Morocco: Advancing women's rights

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Opinion Plus

Morocco’s willingness to tackle gender equality is setting an example for the EU’s southern neighbourhood, writes Jeanne Laperrouze.

The Middle East and North Africa (MENA) has long been a region with the fewest laws on gender equality and violence against women.

It seems however that this trend is changing, as illustrated by the recent law adopted in Morocco criminalising female harassment, or in Tunisia last week, where a presidential commission put forward a draft of liberal reforms that includes equal inheritance rights for women.

The EU must encourage these positive dynamics through its external policy. In this context, the neighbourhood instruments provide opportunities to support these changes in the region, which still
struggles to translate gender equality laws into actual societal changes.

The case of Morocco is a very good example of this challenge. A report by the Brussels-based NGO Human Rights Without Frontiers, describes the progress that Morocco has made in the area of women rights over recent decades.

In 2004, The country’s Family Code removed the legal obligation for having a male guardian and established the minimum age for marriage at eighteen as well as making it easier for women to divorce and obtain custody of their children. The 2007 Nationality Code allows children to take the nationality of their mother at birth.

The country also reformed its electoral code to introduce a quota aimed at increasing female political representation; 67 women currently have a seat in the country’s legislative chamber and since 2011, provisions promoting gender equality have been enshrined in the Constitution.

As for protection of women against violence, Morocco was among the first MENA countries to repeal a rape-marriage law that allowed rapists to escape prosecution if they married their victims; such laws are still in force in Algeria, Bahrain, Iraq, Kuwait, Libya, Syria, and Palestine.

After five years of fierce debate, provisions criminalising sexual harassment while recognising violence against women as a form of gender-based discrimination were adopted in February 2018.

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Despite the willingness of the country to tackle these issues and increasing awareness among Moroccan women and women’s rights NGOs, organisations such as Human Rights Without Frontiers believe that further progress is needed, especially in areas such as the lack of implementation of legal provisions and ubiquitous patriarchal social norms.

Some protections afforded under the Family Law are undermined by loopholes in the legislation such as the prohibition of under-aged and forced marriage which may be avoided through judicial waiver. Other matters of concern are high female illiteracy rates, especially in rural areas.

The Conseil National des Droits de l’Homme (CNDH), an independent national body that acts as an Ombudsman’s Office in Morocco, deplores that the 2018 reform failed to address domestic violence, and recommends reforming the Family code to repeal unequal inheritance rights, an issue that
contributes to women poverty.

It also urges better harmonisation of current laws with the Constitution and international treaties such as the International Covenant on Civil and Political Rights (ICCPR) and Convention on the Elimination of Forms of Discrimination Against Women (CEDAW) of which Morocco is party, while implementing “due diligence” standards to prevent, investigate and punish acts of violence against women and girls.

It is impressive to see that the country’s internal dynamics are working well on further progress in Morocco. CNDH is a good model, which works as a driver of change for women’s rights as well as other human rights issues in the country. The organisation is also seen as a reliable partner by the EU.

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On June 21, the EU-Morocco joint parliamentary meeting also recalled the need for women’s participation in the economic development and the provision of free education, particularly in rural areas.

Political dialogue and bilateral cooperation are strong tools for supporting the advancement of women rights in the EU’s neighbourhood.

The EU must continue to push for progressive reforms in the MENA countries by clearly grounding the commitment to women’s rights and gender equality in the institutional basis of regional cooperation, and tapping into local NGOs and where available, on committed institutions such as the CNDH.

To complement this action or when political dialogue on gender equality is not feasible, supports to specific projects also allow the EU to foster women’s empowerment, while strengthening civil society organizations that have been on the forefront of these positive reforms.

As the EU is willing to have a stronger voice as a global actor, politically as well as financially, it must continue to encourage positive dynamics towards the advancement of women rights in its southern neighbourhood.

Positive developments in Morocco and the willingness for further reforms make the country a good example in this sense.

**About the author**

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