launched an inclusive education program, enabling more than 90,000 students with disabilities to attend regular classes and around 10,000 students to access support services. Resource rooms located in inclusive schools provide qualifications and academic support. The aim is to achieve 100% school coverage by 2027-2028. But there is still a lot of work to be done. According to the latest data from the Moroccan Observatory for Inclusive Education (OMEI), only 55.1% of children with disabilities attend school, and less than 1.8% of children with disabilities have access to education.

III. Our recommendations :

About the legislative framework :

1. Develop a general legal framework to combat discrimination and harmonize it with international instruments, in particular, the International Convention on the Elimination of All Forms of Racial Discrimination, as well as constitutional provisions.
2. Amend law 13.103 to include modern forms of violence against women. This should be done while taking into account the new challenges posed by the digital space and reinforcing the guarantees of protection by removing obstacles that prevent victims of violence from reporting it;
3. Accession to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;
4. Revise the family code in line with constitutional provisions on equality and parity;

5. Accelerate the adoption of law 72.17 on the entry and residence of foreigners in Morocco and on immigration, to guarantee migrants access to their fundamental rights set out in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
6. Speed up the adoption of law 66.17 on asylum and the conditions for granting it, to guarantee effective recognition of the refugee status granted by the United Nations High Commissioner for Refugees.

About the institutional framework:

7. Set up the following institutions:
 - advisory council on family and childhood;
 - the consultative council for youth and associative action;
 - the national council for Moroccan languages and culture.

About protective measures in public policy:

8. Accelerate the adoption of new support mechanisms for women victims of violence, including multidimensional psychological support based on a real and effective integrative approach;
9. Remedy the various types of shortcomings in the public policies, procedures, and practices adopted by the public institutions concerned: health, justice, and security. The idea is to provide effective support for women victims of violence, with strong, effective and proactive coordination between the various departments concerned;
10. Tackle economic and social obstacles such as poverty and drug addiction in all its forms, which are now the main reasons for accepting violence. Implement programs encouraging the economic empowerment of women, especially in rural areas;
11. Improve protection mechanisms for women and girls who are victims of violence, by offering specialized accommodation and providing services that safeguard their well-being;
12. Support the efforts of non-governmental organizations working to combat violence against women; This should be based on a range of participatory approaches and actions, aimed at effective collaboration and coordination.