

**The Role of International
Organizations
In Protecting Human Rights
– With a Focus on Women's Rights –**

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جميع حقوق الطبع محفوظة للمؤلف والناشر

لا يجوز نشر هذا الكتاب أو أى جزء منه أو تصويره أو
تخزينه أو تسجيله بأي وسيلة علمية مستحدثة
أو نشره عبر الإنترنت سواء أكان ذلك لأغراض تجارية
أو غير ذلك دون موافقة خطية من المؤلف والناشر

Dedication

To souls that reside within my heart,
whose love will never depart

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Abstract

This research aims to assess the actual role of international organisations, both governmental and non-governmental, in promoting and implementing women's rights, while also considering the challenges that hinder their effectiveness. The study is grounded in the principle that women's rights are an integral part of universal human rights, as stipulated in the Universal Declaration of Human Rights.

The research delves into the historical context and evolution that led to the emergence of international organisations dedicated to advancing these rights. It examines the key international legal frameworks that guide these organisations in their work on women's rights, as well as the main mechanisms and strategies they employ to achieve their objectives. The study specifically highlights governmental organisations like the United Nations and its bodies, exploring how they monitor violations of women's rights and advocate for their protection.

Furthermore, the research analyses the major programmes and practical initiatives implemented by these organisations and evaluates their impact. It also critically examines the challenges faced by these organisations in the field,

offering practical recommendations to improve their performance and enhance their effectiveness in safeguarding and promoting women's rights. The study uses Morocco as a case study to provide a concrete analysis of these dynamics.

Introduction

The concept of human rights rests on the obligation to respect and safeguard the natural rights of every human being, without discrimination on the basis of race, religion, gender, or any other status. Over the course of history, these rights have evolved to encompass civil, political, economic, social, and cultural rights. Human rights likewise include the rights of the individual both as a person with distinct needs and aspirations and, collectively, as part of groups sharing fundamental human needs. In accordance with Article 1 of the Universal Declaration of Human Rights¹: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.” Moreover, Article 2 of the same Declaration provides that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status”². This implies the recognition of women’s rights as an integral part of universal human rights, particularly as global awareness of injustices and discrimination grows and demands for

¹ Universal Declaration of Human Rights. Source : UN website: <https://www.un.org/ar/about-us/universal-declaration-of-human-rights>

² Universal Declaration of Human Rights. Source UN website: [https://www.un.org/ar/about-us/universal-declaration-of-human-rights-Annex N0.1](https://www.un.org/ar/about-us/universal-declaration-of-human-rights-Annex-N0.1), page N0. 130

equality and fairness rise, acknowledging that these rights are no longer a luxury but a necessary condition for sustainable development and for building societies that are more just and equitable, while recognising the status and pivotal role of women within them.

Historical and contemporary experiences have demonstrated that women suffer multiple forms of discrimination, violence, and exclusion, which necessitate intensified efforts to ensure their full enjoyment of rights on an equal basis with men, especially that women's empowerment and enjoyment of their rights contribute to the development of their societies at different levels.

In this context—where human rights and women's rights are garnering increasing attention—international organisations assume a central, increasingly pivotal role in shaping standards, guiding efforts, and providing support to strengthen these rights at global, regional, and local levels. International organisations, whether intergovernmental or non-governmental, have evolved into effective instruments for mobilising international efforts, coordinating States action, and supplying the expertise and resources necessary to support and advance human rights and women's rights. Through their diverse mechanisms, these organisations seek to hold States accountable for their obligations, they undertake to provide technical and legal assistance to

governments or to civil society, while also contributing to the dissemination of awareness about the importance of these rights.

Nevertheless, despite the crucial role played by international organisations in this framework, challenges and impediments continue to hinder the full and comprehensive realisation of human rights, in general, and women's rights in particular. Widespread violations persist in many parts of the world and manifest in various forms of repression, discrimination, violence, and exclusion; the situation in Palestine, for example, and the hardships endured by Palestinian women, stand as a stark violation of international humanitarian law and of all international treaty standards. Against this backdrop, the present study raises the issue of exploring and analysing the role played by international organisations in confronting these challenges and in promoting human rights generally and women's rights in particular.

The Research Problem

The research problem centers on the apparent contradiction between the persistent, diligent international efforts by international organisations to advance women's rights and the continued violations of these rights in numerous regions worldwide. International organisations face substantial implementation challenges in translating strategies into practice, which raises questions about their actual effectiveness and the

impact of their interventions. The study unfolds through the following questions: To what extent have international organisations succeeded in fulfilling their role in protecting and promoting human rights and women's rights? What is the real-world impact of this role? What impediments obstruct the attainment of women's rights objectives globally, and how can they be overcome? This research aims to offer well-informed answers through an in-depth analysis of the role of international organisations and an assessment of the effectiveness of their efforts. The study will focus on women's rights in Morocco, given the fact that I am a Moroccan, to examine a set of concrete case examples.

The Research Aims and Objectives

The aims of this research are to achieve a deeper understanding of the role of international organisations and to undertake a critical appraisal of this role, as far as human rights, in general, and women's rights, in particular, are concerned. The research seeks specifically to analyse the role played by international organisations in advancing women's rights; identify the principal mechanisms and strategies these organisations rely on to achieve their objectives in protecting and promoting women's rights, including legal and political instruments as well as the programmes they undertake; assess the effectiveness of these

organisations in bringing about positive change and in improving the status of women worldwide; suggest practical, evidence-based recommendations to improve the performance of international organisations and to enhance their impact in the field of women's rights; and contribute with insights and recommendations to strengthen the role of international organisations and increase the effectiveness of their work in human rights and, more specifically, women's rights.

The Research Significance

The significance of this research —both academically and practically—manifests in several respects. Academically, it contributes to enriching the literature on the study of international organisations and their role in reinforcing human rights and women's rights, offering an in-depth analysis from an academic perspective and potentially opening avenues for future research addressing other facets of this issue. Practically, it can provide new insights for international organisations, policymakers, and other actors engaged in human rights and women's rights work, helping them refine strategies and bolster the effectiveness of their efforts to protect and advance these rights in practice.

The Research Scope

- **Temporal Scope:** The study centers on the role of international organisations in advancing human rights and women's rights from the period following World War II to the present day.
- **Spatial Scope:** it covers the international level (standards, and policies of international organisations) and national level, exemplified by Morocco as a case of study, focusing on civil society and the work undertaken to advance human rights and, in particular, women's rights, and the influence of these organisations on national sectors and on government actors through the support they provide to advance women's status.
- **Thematic Scope:** The study concentrates on the broad role of international organisations in promoting human rights, with particular emphasis on their role in advancing women's rights as an integral component of human rights. It also seeks to give focused attention to specific rights or issues related to women's rights, such as violence against women, combating all forms of discrimination, or matters of personal status illustrated, for instance, by Morocco's Family Code (the Moudawana).

The Research Methodology

This study adopts a multi-faceted and integrated approach to present a comprehensive overview of the role of both intergovernmental and non-governmental international organisations in advancing human rights and women's rights. It begins with a review of the historical and legal background that shaped the concept of human rights and its evolution, with particular attention to the historical and legal context of women's rights as an integral part of this framework.

It then proceeds to assess the practical practices of international organisations in supporting and empowering women, addressing programmes and initiatives launched by these organisations across various domains—such as combating violence against women, strengthening the realm of personal status, and countering discrimination in all its forms. The study will also include case studies to illustrate these practices and their on-the-ground impact. It further examines the challenges and obstacles these organisations face in field operations, including political, cultural, and economic factors that may impede their work, as well as institutional and logistical challenges in implementing their programmes and initiatives.

In conclusion, the research will come up with findings and recommendations from the analysis conducted. The results summarise the principal roles these organisations play, their

effectiveness, and the challenges they confront. The recommendations are directed at strengthening the role of these organisations and improving their performance in promoting and protecting human rights, and more specifically women's rights, with greater effectiveness.

The Research Questions

This study seeks to answer a principal question: What is the actual role played by international organisations, whether intergovernmental or non-governmental, in promoting and implementing women's rights, and what are the principal challenges that impede their effectiveness? Sub-questions include:

What are the principal international legal frameworks on which international organisations rely in their work on women's rights?

What are the principal mechanisms and strategies these organisations rely on to achieve their objectives in protecting and promoting these rights?

What is the role of intergovernmental organisations (e.g., the United Nations and its agencies) in promoting women's rights?

How do international non-governmental organisations contribute to monitoring violations of women's rights and advocating for their protection?

What are the principal programmes and practical initiatives implemented by international organisations to promote women's rights, and to what extent have they been effective?

What challenges and impediments do international organisations face in this field?

What measures can be taken to strengthen the role of international organisations to address these challenges and to improve the implementation of women's rights

Previous Studies Or Researches

There is a broad body of studies and research across the world, some focusing on a single organisation, others on a specific human right, some on human rights in general, and others on women's rights. Some concentrate on intergovernmental organisations, others on non-governmental organisations. The following examples illustrate this variety:

1. A study titled "The Role of the League of Arab States in Supporting Women's Political Rights" by M. M. Sanaa Salah Al-Salahi. Published in the Journal of Arts, Humanities, and Social

Sciences, N0. 56 (2020). The study, as its title indicates, examines a specific organisation (the League of Arab States) and its ability to support women's fundamental rights in the Arab world.

2. A study titled "The Role of Non-Governmental International Organisations in Protecting Human Rights" by Ashraf Mohamed Mahmoud Hunafi, Egyptian Journal of International Law. This work highlights the Arab Organisation for Human Rights and its role in disseminating and promoting a culture of human rights.
3. A master's thesis titled "The United Nations' Role in Protecting Human Rights" by Ahmed Muhammad Basfar, King Abdulaziz University, 2023. The study concentrates on the United Nations and its role in promoting human rights.
4. A study titled "The Role of International Organisations in Protecting Human Rights," prepared by Rana Abdul Rahman Musa Amer, Faculty of Economics and Political Science, Cairo University, Egypt, and published by the Arab Democratic Centre. It discusses human rights with a focus on refugees and the protection role of the United Nations High Commissioner for Refugees (UNHCR).
5. A study titled "The Role of International Organisations in Activating Women's Political Rights" by Samaa Suleiman Al-Said Ahmed, Institute of Arab Research and Studies, Arab

League, 2008. It compares the United Nations and the League of Arab States (1990–2006) to highlight their roles in promoting women’s political rights and the challenges faced, underscoring that support for women’s political participation has not yet received sufficient attention.

6. A study titled “Women’s Rights in International Conventions, with Application to the Egyptian Case” by Iman Muhammad Muhammad Abdul-Moneim Anan, Arab Democratic Centre. This study examined human rights and their global sources, with emphasis on women’s rights in international conventions, including considerations during armed conflicts (e.g., the Geneva Conventions and Protocols) and specifically Egyptian women’s rights in the workforce...etc).

From this corpus of studies, it is evident that many of them focused on a single organisation, notably the United Nations and its different organs, as I will, myself, do, though in this research, I will also address non-governmental organisations and their important roles, providing specific examples for this. Some studies emphasised on the League of Arab States, while I will not tackle the question at a regional level. Some other studies address specific aspects of women’s rights (e.g., political rights) while this study adopts a general approach to human rights, except my emphasising on personal status and fighting all aspects of violence

against women, choosing Morocco as a case of study, given, as I mentioned before, my belonging to this country and my knowledge of its laws. Addressing other dimensions of women's rights (such as political or economic rights) would require a broader scope and deeper exploration, which may be pursued in a subsequent study. Some studies focus solely on human rights, while others address women's rights directly; this study offers a holistic view of human rights with an emphasis on women's rights. Accordingly, the present methodology aims to contribute, modestly,

to strengthen the role of international organisations in protecting human rights in general and women's rights in particular, and to offer recommendations to render the role of these organisations more effective and impactful in safeguarding and advancing women's rights.

Chapter One

The Conceptual, Historical and Legal Framework, of Human Rights and Women's Rights

Section One: The Concept of Human Rights, Its Evolution and Characteristics

The right (in Arabic) is defined as “the opposite of wrong.”³ According to a Human Rights Terminology Dictionary, it is “the capacity of a person to perform a certain act that law grants and protects to advance a recognised interest, and every right has a corresponding duty.”⁴ As for human rights, by legal definition, they are a set of fundamental rights inherent in every human being simply by virtue of being human, regardless of nationality, social status, origin, race, color, religion, language, or any other condition. These rights are universal and non-derogable; no one may voluntarily renounce them, nor may anyone deprive another of them. They are the essential and fundamental rights of every human being, which are recognised and protected under binding national and international law, imposing specific obligations on States, and providing legal mechanisms to claim them and hold violators to account. They are not merely ideals; they are legally

³ According to Ibn Mandhour Abi Al Fadl Jamal eddine Lissane Al Arab, Dar Al Maarif, Egypt, Part 2. No year of edition mentioned, page 209.

⁴ Ismail Abdul Fattah Abdul Kafi, Dictionary of Human rights terminology, Arab books publications, Egypt, 2006, page 209.

applicable norms aimed at guaranteeing dignity, justice, and fairness for all.

▪ **Historical And Philosophical Emergence Of Human Rights – When Did the Term “Human Rights” First Appear?**

The term “human rights,” in its modern sense, did not become clearly articulated until the late Eighteenth Century, notably with documents such as the American Declaration of Independence⁵ (1776), which stated in its preamble that “all men are created equal, they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness,” and that governments are formed among the people to secure these rights. The French Declaration of the Rights of Man and of the Citizen (1789)⁶ likewise asserted in its preamble that the representatives of the French people, recognising that ignorance, neglect, and contempt for human rights are the principal sources of public calamities and government abuses, have resolved to declare these natural and inalienable rights. These

⁵ Declaration of American Independence or US Independence Declaration: a document adopted by the Second Continental Congress on July 4, 1776, declaring that the 13 American colonies fighting Great Britain, are declared to be Independent Sovereign States and no longer subject to the Great Britain. It was mainly written by Thomas Jefferson, Source : Wikipedia. Annex N0. 2, page N0. 131

⁶ The French Declaration of the Rights of Man and of the Citizen 1789. Source: website of the political encyclopedia <https://political-encyclopedia.org/dictionary>, annex N0. 3, page N0. 131

documents began to articulate rights as natural and intrinsic to every individual.

Nevertheless, the roots of the idea of human rights run deeper and extend across civilisations, having undergone long and complex historical developments that can be summarised in several stages:

1. Ancient Roots (Pre-Christian Era – Middle Ages):

The concept of human rights traces back through various civilisations, with many cultures showing concern for human dignity and fundamental rights. In Mesopotamia, Hammurabi's Code (1760 BCE) is considered among the oldest legal documents to include principles of justice and protection of individuals' rights. Ancient Greek thinkers also developed the notion of "natural law," referring to inherent rights possessed by human beings. During the Roman Empire, ideas of natural law and rights of citizens emerged.

2. Middle Ages and the Renaissance:

In the Thirteenth Century, in Europe, the Magna Carta (1215)⁷ was a landmark, though not a modern human rights charter, as it

⁷The Magna Carta is considered one of the most significant legal documents in the history of democracy. Originally issued in 1215, the charter had a wide-ranging influence on the historical process that led to the rule of constitutional law today. This

imposed limits on Royal power and granted certain rights to nobles and individuals, such as the right to a fair trial, thereby laying groundwork for modern constitutional and democratic systems. The Renaissance period produced intellectual and political currents emphasising the obligation to limit the ruler's power and his accountability to the law, and the emergence of humanistic ideas focusing on the value of the individual.

3. Early Modern Period (15th–18th Centuries):

This period saw important developments in the philosophy of human rights, with ideas about natural rights represented by the natural law school and philosophers such as John Locke⁸ and Jean-Jacques Rousseau⁹, who argued that individuals are born with

charter greatly influenced other constitutions and documents, such as the United States Bill of Rights. Source: Wikipedia - Annex N0. 4, page N0. 132.

⁸ John Locke (1632-1704) is one of the most influential political philosophers of the modern era. In his book, *Two Treatises of Government*, Locke argued for the idea that human beings are naturally free and equal, countering the claim that God naturally made all people subject to the king. He argued that people have rights, such as the right to life, liberty, and property. (Source: Excerpt from *Hekmah* magazine - hekmah.org)

⁹ Jean-Jacques Rousseau: a philosopher, social critic, political writer, musician, and the undisputed leader of the Naturalist Movement. He is one of the most prominent and influential giants of the Enlightenment to this day. Three hundred years after his birth, he continues to be admired by the world, and his ideas—which shook the foundations of the European society and inspired the French Revolution—are still a subject of debate. He formulated many theories, perhaps the most famous of which is the theory of the "Social Contract," in which he emphasised the freedom of peoples to choose and determine their own destiny. (Source: Excerpt from the Hindawi Foundation - <https://www.hindawi.org/books>)

natural rights that cannot be violated and that governments are established to protect these rights. Important historical documents were issued, such as:

- ✓ The English Bill of Rights (1689)¹⁰, which limited the Crown's authority and protected some rights such as the freedom of expression and protection of individuals from torture or punishment without trial.

- ✓ The American Declaration of Independence (1776), which proclaimed that all people are endowed with unalienable rights, including life and liberty, already above-mentioned.

- ✓ The French Declaration of the Rights of Man and of the Citizen (1789), which recognised fundamental natural rights of individuals, including liberty, equality, property, security, and resistance to oppression.

¹⁰ The success of the Glorious Revolution in the Seventeenth Century was clearly manifested in the English Bill of Rights, issued by the English Parliament in 1689. This document is considered one of the foundational texts of the English Constitutional Law, alongside the Magna Carta. It outlined the grievances committed by King James II against the people and stipulated that the new monarch must not undertake any action that would diminish the rights of the people. Annex N0. 5, page N0. 132

4. The 19th Century and The Early 20th Century:

This era witnessed important developments extending rights beyond civil and political liberties to include economic, social, and cultural rights. It saw strong movements to abolish slavery, curb the horrors of war, and advocate for workers' rights amid industrialisation, the rise of unions, and the founding of the International Labour Organisation (ILO). It also saw the emergence of the early Three Geneva Conventions¹¹ and Hague conventions¹². The period also witnessed growing advocacy for women's rights, especially suffrage. This period saw the emergence of the idea that international laws were needed to protect human rights.

¹¹ The 1949 Geneva Conventions and their Additional Protocols are international treaties containing the most important rules that limit the brutality of war. They protect people who are not participating in wars (civilians, aid workers, and relief personnel) and those who are no longer able to fight (wounded and sick soldiers, shipwreck victims, and war prisoners). Source: the International Committee of the Red Cross website: <https://www.icrc.org/ar/law-and-policy/geneva-conventions-and-their-commentaries>).

¹² These Conventions are known as the "Hague Conventions" because they were adopted at the Peace Conferences held in The Hague, capital of the Netherlands, in 1899 and 1907. The Treaties define the laws and customs of war in a strict sense by setting the rules that warring parties must adhere to, during hostilities. Source: the Practical Guide to Humanitarian Law: <https://ar.guide-humanitarian-law.org>).

5. Mid-20th Century and Afterwards (Post–World War II):

The two World Wars and their atrocities marked a turning point in the history of human rights, leading States to recognise the necessity of a global framework to protect these rights. The United Nations was established in 1945¹³, with the aim of “promoting respect for human rights and fundamental freedoms for all without distinction of race, sex, language, or religion.” The Universal Declaration of Human Rights (UDHR) was adopted on December 10, 1948, reaffirming that the treatment of individuals by governments was a matter of international concern. The UDHR contains 30 articles outlining the fundamental rights and freedoms of every person. It was followed by numerous international treaties and covenants elaborating these rights, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as conventions addressing women’s rights, children’s rights, people with disabilities, and many others. Monitoring and accountability mechanisms emerged in

¹³ As World War II was at its end in 1945, nations were in ruins and the world was looking for peace. Representatives from 50 countries met at the United Nations Conference in San Francisco, California, from April 25 to June 26, 1945. Over the next two months, they drafted and signed the UN Charter, which led to the creation of a new international organisation, the United Nations, that it was hoped would prevent another world war. Annex N0. 6, page N0. 133.

the form of UN treaty bodies and other international and regional oversight bodies (for example, the International Criminal Court in certain contexts).

In short, while the concept of human dignity and its protection trace to ancient civilisations and religious traditions, the modern notion of human rights as universal, inalienable,

and inherent in every person was greatly elaborated during the Enlightenment period and political revolutions and gained enormous momentum after the World Wars with the creation of the United Nations and the adoption of the UDHR.

Classifications Of Human Rights from a Conceptual and Historical Perspective (The Three Generations)

This typology is in connection with the development of human rights across history. It was developed by the French scholar Karel Vasak¹⁴ in 1977, taking from the slogans of the French

¹⁴ In November 1977, Karel Vasak, a legal consultant for UNESCO and a prominent human rights researcher, wrote an article on the UNESCO Courier introducing his three-generation theory of human rights. This theory was widely accepted by many researchers and professionals in the field and became part of the standard vocabulary used to describe the history and content of human rights frameworks. Despite its many flaws and shortcomings, the theory is still considered a reference in leading journals and publications, such as the Human Rights Quarterly, and as an analytical framework

Revolution: “Liberty, Equality, Fraternity”. This classification is presented as follows:

1. First Generation: Liberty Rights (Civil and Political Rights):

These rights emerged as a theory during the 17th and 18th Centuries with liberal revolutions (such as the English, American and the French ones). They focus on protecting the individual from State interference and guaranteeing fundamental freedoms such as the right to life, freedom of expression, freedom of religion, the right to a fair trial, the right to vote, and so on. They are sometimes called “negative rights” because they require little or no intervention from the State. They center on two core ideas: personal liberty and protection of individuals from State violations.

2. Second Generation: Equality Rights (Economic, Social, And Cultural Rights):

Rights that were developed in the 19th and early 20th Centuries in response to the social and economic challenges of the Industrial

for studying human rights. Source: the website Open Global Rights: openglobalrights.org

Revolution. These rights rest on the idea of equality and access to essential economic and social services and opportunities, such as the right to work, the right to education, the right to health care, and social security. They are sometimes called “positive rights” because they require States to take positive steps to provide these rights.

3. Third Generation: Solidarity/Collective Rights (Group Rights)

Emerging in the latter half of the 20th Century, particularly after the World Wars and in the context of decolonization, development and environmental concerns, these rights relate to peoples and groups and require international cooperation to get them. They include the right to self-determination, the right to development, the right to a healthy environment, and the right to peace. These are rights intended to ensure favorable conditions for societies, especially in developing countries, to enable the realisation of the first and second generations of rights.

It is important to note that these generations are not strictly separate; human rights are interconnected and indivisible, and each generation highlights a meaningful aspect of human dignity and well-being.

Classification Of Human Rights from a Legal Perspective

The law recognises human rights only when they are stated in binding legal instruments. These instruments can be: national constitutions (where most modern constitutions include chapters or provisions on human rights and fundamental freedoms for citizens and residents), internal laws (such as family law, labor law, etc.), or international treaties and covenants that constitute the primary source of human rights in international law, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), or the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

Therefore, from a legal standpoint, a right is what a law states and protects.

The core features¹⁵ of international human rights law are as follows:

¹⁵ Source. UN website un.org.

1. **Universality:** means that Rights apply to all human beings without discrimination. The universality of human rights means they apply to all people, regardless of citizenship, race, religion, gender, place of residence, or any other status, and must be protected by universal legal guarantees against government infringements. This principle is a cornerstone of international human rights law.

2. **Inalienability:** No one may sell or waive his or her right to life or liberty, for example.

3. **Inherence:** These rights are inherent to every person by birth and thus belong to the human person by virtue of being human.

4. **Indivisibility and Interdependence:** Civil, political, economic, social, and cultural rights are interconnected and interdependent. The violation of one right can adversely affect the enjoyment of others. For example, the right to education affects the right to work. Rights are often categorised as:

Rights That Impose Obligations on States (Obligations to Respect, Protect and Fulfill)

From a legal perspective, human rights are legal obligations in the States. These obligations are typically categorised into:

1. **The Obligation to Respect:** States must refrain from interfering with the enjoyment of human rights or restricting them (e.g., torture, arbitrary detention).

2. **The Obligation to Protect:** States must protect individuals and groups from human rights violations by third parties (e.g. other individuals or corporations). This requires legislating and providing effective enforcement mechanisms (police, courts).

3. **The Obligation To Fulfil/Realise:** States must take positive steps to ensure the actual enjoyment of human rights, particularly economic, social and cultural rights, by providing resources and services (education, health care, social security).

Enforceable Rights and Accountability Mechanisms

What distinguishes human rights in law is the existence of mechanisms to claim them and to hold States to account for violations. This can occur through national courts, where individuals may bring lawsuits against the State or other actors for violations of their rights, or through regional mechanisms such as regional courts and bodies (e.g., the European Court of Human Rights, the African Court on Human and Peoples' Rights, the Inter-American Court of Human Rights). There are also international mechanisms in the form of UN treaty bodies (e.g.,

the Human Rights Treaty Bodies, such as the Human Rights Committee and the CEDAW Committee) that can receive individual complaints; or through Human Rights Council procedures, where Special Rapporteurs investigate human rights violations. In some cases, international tribunals such as the International Criminal Court, and other mechanisms exist to hold individuals to account for international crimes that amount to serious human rights violations (e.g. genocide and crimes against humanity).

These rights aim to protect human dignity by providing conditions for living with dignity, including the right to life, liberty, freedom from slavery and all forms of discrimination, as well as freedom of opinion and expression, the right to education, health, adequate housing, employment, and other rights.

Section Two: Women's Rights As An Inalienable Part Of Human Rights

▪ The Concept Of Women's Rights And Their Historical Development

Women's rights are a fundamental principle of human rights and an integral part of them, but their recognition and implementation have followed a complex, protracted historical path marked by

challenges and struggles. Women's rights did not emerge by accident, they are the product of large social, intellectual, and political movements that fought to dismantle gender-based discrimination. The evolution can be traced through stages and pivotal moments that contributed to a deeper and broader understanding of women's rights across various aspects of life and around the world.

1. Phase One: Pre-Modern Era – Subordination And Constraint (Ancient And Medieval Times)

In most ancient and medieval civilisations, women's status was characterized by subordination and subjection to male authority—whether paternal, marital, or fraternal. Laws and social norms severely restricted women's rights, limiting their roles largely to childbearing and family care, with few exceptions for individuals able to transcend these barriers due to social status or personal capabilities.

In Ancient Civilisations: For instance, in Greece, women lacked legal capacity, were confined to the home, had no inheritance rights, and could not enter into contracts without male guardianship; in practice, “women in ancient Greece had less rights than men and could not vote, own land, or inherit. Their aim

in life was restricted in their role within the house and raising children”¹⁶.

In Rome, women were under *patria potestas* (family authority) and later the husband’s authority, though they enjoyed certain legal rights relating to property in some periods; even major religions—though carrying liberal or emancipatory themes—often reinforced traditional roles for women in historical practice.

✓ **The Middle Ages:** In medieval Europe, the church dominated social life and established traditional roles for women tied to the family and religious duties. Women's civil and economic rights were extremely limited; they were often deprived of the right to independent property ownership, education, or participation in public life. In contrast, some Islamic civilisations, during their golden ages, saw legal principles that granted women certain financial and economic rights, as well as the right to education and access to the judiciary, although these rights were not applied equally in all times and places.

There was no organised movement to defend women's rights during these periods. All attempts to change the status quo were individual or linked to specific social or religious contexts and did

¹⁶ Source: An article titled "Women in Ancient Greece," on the World History Encyclopedia website - <https://www.worldhistory.org>

not succeed in creating a widespread structural shift in the view of women and their place in society.

2. The Second Phase: The Age Of Enlightenment And Revolutions - The Seeds Of Change (18th and 19th Centuries)

With the dawn of the Enlightenment in Europe, concepts of liberty, equality, and natural rights began to spread and gain momentum. These ideas, initially directed primarily at men, started to raise questions about the exclusion of women and developed as follows:

✓ **Early Voices:** Mary Wollstonecraft¹⁷ is considered a pioneer of this phase. In her 1792 book, *A Vindication of the Rights of Woman*, Mary argued that women are not inherently inferior to men but are raised to be subservient and believing they have not been granted the same mental capabilities as men. She emphasised the necessity of granting women the same educational

¹⁷ Mary Wollstonecraft: An 18th-Century British feminist writer. She was one of the first writers to advocate for women's right to education and is considered a founder of feminist philosophy. She had a significant impact on the course of the British women's suffrage movement. She was also a thinker and philosopher and is considered one of the first liberal feminists who shed light on the suffering of women under patriarchal systems and called for granting women their political rights and right to education. Source: website Genderiyya Wiki: <https://genderiyya.xyz/wiki>

and political opportunities available to men. She asserted that women's apparent weakness is a result of social and educational restrictions.

✓ **Major Revolutions:** Although the French Revolution (1789) called for equality, the "Declaration of the Rights of Man and of the Citizen" explicitly excluded women. Olympe de Gouges¹⁸ responded in 1791 with her "Declaration of the Rights of Woman and of the Female Citizen"¹⁹, demanding full equality for women in law and politics. However, these demands were rejected, and Gouges was later executed. During the American Revolution, some women in the United States, such as Abigail Adams, began to demand the inclusion of women's rights in the new laws.

¹⁸ Olympe de Gouges holds a respected place in the history of the feminist thinking as a pioneer of women's rights advocacy. Her name rose to prominence during the French Revolution, which she ultimately fell victim to, along with a large number of people, during the period known as the Reign of Terror under Robespierre's rule. Olympe de Gouges's fame comes from the "Declaration of the Rights of Woman and of the Female Citizen" which she wrote in the style of the "Declaration of the Rights of Man and of the Citizen" (1789). Source: the Equal Citizenship Centre website: <https://equalcitizenshipcentre.com/>.

¹⁹ See Annex N0. 7, page N0.133.

✓ **The 19th Century And The Suffrage Movement**

The struggle for women's rights began to take on an organised character, particularly in the United States and the United Kingdom, where initial demands focused on women's right to vote (suffrage). In 1848, Seneca Falls²⁰, United States, hosted the first women's rights conference, which issued the "Declaration of Sentiments"²¹ demanding equal civil, social, political, and religious rights. Names like Susan B. Anthony and Elizabeth Cady Stanton led this movement, which lasted for many decades.

▪ **Third phase: The 20th Century – Major Gains And Expansion Of Rights**

The 20th Century witnessed transformative changes in women's status and rights, propelled by women's activism and evolving

²⁰ The Seneca Falls Convention is considered the first feminist Conference to discuss women's rights in the United States. It was held in the town of Seneca Falls, upstate New York, and was named after the town that hosted its events on July 19-20, 1848. It resulted in the signing of the Declaration of Sentiments, in which American feminists demanded equality for women with men, including the right to vote. The results of the Conference were important as they marked the beginning of the women's rights movement in the United States and helped pave the way for future activism and legislative work to improve women's rights and equality with men in work, property ownership, and the right to vote (suffrage). Dr. Ream Ghanem Najib, College of Political Education/Al-Muthanna University, Al-Qadisiyah Journal of Human Sciences, Volume 28 - Issue 1 - Year 2025.

²¹ See Annex No. 8, p. 134.

social needs (especially after the World Wars, when women played vital roles in the economic development). Thus, some rights were realised:

✓ Suffrage: After decades of advocacy, many countries granted women the right to vote. New Zealand (1893) was the first self-governing country to grant women full suffrage, followed by Finland (1906), Norway (1913), and later numerous European countries and the United States after World War I (UK in 1918; US in 1920). The process continued globally through the 20th Century.

✓ Economic and social rights: In addition to suffrage, demands for equal pay, property rights, the right to work, and educational rights gained traction, with more women entering the workforce and demanding fair working conditions.

✓ The United Nations' role: The founding of the United Nations after World War II and the universal affirmation of equality between men and women in the UDHR (both in its preamble and Article 2) marked a turning point. Internationally specialized agreements followed, most notably the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979.

✓ The second wave of feminism (1960s–1970s): Demands broadened to include reproductive rights (e.g., control

over contraception and abortion), sexual liberation, combatting domestic and sexual violence, workplace equality, and a redefinition of traditional gender roles. Pioneering scholars such as Simone de Beauvoir²², in “The Second Sex” (1949), played a central role in this intellectual shift.

4. Phase Four: Twenty-First Century – Ongoing Challenges And New Horizons

The Twenty-First Century presents a new phase of ongoing activism, addressing contemporary and evolving challenges:

✓ **Combating Digital Violence And Online Harassment:** With the spread of social media and modern technologies, women face new forms of violence such as cyber harassment, extortion, dissemination of harmful images, and online bullying, which threaten freedom of expression and participation in digital spaces.

²² Simone de Beauvoir (1908-1986) was a philosopher, novelist, feminist, public intellectual, and political activist. She was one of the principal and founding figures of post-war existentialism in France. De Beauvoir is best known for her pioneering work in feminist philosophy, *The Second Sex* (1949).

✓ **Climate Change And Its Impact On Women:**

Women, particularly in developing contexts, are disproportionately affected by climate change and disasters. They often bear greater responsibility for securing food, water, and fuel for households, with increased risks of gender-based violence during crises and displacement.

✓ **Realising Genuine Economic Equality And**

Closing Wage Gaps: Despite the achieved progress, wage disparities persist globally, and women face greater barriers to advancement and leadership roles, compounded by the burden of unpaid labor at home and care-giving responsibilities.

✓ **Populist Politics And Rolling Back Rights:**

In some regions, women's rights are challenged by conservative or populist movements seeking to restrict personal freedoms or impose restrictions on reproductive rights.

✓ **Mental Health And Double Burden:**

Women face heightened psychosocial pressures due to multiple roles (work, family, community), and exposure to discrimination and violence, making mental health a pressing concern.

✓ **Meaningful Political Participation And**

Representation: Although women's participation in parliaments and governments has increased, their representation in senior leadership, policy-making, and peace negotiations remains

insufficient, diminishing their voice in decisions affecting their lives.

✓ **Conflict And Armed Violence:** In conflict zones, women and girls face horrific violence, including sexual violence as a weapon of war, forced displacement, and loss of livelihoods, making protection and rehabilitation particularly challenging.

Challenges Of Integrating a Gender Perspective Within The General Human Rights Framework

Integrating a gender perspective into the human rights²³ framework is considered to be a fundamental step to ensure that all individuals, regardless of gender, enjoy their full rights and freedoms. Although this principle has achieved wide international recognition, translating it into concrete reality faces deep and complex challenges at multiple levels.

1. The Gap Between International Standards And Practical Reality

Though domestic laws exist and international human rights instruments oblige States to integrate a gender perspective into

²³ Resolution 46/2000 of the 56th Session of the Human Rights Committee on mainstreaming women's human rights throughout the United Nations system. Source: Human Rights Library, University of Minnesota, USA. <https://hrlibrary.umn.edu/arabic/> Annex No. 9, p. 135.

public policies (e.g., the Convention on the Elimination of All Forms of Discrimination Against Women—CEDAW), the gap often lies between these mechanisms and their full implementation on the ground. There is often a lack of comprehensive national policies capable of translating these commitments into effective laws and policies promoting gender equality, and thus producing real change in the lives of girls and women.

2. Resistance To Social And Cultural Change

Traditional gender roles persist due to social norms, customs, and beliefs that hinder the integration of a gender perspective. This constrains women's access to education, work, political participation, and even fundamental rights such as health and protection from violence. This resistance is not always openly stated; it may be entrenched in social structures and prevailing beliefs, making transformative change slow and in need of sustained awareness-raising and education to stand against those norms.

3. Economic And Social Challenges

Social and economic conditions—poverty, illiteracy, resource scarcity—impact the integration of gender perspectives into human rights frameworks, often placing women in vulnerable

positions and limiting their access to justice, health care, and economic opportunities. These gendered challenges intensify in crises such as armed conflict or natural disasters, with women and girls being more exposed to violence, exploitation, and the denial of essential services. A lack of sex-disaggregated data impedes understanding the differential impact of policies and programmes on men and women, thus hindering the development of targeted, effective and clear vision capable of responding to the different needs of each of them.

4. Institutional Capacity And Resource Gaps

Integrating a gender perspective requires capable government sectors and other institutions in both public and private spheres, including sufficient budgets and skilled human resources. Often, understanding what it means to mainstream gender in public policy remains challenging for many institutions, and even with sufficient understanding, there may be insufficient human resources or expertise for implementation. There is often a lack of a comprehensive, integrated approach and inadequate coordination among different government sectors and civil society and international actors in implementing related policies, leading to fragmented efforts and weak overall impact.

6.

7. **Intersectionality**

Gender-based discrimination cannot be viewed in isolation from other forms of discrimination (racial, religious, disability, economic status, age, sexual orientation, etc.). For example, women in rural areas face far greater obstacles to realizing their rights than their urban counterparts. Addressing these intersections requires interventions tailored to multiple and overlapping forms of discrimination.

Addressing these challenges requires sustained, comprehensive efforts by States, civil society, and international organisations focused on awareness-raising, capacity-building, and resource provision, and, importantly, on challenging the social, cultural, and patriarchal mindsets that perpetuate inequality. The discrimination against women remains the principal barrier to achieving true equality, and this discrimination is entrenched and reproduced through gender-based violence—violence directed at women because they are women, one of the most widespread and egregious forms of human rights violations.

Section Three: International Legal Instruments Of Human Rights In General And Women's Rights In Particular

- **General Instruments**

- ✓ **Universal Declaration Of Human Rights (UDHR) (1948):** The preamble emphasises equality between men and women without discrimination and underscores the goals of “reaffirming faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women”. Article 1 of the above mentioned Declaration reaffirms the same principle, that “all human beings are born free and equal in dignity and rights”.

- ✓ The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)²⁴, together, constitute, with the UDHR, the international legal framework for human rights, and their provisions are binding on States that have ratified or adhered to them.

²⁴ Annex N0. 10. Page N0. 140.

International legal instruments specific to women: drafting and evolution Historically, women's rights were not treated as a distinct category within international law until relatively late in the international rights regime. Initial efforts focused on specific issues (such as political rights for women) and later evolved to be comprehensive and integrated, recognising that discrimination against women permeates all aspects of life. This trajectory reflects:

- The evolution of global human rights thinking
- The impact of women's movements and civil society
- The increasing awareness among States and international organisations of the importance of women's empowerment as a development objective.

The drafting and development of international legal instruments on women's rights is a complex, lengthy process, involving diplomacy, law, and advocacy by States, international organisations and civil society. These instruments form the basis for legal claims on women's rights and oblige States to guarantee those rights.

Challenges In Drafting And Developing Instruments

- **Political Tensions:** Disagreements between States can impede the drafting process.
- **National Sovereignty:** States often reserve concerns about commitments that might affect internal sovereignty or national legal norms.
- **Cultural And Religious Differences:** This remains a major sticking point, with some States objecting to certain provisions on the basis of their interpretation of traditions or religious texts.
- **Resources And Capacity:** Some States may lack legal expertise or the resources necessary to participate effectively in negotiations or to implement treaties.

In short, the drafting and development of international legal instruments on women's rights is a dynamic and complex process reflecting power and interest balances, requiring concerted effort by international actors to translate ethical commitments into legally binding rules.

✓ The Convention On The Elimination Of All Forms Of Discrimination against Women (CEDAW) And Its Optional Protocol, Its Drafting Stages, Its Scope And Significance As a Global Legal Framework For Women's Rights²⁵

Before CEDAW itself exists, the UN General Assembly adopted the Declaration on the Elimination of Discrimination against Women in 1967, which was a historic and central document in the women's rights movement. Although the UDHR recognised equality between men and women and the global rights movement called for gender equality, the reality did not reflect those commitments. The 1967 Declaration was the first comprehensive international instrument that explicitly acknowledged the existence of discrimination against women in all aspects of life and called for its elimination. Prior international instruments addressed specific aspects of women's rights (such as political rights or the nationality right) but did not broadly and comprehensively recognise discrimination as a pervasive, multidimensional phenomenon. The Declaration, thus, provided the essential groundwork for the drafting of a comprehensive treaty against discrimination, shaping the principles on which the later Convention would be built, and mobilising political and

²⁵ Annex N0. 11, page N0. 143. Source: The UN website – United Nations Human Rights – Office of the Higher Commissioner. www.ohchr.org

moral support for women's rights globally and encouraging the review of national laws and practices. Consequently, women's movements throughout the world, along with the UN Commission on the Status of Women and UN bodies called for the elimination of all forms of discrimination against women so that women could enjoy equal rights, as merely being a woman was not enough for her to enjoy full human rights. This led to the drafting and adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979. The subsequent sections summarise the drafting process and key milestones:

The initial draft was prepared by a working group of the UN Commission on the Status of Women and underwent intensive negotiations among UN Member States, with heated discussions on the definition of "discrimination," the extent of States' commitments to change "traditions and customs," and the handling of reservations. The Convention was adopted by the UN General Assembly in almost full consensus in 1979 and entered into force in 1981 after the required number of ratifications. It defines what constitutes discrimination against women and elaborates States' commitments in political life, education, health, work, marriage, family life, and other areas. Ratification of CEDAW entails broad and binding legal and political obligations

aimed at ensuring women's full enjoyment of all human rights and fundamental freedoms on an equal basis with men. In fact, the matter does not only concern signatures and ratifications but also concrete measures to be taken both at the national and international levels.

These commitments can be classified in principal categories, based on principles of the International Human Rights Law, known generally as the States' "three duties already mentioned in page Those commitments are respect, protection and fulfillment or realisation, besides some specific commitments imposed by the CEDAW Convention.

Other Specific Commitments According To The CEDAW Convention

Besides the "three duties", the CEDAW Convention imposes other more specific and detailed commitments in its different articles:

- **Article 5: Modifying Social And Cultural Patterns:** This article imposes a unique obligation on States to modify the social and cultural patterns of conduct of men and women. The issue here is the elimination of prejudices, customs, and practices based on the idea of the inferiority or superiority of either of the sexes, or on stereotyped roles for men and women.

This requires awareness campaigns, changes in school curricula, and addressing stereotyped images in the media.

- **Article 2: Non-Discrimination Policies:** It obliges States to adopt a policy to eliminate discrimination against women in all its forms, including the incorporation of the principle of equality into their national constitutions or laws.

- **Article 3: Guaranteeing The Full Development Of Women:** States undertake to take all appropriate measures, including legislation, to guarantee the full development and advancement of women, with the aim of ensuring their exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

- **Submission Of Periodic Reports:** States adhering to the Convention, are committed to submitting periodic, comprehensive reports to the Committee on the Elimination of Discrimination against Women (the CEDAW Committee), which is responsible for monitoring the implementation of the Convention. These reports outline the progress made and the challenges a State faces in implementing the Convention's provisions, and in return, the States receive observations and recommendations from the Committee.

In summary, the obligations of States Parties to the CEDAW Convention go beyond merely recognising women's rights on

paper, they rather include specific measures aimed at changing the social, legal, and economic structures that perpetuate discrimination, and ensuring that women can fully and effectively enjoy their rights in daily life.

✓ **CEDAW Optional Protocol** : Following a recommendation at the Vienna Conference on Human Rights to strengthen women's protections through CEDAW, the Expert Committee prepared an Optional Protocol to the Convention²⁶. Its significance lies in providing strong monitoring and enforcement mechanisms, and in allowing individual complaints. It was drafted and negotiated within the framework of the UN Human Rights Committee and the Commission on the Status of Women, and was adopted by the General Assembly.

▪ **Other International Instruments Related To Women's Rights**

✓ **Convention On The Rights Of The Child (CRC) (1989)**: Especially important for girls' rights; it guarantees nondiscrimination and presents rights to education, health, protection from violence and exploitation, early marriage, and female genital mutilation, contributing to protecting girls from harmful practices that affect their futures.

²⁶ Source: Website of the UN Human Rights – Office of the High Commissioner – <https://www.ohchr.org>

✓ **International Labour Organisation (ILO) Conventions No. 100 On Equal Remuneration (1951) and No. 111 On Discrimination In Respect Of Employment And Occupation (1958):** While these are labor conventions, they directly advance women's rights by ensuring equal pay for equal work (Convention No. 100)²⁷ and eliminating discriminatory practices in employment and occupations (Convention No. 111)²⁸.

✓ **Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment (CAT):** It is an international legal instrument that absolutely prohibits torture and accepts no justification for it. Its relevance to women lies in the fact that women are subjected to specific forms of torture or ill-treatment because of their gender, such as sexual violence and gender-based discrimination in places of detention or during conflicts. This Convention, therefore, obliges States to protect all individuals, including women, from torture, to investigate violations, punish perpetrators, and provide redress for victims, which contributes to combating violence directed against women. It was adopted by the United Nations General Assembly on

²⁷ Source: website of the UN Human Rights – Office of the High Commissioner – <https://www.ohchr.org>

²⁸ Source: website of the UN Human Rights – Office of the High Commissioner – <https://www.ohchr.org>

December 10, 1984, and opened for signature, ratification, and accession. It entered into force on June 26, 1987.

Some Important Regional Instruments

Regional instruments came to complete the work achieved through international human rights instruments, by adapting them to local contexts:

✓ **Maputo Protocol²⁹ (Protocol To The African Charter On Human And Peoples' Rights On the Rights Of Women In Africa, 2003)**: it goes beyond CEDAW in some aspects by addressing Africa-specific women's rights issues, including harmful traditional practices (e.g., female genital mutilation), reproductive rights, protection of women in armed conflicts, and the right to peace and sustainable development.

✓ There are some other regional instruments in Europe such as **Istanbul Convention³⁰** (Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, often referred to as the Istanbul Convention): A landmark regional instrument adopted in Istanbul on 11 May 2011, opened for signature that day, and entering into force on

²⁹ See the Protocol full document on the website of the Human rights library, Minnesota University: <https://hrlibrary.umn.edu/arabic/AfricanWomenPro.html>.

³⁰ See the Convention full document on the website of the Europe Council: <https://rm.coe.int>

August 1st, 2014. Its aims include transforming gendered norms, promoting gender equality, and protecting victims by providing robust protective mechanisms (shelters, hotlines, psychosocial and legal support, healthcare), while ensuring accountability for perpetrators and enshrining a broad range of domestic violence-related offenses (Such as psychological violence, stalking, genital mutilation, forced marriage, forced abortion, and forced sterilization) in national law. It seeks to encourage integrated policies across government sectors and civil society. Despite its impact in Europe and beyond, the Istanbul Convention has faced opposition and challenges in some countries with respect to ratification.

In the Arab region, there is no dedicated regional instrument for advancing women's rights and combating violence and discrimination with the same depth and scope as the Maputo Protocol in Africa or the Istanbul Convention in Europe, or the Belém do Pará Convention in the Americas. However, the Arab Charter on Human Rights (issued by the League of Arab States in 2004 and entering into force in 2008) contains provisions addressing gender equality and women's rights in areas such as citizenship, work, and family protection. It does not, however, provide the same detailed mechanisms or specific provisions for

combating violence against women or gender stereotypes as do the regional instruments found in other regions.

The advancement of women's rights and the fight against violence and discrimination in the Arab region primarily rely on Arab States' adherence to international human rights instruments (such as CEDAW) besides national legislation, and government and non-government programmes and plans.

Taken together, these instruments—along with core international human rights instruments—form a robust, integrated global legal framework for protecting and promoting women's rights in diverse contexts. They are used by international organisations to guide programmes, assess States performance, and advocate for legal and institutional reform. This discussion sets the stage for Chapter Two, which will address the role of international organisations in promoting human rights in general and women's rights in particular.

Chapter Two

The Role Of International Organisations In Promoting Human Rights, With a Specific Focus On Women's Rights

Section One: Role of Intergovernmental Organisations (The United Nations As a Model)

In an increasingly complex world, the importance of human rights as a fundamental pillar of justice, peace, and development is unquestionable. As awareness of these rights has grown, the role of international organisations in promoting human rights in general, and women's rights in particular, has emerged as an essential element in building a more just and equitable global order. Following the bitter experiences of global conflicts, humanity realised that protecting human dignity transcends the boundaries of national sovereignty and is a collective responsibility that requires international coordination and cooperation. In this context, international organisations, led by the United Nations, have become key players in formulating universal human rights standards through foundational instruments like the Universal Declaration of Human Rights and the International Covenants. These documents are not just declarations of principles; they are legal foundations that guide the actions of States and oblige them to respect these rights.

Definitions of international organisations vary based on their nature and function, given their diverse political, economic, social, legal, and cultural objectives. The concept of these organisations

has expanded and evolved over time due to significant developments in many fields, which necessitated the creation of international bodies to manage international interests among States. This has ensured mutual benefits for all by establishing effective means to regulate relations between nations and coordinate their interests. They can therefore be regarded as an international body of multiple States aimed at protecting the common interests of Member States. An international organisation can also be defined as a legal person under international law, created by the union of a group of States to serve their shared interests, and possessing its own will within the international community. Furthermore, these organisations are not for profit, which is one of their defining characteristics, differentiating them from other organisations and companies that operate for financial gain³¹.

International organisations can be defined as permanent bodies established by a formal agreement (usually a treaty or charter) between two or more parties (often sovereign States or private entities). They possess an independent legal personality and a will separate from their members, and they work to achieve specific common goals and interests within the framework of international

³¹ Source: International organisations, Political Encyclopedia ([https:// political-encyclopedia.org/dictionary](https://political-encyclopedia.org/dictionary))

law. Unlike temporary international conferences, they are characterised by permanent organs and a permanent administrative structure. They also have the capacity to act as a legal entity separate from their members, enabling them to conclude agreements, own property, and sue and be sued. Their objectives vary depending on their mandate, and can include maintaining peace and security, promoting economic cooperation, protecting human rights, or achieving sustainable development.

The role of these organisations is evident at several levels, beginning with the establishment of international legal frameworks that define rights and obligations, continuing with monitoring mechanisms to track Member States' adherence to these rights and obligations, and concluding with reports and recommendations that alert States to the need to activate these commitments and the methods they should adopt to do so. For instance, the United Nations High Commissioner for Human Rights (OHCHR) provides technical support to States, documents violations, and raises awareness of human rights issues worldwide. Regarding women's rights, international organisations have taken crucial steps to combat the systemic discrimination and violence women endure. For example, UN Women, the UN entity dedicated to gender equality and the empowerment of women, works to advance the global agenda for women's rights and

coordinate international efforts to achieve it. These organisations have also contributed to the conclusion of key agreements such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is considered an "international bill of rights for women." They work to ensure its implementation and monitor States' compliance, thereby contributing to changes in national legislation and social practices to ensure women enjoy their full rights. The following sections will elaborate on these points in detail.

The United Nations As a Model

The UN is a global organisation founded in 1945 with the primary goal of achieving international peace and security. Its membership includes all independent States, and it serves as a center for resolving the problems facing humanity. Over 30 affiliated organisations³² also participate in this effort. The UN General Assembly, the Human Rights Council, and the Third Committee of the General Assembly are fundamental pillars in shaping international human rights standards, with a special focus on women's rights. These bodies work in synergy to create legal

³² Souhail, Hassan Al Fatlawi, UN goals and principles, Jordan: Dar Hamed publishing and distribution, 2011, p.24.

frameworks, raise awareness, monitor progress, and identify future challenges in this vital area.

Formulating International Standards

1. Role Of The General Assembly

The “General Assembly is the UN's main representative, deliberative, and policymaking organ. It is tasked with voting on specific important issues, such as recommendations regarding peace and security and the election of Security Council members..”³³ As the principal deliberative and policymaking body of the UN, the General Assembly plays a pivotal role in setting international human rights standards. Composed of representatives from all Member States, its resolutions and alliances reflect international consensus on humanitarian issues. The General Assembly has the authority to adopt treaties, conventions, and declarations on human rights, which later become cornerstones of international human rights law. Key examples of these instruments include:

³³ Source: UN website: <https://www.un.org/ar>

- **The Universal Declaration Of Human Rights (1948):** Initially a non-binding document, it serves as the moral and legal basis from which all subsequent instruments were inspired.

- **The International Covenant On Civil And Political Rights (1966) And The International Covenant On Economic, Social And Cultural Rights (1966):** These two legally binding treaties expand on the Universal Declaration and place detailed obligations on States parties.

- ✓ Other conventions, such as the Convention against Torture (1984) and the Convention on the Rights of the Child (1989), which were adopted by the General Assembly after years of negotiations.

The General Assembly also establishes mechanisms and bodies to monitor and implement human rights, defining their mandates, such as the Human Rights Council itself, or recommending the creation of special rapporteurs or commissions of inquiry. Through annual discussions and resolutions, the General Assembly directs the international community's attention toward emerging or pressing human rights issues, paving the way for the creation of new standards or the strengthening of the existing ones. The General Assembly plays a leading role in promoting women's

rights, giving them special attention through specific mechanisms and focused discussions. Among these mechanisms is the Commission on the Status of Women (CSW)³⁴, which was established by the Economic and Social Council at the General Assembly's request. The CSW collects and analyses information on the status of women worldwide, providing the General Assembly with a clear picture of the progress made and the remaining gaps in women's rights. The Commission meets annually to discuss challenges and opportunities related to women's rights, issuing reports and recommendations that are submitted to the Economic and Social Council and then to the General Assembly for adoption. These recommendations provide a framework for Member States to develop their policies and programmes.

The General Assembly also issues annual or periodic resolutions addressing specific women's rights issues, such as violence against women (including sexual and gender-based violence), child marriage, female genital mutilation, women's political and economic empowerment, and the protection of women in armed

³⁴ In June 1946, it officially became the Commission on the Status of Women, one of the subsidiary bodies of the Economic and Social Council. From 1947 to 1962, the Commission on the Status of Women focused on setting standards and drafting international agreements to change discriminatory legislation and promote global awareness of women's issues. Source: the United Nations website, UN News." <https://news.un.org/ar/story/2025>.

conflicts. These resolutions help highlight these issues and encourage States to take legislative and policy measures to combat them.

The General Assembly also played a crucial role in calling for major global conferences on women (such as the 1995 Beijing Conference), which produced important recommendations that set international standards for advancing women's rights. The General Assembly monitors the implementation of the commitments made at these conferences through its resolutions and the General Secretariat's reports.

In summary, in addition to its role in formulating international standards, the UN General Assembly exercises a vital oversight and follow-up role in the field of human rights and women's rights through its authority to review reports, issue resolutions, and establish and support specialised bodies. These mechanisms allow it to put pressure on States to comply with international standards, identify challenges, promote accountability, and advocate for concrete actions to improve the status of human rights and women's rights globally.

2. The Role Of The Human Rights Council

“The Human Rights Council is an intergovernmental body within the UN system, made up of 47 States responsible for the promotion and protection of all human rights around the globe”³⁵. The Council has the authority to discuss all thematic human rights issues and situations that require its attention throughout the year. Established in 2006 to replace the Commission on Human Rights (created in 1946), it is a body directly subordinate to the General Assembly and reports to it. The Council also works to develop new principles, resolutions, and concepts in the field of human rights that can later be elevated to treaties or protocols, effectively serving as a workshop for legal standards.

The Human Rights Council pays special attention to women's issues and addresses challenges related to gender-based discrimination and violence. It has established mechanisms such as the Special Rapporteur on violence against women, its causes and consequences, who gathers information, investigates violations, and provides recommendations to States on how to combat this violence. The Council also puts pressures on States to reform laws and policies that permit gender discrimination and to

³⁵ Source: The UN website – <https://www.ohchr.org>

ensure their compliance with international human rights law. It encourages changing harmful social norms and stereotypes and advocates for women's equal participation in civil, political, economic, social, and cultural life. The Council also discusses the challenges faced by women human rights defenders.

3. Role Of The Third Committee

The Third Committee is one of the six main committees of the UN General Assembly, and it deals with social, humanitarian, and cultural issues. It is the primary forum for discussing human rights resolutions and holding interactive dialogues with the High Commissioner for Human Rights, heads of treaty bodies, and special rapporteurs. This ensures that discussions and resolutions are based on the latest developments and key expertise related to human rights before being submitted to the entire General Assembly for final approval. The Committee, therefore, plays a crucial role in shaping the content of these resolutions. It is also one of the most important forums for discussing and promoting women's rights. “The Committee discusses questions relating to the advancement of women, the protection of children, indigenous peoples, the treatment of refugees, and the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. The

Committee also addresses important social development questions such as issues related to youth, family, ageing, persons with disabilities, crime prevention, criminal justice, and international drug control”³⁶.

Oversight And Follow-up Mechanisms

1. Treaty Bodies

“Treaty bodies are committees of independent experts that monitor the implementation of the provisions of the seven core UN human rights treaties by State Parties. This is primarily done by reviewing periodic implementation reports submitted by State Parties. Some of these bodies also have the mandate to receive and investigate individual complaints”³⁷.

✓ Reporting And Concluding Observations

Mechanism:

- **States Parties Periodic Reports:** States that ratify a specific treaty are obliged to submit periodic reports (usually every 4-5 years) to the relevant treaty body. These reports detail the legislative, administrative, judicial, and other measures a State has taken to implement the provisions of the treaty.

³⁶ Source: The UN website <http://un.org>

³⁷ Source: Chapter 6: UN Treaty Bodies – Human Rights Library – University of Minnesota: <https://hrlibrary.umn.edu/arab>

- **Review And Constructive Dialogue:** The committee reviews the report and poses questions to State representatives during a public session. Civil society can also submit "shadow reports" that offer an alternative perspective on the State's implementation of the treaty.

- **Concluding Observations:** After the dialogue, the committee issues concluding observations that include its assessment of the State's compliance with its obligations, identifies areas where the State has fallen short in respecting rights, and provides concrete recommendations for improving the human rights situation. These observations are a crucial oversight tool that pushes States to implement their commitments.

✓ **The Committee On the Elimination Of Discrimination Against Women (CEDAW Committee) As An Example:**

“(CEDAW) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women. The CEDAW Committee consists of 23 experts on women’s rights from around the world”³⁸.

³⁸ Source: The OHCHR website: <https://www.ohchr.org/ar/treaty-bodies/cedaw>

- **Reporting System:** States parties to CEDAW are required to submit an initial report one year after ratification, followed by periodic reports every four years. These reports cover all aspects of discrimination against women, from education, employment, and health to political participation, violence, and marriage.

- **CEDAW Committee's Concluding**

Observations: After reviewing State reports and holding a dialogue with their representatives, the Committee issues concluding observations and provides specific recommendations to the State for improving the status of women's rights. For example, it might recommend amending discriminatory personal status laws, enacting laws to combat domestic violence, or increasing women's representation in leadership positions.

✓ **Individual Complaints Under Optional Protocols³⁹**

The Committee can receive and review individual complaints filed by any person or group of persons who claim to be victims of a violation of a covenant by a State Party (as stipulated in the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights), or on their behalf. For the Committee

³⁹ Source: The OHCHR website: <https://www.ohchr.org/treaty-bodies/cescr/inquiry-procedure>

to have jurisdiction to receive individual complaints, the State Party concerned must have recognised the Committee's jurisdiction by ratifying the optional protocol.

✓ **The Optional Protocol To CEDAW (OP-CEDAW)⁴⁰:** This is a universal treaty that establishes the mechanisms of CEDAW. Parties to the treaty allow the Committee to hear individual complaints or investigate serious or systematic violations of the Convention.

- **Conditions For Admissibility Of Complaints:** For a complaint to be admissible, all available domestic remedies must have been exhausted (i.e., the problem must have been attempted to be solved through the State's judicial system first), and the complaint must not be under consideration by another international investigation or settlement mechanism.

- **The Procedure:** The Committee reviews the complaint and asks the State concerned to provide its responses. If the committee finds a violation, it presents its opinion along with recommendations for the State to take corrective measures, such as providing compensation to the victim or changing laws. These opinions are not legally binding with the same force as court

⁴⁰ See full text of the Protocol on UN website: <https://ohchr.org/ar/instruments-mechanisms/instruments/optional-protocol-convention-elimination-all-forms>

judgments, but they carry significant moral weight and exert international pressure on the State.

2. Non-Treaty-Based Mechanisms

✓ These mechanisms, which are not based on binding treaties, complement the work of the treaty bodies and offer greater flexibility in addressing human rights violations. They are as follows:

✓ **Universal Periodic Review (UPR):** This is a unique and important mechanism where the Council conducts a comprehensive review of the human rights record of all UN Member States every four to five years. States submit reports on their commitments and pledge to cooperate with this mechanism and implement the recommendations they accept. The UPR contributes to enhancing accountability and transparency and encourages States to improve their human rights situation.

✓ **Special Procedures:** This system consists of independent experts (Special Rapporteurs, Independent Experts, and working groups) who are tasked with thematic issues (e.g., the Special Rapporteur on Torture, or on Freedom of Religion). These experts conduct country visits, receive individual complaints (communications), carry out investigations, and issue public reports and recommendations on human rights situations. Special

Procedures report to the Human Rights Council and the General Assembly, providing vital information for continuous monitoring.

✓ **Complaint Procedure:** This procedure allows individuals and organisations to submit communications about gross and consistent human rights violations in any country. The Working Group on Communications considers these complaints and forwards them to the State concerned for comments. If a clear violation of human rights is identified, the Council can take public action.

Overall, these mechanisms complement each other, forming an integrated and effective network for monitoring and following up on human rights at the international level, with a focus on highlighting the specific challenges women face and ensuring the integration of a gender perspective in all aspects of human rights work.

Technical Assistance And Women's Capacity Building: UN Body Programmes

Technical assistance and capacity building within the UN are realised through a wide network of programmes and initiatives implemented by its specialised agencies, funds, and programmes, which work closely with governments, civil society, and the

private sector. The goal is to provide States with the knowledge, skills, and resources needed to fulfill their human rights obligations, with a special focus on empowering women.

1. UN Women⁴¹

According to the definition on the organisation's own website, "UN Women is the United Nations organisation dedicated to gender equality and the empowerment of women... UN Women supports UN Member States in setting global standards for achieving gender equality and works with governments and civil society to design the laws, policies, programmes, and services needed to ensure that these standards are effectively implemented." It operates through specific programmes, including:

✓ **Gender Equality And Political Participation Programmes:** These programmes support women's participation in political and electoral life, provide training for female candidates, and work to foster an environment conducive to women's involvement in decision-making. Practical examples include a project in Tunisia where a "Political Academy for Women Municipal Candidates" was held to enhance advocacy skills and networking among participants. This training resulted in

⁴¹ Source: UN Women website: <https://arabstates.unwomen.org>

25 female candidates from different political parties receiving training on their political rights and how to build their self-confidence to play a leadership role in their communities.

2. The Office Of the High Commissioner For Human Rights (OHCHR)⁴²

The OHCHR is the principal coordinator of human rights activities within the UN system. It works to promote and protect human rights for all by cooperating with governments and assisting them in fulfilling their human rights obligations. It also provides objective opinions in the face of human rights violations in all countries, helping to identify and highlight current human rights challenges and devise responses to them. Furthermore, it performs the following functions:

✓ **Providing Legal And Technical Advice:** The OHCHR offers legal and technical advice to governments and national human rights institutions on how to align their legislation and practices with international human rights standards, including those related to women's rights.

✓ **Training Stakeholders:** It provides training to government actors (such as judges, prosecutors, and police), civil society, and national human rights institutions on the application

⁴² Source: OHCHR website : <https://ohchr.org>

of human rights instruments and the use of UN human rights mechanisms (such as treaty bodies and special procedures).

✓ **Supporting Human Rights Mechanisms:** It supports treaty bodies (such as the CEDAW Committee) and special procedures (such as the Special Rapporteur on violence against women), contributing to the analysis of reports and the provision of recommendations.

✓ **Mainstreaming Gender Perspective:** It works to integrate a gender perspective into all human rights activities and encourages the study of the specific impact of laws and policies on women and girls.

In general, through the reports it prepares or receives, the OHCHR works to oblige States to deal more seriously with women's rights issues and to support civil society in putting pressure on their governments to adopt recommendations related to gender equality, combating violence, and promoting women's economic and social rights. For example, many recommendations concerning the amendment of discriminatory family laws or the criminalisation of violence against women originated from the Universal Periodic Review process.

3. The United Nations Development Programme (UNDP)⁴³

As its name suggests, the UNDP is a UN body which work includes gender equality as one of its main pillars. It supports governments in integrating gender equality into their programmes and works to promote women's economic empowerment through programmes targeting women entrepreneurs and supporting their access to finance to reduce poverty and inequality. It also supports civil society through projects aimed at ending gender-based violence, promoting women's leadership, and other areas related to advancing women's status and achieving equality.

4. The United Nations Population Fund (UNFPA)⁴⁴

The UNFPA focuses on population issues, reproductive health, and gender equality, making it a key player in building capacity related to women's rights in the areas of sexual and reproductive health and reproductive rights. It provides technical assistance to governments to strengthen their healthcare systems, including family planning, safe maternity care, and the prevention of sexually transmitted diseases. The fund also contributes to the fight against gender-based violence, including female genital

⁴³ Source: <https://www.ohchr.org/ar/ohchr>

⁴⁴ Source: OHCHR website: <https://www.ohchr.org>

mutilation and child marriage, and helps provide shelter services for survivors of violence. Furthermore, it collects and analyses gender-disaggregated data, which allows for a better understanding of women's needs and enables government sectors to develop more effective policies that respond to these needs.

In conclusion, the technical assistance and capacity building provided by the various UN bodies form a fundamental pillar of the efforts to promote human rights in general, and women's rights in particular. Through these programmes, international organisations seek to enable States and societies to translate international commitments into tangible reality, working toward a world where all individuals, men and women, enjoy their full dignity and equal right.

Multilateral Diplomacy And Advocacy: The Role Of Permanent Missions And International Conferences (The Beijing Conference as An Example) In Promoting Women's Rights

Multilateral diplomacy plays a pivotal role in formulating and promoting human rights standards globally, and permanent missions to international organisations and major conferences are essential platforms for achieving this. Through them, States interact, negotiate, and adopt resolutions that are binding on all.

The Fourth World Conference on Women in Beijing in 1995, for example, stands out as a landmark in the promotion of women's rights. This Conference was not just a fleeting meeting; it was the culmination of years of advocacy and intensive diplomatic work by permanent missions and civil society. The Conference resulted in the Beijing Platform for Action⁴⁵, a comprehensive document that identified critical areas of concern for women's empowerment and called for concrete actions at both the national and international levels. Thanks to the efforts of diplomats and advocates, the discussions and resolutions adopted in Beijing contributed to a paradigm shift in the perception of women's rights, placing them at the core of the international human rights agenda. This demonstrates the transformative power of multilateral diplomacy in advancing human rights issues, especially women's rights.

⁴⁵ The Beijing Declaration and Platform for Action (1995) is a forward-looking agenda for the empowerment of women and a benchmark for analysing the status of women worldwide and assessing the efforts made by countries to support women's empowerment. The Beijing Declaration and Platform for Action aims to support women and girls around the world in their pursuit of gender equality and the realisation of women's rights, and to ensure that the international community continues its commitment to addressing civil, political, social, economic, and cultural inequalities. It remains highly relevant to the current status of women, emphasizing that women's rights are human rights. Source: UN ESCWA website <https://www.unescwa.org/ar/beijing>

Section Two: Role Of International Non-Governmental Organisations (NGOs) In Promoting Women's Rights

“The mission of caring for human rights is not limited to governmental organisations. NGOs also play a significant role in this field at all levels. Their main objectives are to provide human rights information to relevant international and national institutions, contribute to shaping policies and agendas related to human rights, monitor the implementation of those policies, and raise awareness of human rights among individuals. They also monitor the progress of States in the field of human rights, observe violations, and put pressure on human rights violators”⁴⁶.

International Non-Governmental Organisations (INGOs) play a vital and complementary role to that of States and intergovernmental organisations in promoting women's rights. They serve as an independent voice for civil society on the global stage and are often on the front lines of addressing the challenges women and girls face. These organisations work to⁴⁷:

⁴⁶ Alaa Jaber, 2021, Mechanisms for Protecting Human Rights, Mawdoo3 website: <https://mawdoo3.com>

⁴⁷ Council of Europe website: <https://www.coe.int/ar/web/compass/human-rights-activism-and-the-role-of-ngos>

- Combat individual human rights violations, either directly or through competent courts.
- Provide direct assistance to those whose rights have been violated.
- Advocate for changes in national, regional, or international law.
- Help develop the content of these laws.
- Promote people's knowledge and respect for human rights.

Advocacy And Pressure

INGOs have a direct and indirect impact on national policies in many countries, as well as at the international level. They engage in advocacy and lobbying to promote women's rights around the world through:

- ✓ **Providing Expertise And Information:** They offer expertise and information on women's rights in the form of proposals and recommendations to UN committees, special rapporteurs, and government delegations during the drafting
-

stages of international conventions and resolutions. A crucial example is the role they played in drafting agreements like CEDAW and in developing the Beijing Platform for Action.

✓ **Participating In Advisory Committees And Consultations:** These organisations are invited to contribute to the work of UN experts and governments, giving them an opportunity to directly influence legal content.

▪ **Monitoring And Documenting Women's Rights Violations**

✓ **Collecting Field Data:** NGOs are primary sources of information from the field. They collect detailed data on women's rights violations, such as gender-based violence, discrimination in the workplace, denial of education, and access to healthcare.

✓ **Preparing Parallel Reports("Shadow Reports"):** They submit shadow reports to UN treaty bodies (such as the CEDAW Committee) when reviewing official State reports. These reports provide a critical and complementary perspective to the government's view, highlighting gaps and challenges that may not be mentioned in the official report. These reports are a powerful tool for holding States more accountable.

✓ **Documenting Individual Cases:** NGOs help victims document cases of rights violations and, in some cases,

provide legal support to file individual complaints with international human rights mechanisms (such as those available under the Optional Protocol to CEDAW).

▪ **Influencing Public Opinion And Mobilising Support**

✓ **Awareness And Lobbying Campaigns:** NGOs launch campaigns at the national and international levels to raise awareness of women's rights issues. They use various media, social media, and public events to draw attention to injustices and mobilise public support.

✓ **Putting Pressure On Governments:** These organisations directly or indirectly put pressure on national governments and international bodies to take concrete action. This is done by organising demonstrations, submitting petitions, engaging in direct communication with decision-makers, and participating in national and regional dialogues.

✓ **Advocacy In International Forums:** These organisations participate actively in the annual sessions of the General Assembly and the Human Rights Council and in specialised committees (such as the Third Committee). Here, they

share reports and data, participate in side events, and provide information to government delegations to influence the drafting and adoption of resolutions.

- **Building The Capacity Of Local Associations:**

Training and Funding local associations to strengthen its role

- **Training Activists And Local Communities:**

INGOs provide training and capacity building for local women's organisations and human rights activists, enabling them to understand and effectively use international standards in their work.

- **Building Networks And Alliances:**

NGOs facilitate the creation of international networks and alliances among organisations with shared goals, which enhances their effectiveness and their ability to have a collective impact at the regional and global levels.

In short, INGOs are a dynamic and indispensable force in the global women's rights movement. By gathering information, advocating, lobbying, and building alliances, these organisations contribute significantly to ensuring that international commitments are translated into real changes in the lives of women and girls everywhere.

▪ **Providing Direct Support To Victims: Humanitarian And Legal Aspects**

NGOs, especially those working in conflict zones, disasters, or contexts with serious human rights violations, provide invaluable and effective services that governments themselves may be unable or unwilling to provide.

Humanitarian And Relief Support

Humanitarian and relief support focuses on meeting the basic and urgent needs of victims to ensure their survival and dignity, especially in crises.

✓ **Providing Shelter And Safe Havens:** NGOs, particularly those specialising in women's rights, establish safe shelters for women and girls who are survivors of gender-based violence (such as domestic violence or sexual violence), victims of human trafficking, or those displaced by conflict. These shelters provide not only housing but also a supportive environment away from harm.

✓ **Food And Clean Water Assistance:** These organisations work to provide food and clean water in conflict situations to ensure the survival of those concerned.

✓ **Healthcare And Psychological-Social Support:**

NGOs contribute to providing primary and emergency healthcare, including medical and psychological support for victims of sexual violence and torture. They also organise workshops to help with recovery from trauma and psychological stress.

✓ **Providing Hygiene And Safety Kits:**

NGOs distribute "dignity kits" or "hygiene kits" containing essential hygiene supplies, especially for women and girls, to ensure their health and dignity. They sometimes provide items that enhance safety (such as lighting sources in camps).

✓ **Livelihood And Vocational Training Support:**

Some NGOs establish programmes to help provide dignified livelihoods, such as vocational training, micro-grants, or support for starting small businesses, to empower victims to become self-sufficient and reduce their vulnerability.

Legal Support

Legal support focuses on ensuring victims' access to justice, holding perpetrators accountable, and obtaining appropriate remedies.

✓ **Free Legal Advice And Assistance:**

They provide victims with free legal consultations and assistance, informing

them of their rights and legal options, and facilitating their access to justice.

✓ **Legal Representation And Advocacy:** In many cases, NGOs provide lawyers to represent victims before national courts, including representing women in cases of domestic violence, divorce, inheritance, or custody, to ensure they obtain their legal rights.

✓ **Filing Complaints With International Mechanisms:** NGOs help victims draft and submit individual complaints to UN treaty bodies (such as the CEDAW Committee under its Optional Protocol, or the Human Rights Committee), which gives victims an opportunity to receive an international assessment of their rights violations and recommendations for possible remedies.

✓ **Assistance with Documentation and Compensation Procedures:** NGOs provide support to victims of human rights violations to document their cases, gather evidence, and prepare reports that can be used in judicial claims or to seek compensation and reparations for damages.

▪ **Building The Capacity Of Legal Actors:** Some NGOs offer training to lawyers, judges, and law enforcement

officials on how to apply international human rights law and international humanitarian law, with a focus on protecting vulnerable groups such as women and children.

These and other services provided by these organisations work toward societies where justice and dignity prevail for all, and where true equality exists between all members of society, men and women.

In general, international NGOs contribute to enhancing the ability of local associations to play a more effective role in protecting and advocating for women's rights at the grassroots level, which in turn reinforces the overall impact of the feminist movement at the national and international levels. Examples of this work include:

- **Campaigns Against Gender-Based Violence** launched by Amnesty International, such as "Stop Violence Against Women," which seeks to raise awareness of the suffering of women due to violence and influences governments to enact and enforce strict laws to protect them.

- **Field Investigations Conducted by Human Rights Watch** on the impact of armed conflicts on women and

girls (such as the use of sexual violence as a weapon of war), and assistance in bringing perpetrators to justice.

- **Intensive Training Programmes Provided By FHI 360** to local associations in countries like Jordan and Egypt on mechanisms for monitoring and documenting gender-based violence, enabling these associations to collect accurate data and submit effective reports to demand legislative and political change.

- **The "Closing the Gender Food Gap: An Action Agenda For Women And Girls"** initiative, launched by FHI 360, to raise awareness of the disparities between men and women in accessing food and to emphasize the unique biological needs of women and girls.

- **Programmes To Struggle Against Violence, Sexual Harassment, And Inequality** conducted by **Oxfam**⁴⁸ in

⁴⁸ An International Federation comprising 15 independent organisations working in the field of combating poverty and social disparities worldwide, and helping the poorest groups to move from the confines of marginalisation and need to the

many countries around the world by providing civil society associations with the necessary expertise to address these situations.

- **The Global Fund For Women**⁴⁹, which provides direct grants to local women's associations worldwide to support their various activities, whether they are related to combating violence, promoting women's political participation, or defending their economic rights.

These examples illustrate the work that international NGOs do in raising awareness, building capacity of local associations, and supporting them to overcome situations that hinder the advancement of women's status around the world.

expansiveness of prosperity and influence in political and economic decision-making. Source: The Al Jazeera Encyclopedia website <https://www.aljazeera.net/encyclopedia>

⁴⁹ The Global Fund for Women envisions a world where movements striving for gender justice succeed in changing the balance of power and privileges enjoyed by only a few, working toward creating an environment of justice and equality for all. The fund finances bold, ambitious, and expansive movements that strive to create real and sustainable change that continues even after our passing. Source: The Fund website : <https://www.globalfundforwomen.org/>

Chapter Three

Practical Applications

Role of International Organisations In Promoting Women's Rights, With Application To Morocco

Section One: The National Framework For Women's Rights In Morocco

The Historical Development Of Women's Rights In Morocco: Key Milestones And General Contexts

Women's rights in Morocco have undergone a remarkable evolution over the decades, driven by a combination of internal and external factors. Several historical junctures have served as critical turning points in the struggle for equality and empowerment. This evolution was not linear but was marked by both progress and setbacks, influenced by political, social, and economic transformations.

The Pre-Independence Period And The Emergence Of Awareness

Before independence, the status of Moroccan women was largely shaped by rigid social customs, traditions, and clerical interpretations of religious texts. Their role was primarily confined to the domestic sphere. However, early signs of awareness emerged regarding the importance of women's education and their participation in public life, particularly with the rise of the nationalist movement and pioneering women like

Malika El Fassi⁵⁰, who advocated for girls' right to education. This period laid the groundwork for the initial demands.

Post-Independence: Legislative Development And The Rise Of Feminist Movements

Following Morocco's independence in 1956, the State began to build its institutions and legislation. Laws such as the 1957 Personal Status Code were enacted. Although this Code imposed some restrictions on women, it represented the first unified legal framework governing their family status. During this phase, more organised feminist movements began to emerge. While limited at first, they started to demand broader legislative and social reforms, with a focus on issues like education and women's participation in the workforce.

⁵⁰ Malika El Fassi began her life as a writer and journalist, and she fought with her pen for women's liberation and their rights. She was a direct cause for the establishment of a branch for female students at Al Quaraouiyine University. After independence, she demanded the right to vote for women in elections and the inclusion of equality in the first Constitution of the kingdom. Source: An article by Rami Al-Sabahi, on Marayana website – May 10, 2025 – <https://marayana.com/laune/2025>

The 1990s: Political Opening And Demands For Radical Reform

The 1990s marked a significant turning point, as Morocco experienced a period of relative political openness and a stronger voice for the feminist movement. This was influenced by international developments, such as the 1995 Beijing World Conference on Women, which gave a major impetus to women's demands. During this time, calls intensified for a radical reform of the Personal Status Code to align it with the principles of equality and international human rights. This phase was characterised by a greater awareness of the importance of eliminating legal discrimination against women.

The Third Millennium: Major Reforms And Human Rights Gains

The third millennium witnessed qualitative leaps in women's rights, most notably the promulgation of the new Family Code (Moudawana) in 2004. This Code introduced significant reforms, establishing the principle of equality between spouses in many aspects and raising the legal age of marriage. This was followed by the adoption of the 2011 Constitution, which explicitly enshrined the principle of equality between men and women and prohibited discrimination. This period also saw the launch of

programmes and initiatives to enhance women's political and economic participation and to criminalise specific forms of violence against them.

In general, the historical development of women's rights in Morocco is the result of continuous efforts by civil and political actors, influenced by societal and international changes. This has led to important legislative and institutional gains, even as some challenges persist that require further action.

The 2011 Moroccan Constitution⁵¹ And the Principles Of Equality And Parity

The **2011 Moroccan Constitution** is a landmark in modern Moroccan history and a fundamental turning point in the Country's democratic development and the consolidation of the rule of law. It was a response to broad popular demands expressed by the February 20th Movement and a confirmation of the strong Royal will for comprehensive and deep institutional reform. The new Constitution's impact was not limited to good governance and the separation of powers; it also represented a qualitative leap in

⁵¹ The Preamble and Chapters of the Constitution in Annex No. 12. p. 157. Taken from the full text available on the House of Representatives website <https://www.chambrederesrepresentants.ma/ar/>

human rights in general, and women's rights in particular, by enshrining the principles of equality and parity as essential pillars of the State and society.

Human Rights Principles In The New Constitution:

The 2011 Constitution significantly strengthened the system of human rights and fundamental freedoms. Its preamble and multiple articles stipulate Morocco's commitment to internationally recognised human rights principles and the supremacy of international conventions ratified by Morocco over national legislation. This constitutional feature provides a strong reference framework for promoting rights and freedoms and places Morocco among the states committed to international standards in this field.

Article 6 of the Constitution is one of the most prominent articles that embodies the principle of equality. It clearly States that "The law is the supreme expression of the will of the nation. Everyone, natural or legal persons, including public authorities, are equal before it and are bound to comply with it." It then adds: "Men and women are equal before the law." This explicit constitutional text establishes the principle of absolute legal equality between the sexes and prohibits any discrimination based on sex in the enactment and application of laws. This text serves as the

foundation upon which all State and societal legislation and practices must be built to ensure that every individual, regardless of their gender, enjoys the same rights and duties.

Article 19 of the Constitution is the cornerstone for enshrining women's rights, specifically the principles of equality and parity. This historic article stipulates:

"Men and women shall enjoy, on an equal footing, the civil, political, economic, social, cultural and environmental rights and freedoms enshrined in this Title of the Constitution, as well as in the international conventions and pacts duly ratified by Morocco, and all provisions of the law. The State shall work towards achieving the principle of parity between men and women."

This article has profound and multiple implications:

✓ **Confirmation Of a Comprehensive Equality:**

Article 19 is not limited to general legal equality but specifies that it includes all types of rights and freedoms (civil, political, economic, social, cultural, and environmental). This means the state is obligated to ensure that men and women enjoy the same opportunities and rights in all areas of life.

✓

✓ **Link To International Obligations:** The article explicitly refers to "international conventions and pacts, duly ratified by Morocco." This confirms a direct link between the Constitution and Morocco's international human rights obligations, most notably the **Convention On the Elimination Of All Forms Of Discrimination Against Women (CEDAW)**, which Morocco ratified and lifted its reservations on in 2011 (with the exception of the family name and arbitration clause). This link strengthens the constitutional provisions and makes them binding under international law.

✓ **Entrenchment Of the Principle Of Parity:** The great importance of Article 19 lies in its explicit adoption of the principle of "**parity**." This principle goes beyond mere formal legal equality to become a demand for achieving substantive equality in reality. Parity means the equal sharing of roles, responsibilities, and opportunities between the sexes. It requires positive policies and actions (affirmative action) to empower women to access decision-making positions and participate effectively in all areas of public and private life. It is not just a right but a goal the state strives to achieve.

After the principles of equality and parity were enshrined in the Constitution, Morocco was required to translate these lofty

principles into a tangible reality, which demands concerted legislative, institutional, and cultural efforts.

The Constitution did not stop at establishing principles; it also stipulated mechanisms and institutions to implement them:

✓ **The Authority For Parity And Combating All Forms Of Discrimination:** Article 19 stipulated the creation of this independent constitutional body, concerned with ensuring equality between men and women and combating discrimination. Although the law governing it has been issued, its actual and full activation still faces challenges and requires greater political will.

✓ **The National Human Rights Council (CNDH)⁵²:** This is a constitutional institution that plays an important role in protecting and promoting human rights, including women's rights. The Council submits reports and recommendations to the government and parliament on issues related to equality and combating discrimination.

✓ **Parliamentary Committees:** Parliamentary committees, especially the Committee on Justice, Legislation, and Human Rights, play a role in studying and revising laws to

⁵² Source: website of the National Council for Human Rights: <https://www.cndh.ma>

ensure their compatibility with the constitutional principles of equality and parity.

In conclusion, the 2011 Constitution serves as an ambitious constitutional declaration for a new phase in the journey of women's rights in Morocco. Equality and parity are no longer just slogans but binding constitutional principles that require diligent work from all actors in the state and society to transform them into a reality that enhances women's dignity and contributes to building a prosperous and democratic Morocco.

The 2004 Family Code: A Quiet Revolution In Moroccan

Family Law

With the rise of societal awareness and the growing voices of the feminist movement, it became necessary to revise the 1957 Personal Status Code to keep pace with social changes and align with the principles of justice and equality. The "one million signatures" campaign launched by the feminist movement in 1992 to demand reform of the code was an undeniable driving force. This path culminated in the historic royal speech on October 10, 2003, which announced the new code's project, emphasising that it was "a modern code that responds to the requirements of the age and takes into account the specificities of Moroccan society," and

that it "takes into account the principles of the tolerant Islamic Sharia and its goals of justice and compassion, while also responding to the legitimate aspirations of Moroccan women."

The current 2004 Family Code is considered a historic legislative achievement in the journey of women's and family rights in Morocco. For the first time, the Personal Status Code underwent a significant reform, breaking with its sanctity and becoming a law that passes through the House of Representatives for discussion and approval like any other law. It also was a natural outcome of Morocco's commitments to the international conventions it had ratified, especially **CEDAW (1993)**.

Key Reforms Of The 2004 Family Code⁵³

The 2004 Family Code introduced fundamental changes in many of its articles, reflecting a clear commitment to enhancing the status of women and the family as a whole. It affirmed equality between the sexes in the custody of children, setting the age at 15 for both, instead of 12 for girls and 15 for boys. Regarding legal guardianship in marriage, it became a legitimate right for adult

⁵³ Source: His Majesty the King Mohammed VI's Speech on October 10, 2003, at the Autumn Opening Session of the Parliament. The mentioned speech refers to most important reforms achieved in the 2004 Family Code. Annex N0. 13, page N0. 159.

women to exercise according to their interests. The concept of a woman's guardianship in marriage was thus removed after it had been a condition for the validity of a marriage contract in the Personal Status Code. The concepts of "a wife's obedience to her husband" and "a woman's supervision of the home and its affairs," as well as the distinction between the specific rights and duties of the "wife towards the husband" and the "husband towards the wife," were abandoned. Instead, the code emphasised the mutual rights of both parties.

In addition, we can mention the following:

✓ **Joint Responsibility For The Family (Article 4):**

Before the Code, the husband was the sole head of the household, and the wife was subordinate to him (enshrining the principle of *qawamah*, or male guardianship). The new code established the joint responsibility of both spouses in caring for the family and managing its affairs, which reinforced the status of women as equal partners within the family unit. This was a major conceptual and legal shift.

✓ **Raising The Age Of Marriage (Article 19):**

The Code raised the legal age of marriage for both sexes to 18 full years, instead of 15 for girls and 18 for boys. This measure aimed to reduce child marriage, which had negative effects on girls' education, health, and future, also contributes to reducing family

fragility. Although there are judicial exceptions with special permission, the principle is to set the age at 18.

✓ **Restricting Polygamy (Article 40 And Beyond):**

Before the Code, polygamy was almost absolute. Now, it has become a somewhat conditional exception, requiring the permission of the first wife, proof of the husband's ability to provide justice and fairness among the wives, and prior judicial authorisation after summoning and hearing from the wife being married over. The goal is to protect the rights of the first wife and the children.

✓ **The Right To Divorce (Article 70 and beyond):**

The Code represented a qualitative leap in this area:

- **A Woman's Right To Request Divorce:** The Code established a woman's right to request a divorce due to discord (*al-shiqaaq*), which was not widely available before. A wife can request a divorce if the spouses cannot agree on a solution to their disputes, and the court decides the matter.

- **Divorce By Mutual Consent:** The Code allowed for divorce by mutual consent, which encourages amicable solutions.

✓ **Facilitating Marriage Procedures:** The Code simplified some administrative procedures for marriage while emphasising the necessity of documenting and protecting the marriage contract.

Despite the significant achievements of the 2004 Family Code, its implementation on the ground has not been without challenges and loopholes revealed by practice over the years. This means that the path toward achieving full family justice is still open for further developments and reforms.

Challenges To The Implementation Of the Code:

After years of implementing the Code, a number of difficulties have emerged that have limited the full achievement of its objectives, the most prominent of which are:

✓ **Continued Child Marriage (Exceptional Judicial Permission):** Despite raising the marriage age to 18, the exception provided for in Article 20, which allows a judge to grant permission for a minor to marry, has often become the rule, emptying the reform of much of its content. Thousands of child marriages still occur annually, exposing girls to health, psychological, and social risks and depriving them of education.

✓

✓ **Difficulty In Restricting Polygamy:** Despite the strict conditions for polygamy, some judicial and administrative practices have shown loopholes that allow for circumvention of the law. In some cases, polygamy can occur without the first wife's actual knowledge or consent, or through forged bachelorhood certificates or undocumented marriages.

✓ **Divorce For Discord And Alimony Challenges:** Although women have the right to request a divorce for discord, just as men do, their deprivation of "consolation" alimony, or what human rights activists prefer to call compensation for the harm suffered by the woman, leaves divorced women in a difficult economic situation, especially if they do not have a source of income. This sometimes causes them to retract their right to request a divorce.

✓ **Enforcement Of Judgments And Implementation Difficulties:** Many divorced women suffer from procedural complexity and difficulty in enforcing judgments related to alimony and custody, which negatively affects divorced mothers and the rights of children in particular.

✓ **Legal Awareness And Social Practices:** There is still a lack of legal awareness of the new code's provisions among broad segments of society, especially in rural areas. Some social

practices and traditional mentalities still resist the changes brought by the code, hindering its effective application.

✓ **Lack Of Balance In Some Issues:** There are still societal debates on some issues that the Code did not fully resolve or that need to be reviewed, such as the issue of inheritance, specifically the issue of *ta'sib* (agnatic succession), which is still subject to the rules of Islamic jurisprudence.

The 2004 Family Code is considered an important reform, but this does not mean that what is contained in it should be considered sufficient, as it is a living document that must keep pace with the changes in Moroccan society. It also must be in complete harmony with the requirements of the Kingdom's Constitution, which was voted on in 2011. There is currently a lack of this alignment in a number of the Code's articles. Work has already begun on amending the Code under Royal Directives, in response to the urgent demands of the feminist movement and human rights organisations. The points of discussion include demands for the following:

✓ **Completely Abolishing The Judicial Exception For Child Marriage** to ensure the protection of young girls.

✓ **Further Restricting Or Even Abolishing Polygamy.**

✓ **Abolishing The Loss Of Custody For a Mother** who remarries.

✓ **Granting Mothers Legal Guardianship Over Their Children,** as fathers have.

✓ **Making The Marriage Contract The Only Means Of Proving Marriage.**

✓ **Revising Alimony And Compensation Issues:**
Ensuring a dignified livelihood for divorced women and children after separation, and reviewing judicial standards for estimating alimony and compensation.

✓ **Granting Lineage To Children Born Out Of Wedlock** and enabling them to enjoy all their rights as stated in the Constitution and the Universal Declaration of the Rights of the Child.

✓ **Abolishing Article 400 Of The Current Code,** which opens the door wide for *ijtihad* (independent reasoning) and gives judges great powers, making them today legislators instead of mere appliers of the law. This abolition would also require precise legal drafting that defines all circumstances and their

provisions, to close all the legal loopholes in the current code that often lead to conservative interpretations not serving justice for women at all.

Of course, this reform, if it takes place, must be accompanied by supporting mechanisms at the level of the concerned institutions. There must also be awareness, sensitisation, and educational campaigns about the contents of this reform. This is the role of the media, political parties, and civil society associations with the help of international organisations. It is also the role of the Ministry of Education through school curricula.

In conclusion, the 2004 Family Code represented a qualitative leap in Moroccan legislation, as it broke down several barriers that stood in the way of women's equality with men in marital relations. This was done in a quiet revolution that respected the specificities and components of the Moroccan society and succeeded in reaching consensual solutions that satisfied all parties. However, today it is in need of a comprehensive review aimed at correcting loopholes, keeping pace with transformations, and respecting the Constitution and the treaties to which Morocco is internationally committed. This reform process has been underway since His Majesty King Mohammed VI launched it in

his 2022 Throne Speech⁵⁴. An Advisory Committee has been formed, and all concerned parties have been heard (political parties, civil society associations, some constitutional institutions and some governmental departments...) Some points have been referred to the Religious Council, and the text is now with the drafting committee.

The reform process is ongoing, and the ultimate goal is to achieve full justice and equality within the family, as the fundamental nucleus of society.

Law 103.13⁵⁵: A Step Towards The Prevention Of Violence Against Women In Morocco

Law No. 103.13 on combating violence against women, which entered into force in September 2018, is an important milestone in Morocco's efforts to combat the phenomenon of violence against women and enhance their protection from its various forms. This law came after years of human rights and feminist demands and coincided with Morocco's international human rights commitments, especially after the 2011 Constitution, which

⁵⁴ Source: Speech of His Majesty King Mohammed VI, on the occasion of the Throne Day 2022, announcing the creation of an advisory committee to consider the revision of the 2004 Family Code. Annex N0. 14, page N0. 164

⁵⁵ Whole text of the 103-13 Law related to violence against women on the website of the Solidarity, Social Inclusion and Family Ministry: <https://social.gov.ma>

enshrined the principle of equality and parity, and the ratification of international conventions like CEDAW

Context And Objectives

Before the enactment of this law, there was no comprehensive and integrated legal framework to address the phenomenon of violence against women. Some related criminal acts were covered in the general Penal Code, but they did not address the phenomenon in its entirety or provide sufficient protective and preventive mechanisms for victims. Therefore, Law 103.13 aimed to:

- ✓ **Criminalise New Forms Of Violence:** Introduce clear legal definitions and criminalise acts not explicitly criminalised before, such as sexual harassment in public places, psychological violence, and economic violence.

- ✓ **Increase Penalties:** Impose stricter penalties on perpetrators of violence against women, especially in specific cases like domestic violence or violence that results in severe physical or psychological harm.

- ✓ **Provide Mechanisms For Victim Protection:** Enact protective and preventive measures for women who are victims of violence, such as removing the aggressor, prohibiting contact with the victim, or protecting witnesses.

✓ **Enhance Victim Care:** Stipulate the necessity of caring for women victims of violence, including judicial, psychological, and social assistance.

Key New Provisions

Law 103.13 introduced several important amendments and additions to the Penal Code and the Code of Criminal Procedure, including:

✓ **Definition Of Violence Against Women:** For the first time, the law provided a definition of violence against women, to include "any act or omission that results in material, moral, sexual, or economic harm to a woman."

✓ **Criminalisation And Expansion Of Types Of Violence:**

- **Sexual Harassment:** The law explicitly criminalised sexual harassment in public places, including verbal harassment or gestures, with stricter penalties if the perpetrator is a parent or has professional authority.

- **Psychological And Economic Violence:** Although not criminalised as independent offenses, they became aggravating circumstances for other crimes.

- **Harassment Or Stalking:** These acts were criminalised if they were for the purpose of intimidation or harm to safety or dignity.

- **Forced Marriage:** The law criminalised forced marriage.

- **Increased Penalties:** The law increased penalties for specific crimes, such as sexual assault and domestic violence, especially if they lead to permanent disability or death.

- **Protective Measures:** The law allowed the judiciary to take protective measures for victims, such as prohibiting the aggressor from approaching the victim or her place of residence, requiring them to undergo psychological treatment, or even removing them from the marital home.

- **Public Prosecution And Associations:** The law granted the public prosecution wider powers to intervene to protect victims and allowed associations concerned with women's rights to become a civil party in criminal lawsuits related to violence.

Challenges And Criticisms

Despite its importance, Law 103.13 faced some criticism from human rights organisations, primarily focusing on the absence of a precise and comprehensive definition of violence, the failure to adopt a holistic approach that would propose preventive and protective measures and effective mechanisms for implementing the law, and the view that the stipulated penalties are not sufficiently deterrent to reduce the phenomenon.

The statistics issued by the General Directorate of National Security (DGSN)⁵⁶ on the occasion of the International Day for the Elimination of Violence against Women in 2021 are a testament to these loopholes that need to be addressed. The security services concerned with violence cases recorded a total of 61,388 cases of violence against women and girls in all its forms over the previous four years, which included 62,383 victims, 7% of whom were minor girls. Of course, many cases of violence against women and girls, which are numerous, are not mentioned or counted because their victims do not resort to reporting.

⁵⁶ Source: The Maghreb Arab Agency (MAP); news of Saturday September, 29, 2018. www.mapexpress.ma

Despite these challenges, Law 103.13 remains a qualitative step and an important milestone in the process of protecting women from violence in Morocco. It provides a legal framework that can be built upon and developed to ensure broader and more effective protection, and it reflects a political will to deal with this phenomenon. However, achieving its full objectives requires not only strict enforcement of its provisions but also a broad societal effort to change mentalities and establish a culture of equality and respect between the sexes.

Section Two: The Role Of The CEDAW Committee In Promoting Women's Rights In Morocco

The Committee on the Elimination of Discrimination against Women (CEDAW Committee) is a body of independent experts that monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by States parties. This Committee plays a pivotal role in promoting women's rights at the international level by reviewing periodic reports submitted by States parties and providing "concluding observations" and "recommendations" to those States. These observations and recommendations are not limited to the theoretical aspect; they have a significant practical

impact on national policies and legislation, including those in Morocco.

The CEDAW Committee consists of 23 independent experts in the field of women's rights, who are elected by the States parties. Its primary role is to monitor the extent to which the Signatory States to CEDAW are implementing its provisions. The Committee works through several mechanisms: States parties submit detailed reports every four years (or when requested by the Committee) on the legislative, administrative, and other measures they have taken to enforce the Convention and the progress made in this regard. The Committee holds a constructive dialogue with the delegations of States parties while reviewing the reports, asking questions and requesting clarifications. At the end of each review, the Committee issues "concluding observations" that include an assessment of the progress made and the existing challenges, as well as specific "recommendations" directed to the State party on the actions that should be taken to ensure the full implementation of the Convention. In addition to all of the above, the Optional Protocol to CEDAW, which Morocco ratified in 2001, allows the Committee to receive individual complaints from women who have suffered a violation of their rights and to conduct investigations into cases of serious and systematic violations.

Although the recommendations of the CEDAW Committee are not legally binding to the same degree as the Convention itself, they carry significant moral and political weight. They influence national legislation through their recommendations to the concerned States regarding the legal reforms and policies that should be adopted to respect the Convention's standards. They also empower feminist movements to use these same recommendations as a tool of pressure to demand reforms. This is also done through the periodic review mechanism that obligates States to continue working to promote women's rights. Let's try to review the extent of the Convention's impact on the Moroccan legal system, article by article, through the following examples.

Preamble of the Convention (Reference to Discrimination and Changing Social Patterns)

✓ **Success:** The Moroccan Constitution of 2011 explicitly stipulated in its preamble the "prohibition and combating of all forms of discrimination, on the basis of sex, color, belief, culture, social or regional affiliation, language, disability or any personal status, whatever it may be." This constitutional text represents a strong framework for combating discrimination.

✓ **Challenges:** Despite this, traditional social and cultural patterns still pose a challenge. For example, in some rural areas or conservative circles, women still face pressure to drop out of school or marry early, and males are preferred in some social and economic opportunities.

Article 1 (Definition Of Discrimination):

✓ **Success:** The general legal framework in Morocco recognises and prohibits many forms of discrimination. Law 103.13 on combating violence against women (2018) also criminalises some forms of gender-based violence.

✓ **Challenges:** There is no comprehensive and clear definition of discrimination against women in all Moroccan laws that fully complies with the CEDAW definition (direct and indirect discrimination). Some forms of indirect discrimination, such as those rooted in cultural practices, are difficult to prosecute legally.

Article 2 (Commitment Of States To Take Measures To Eliminate Discrimination)

✓ **Success:** Morocco has taken several legislative and institutional measures:

- **The 2004 Family Code:** This is considered a radical reform aimed at achieving equality within the family.

- **Law 103.13 On the Prevention Of Violence Against Women:** This represents an important step in criminalising some forms of violence and providing protection mechanisms.

- **The National Human Rights Council (CNDH):** It has a broad mandate to monitor human rights violations, including women's rights, and to submit recommendations to the Government.

- **The Authority For Parity And Combating All Forms of Discrimination:** This is stipulated in the 2011 Constitution, but its full activation still faces challenges.

✓ **Challenges:**

- **Law 103.13 Implementation:** It still faces challenges in practical application. Civil society reports point to a lack of resources dedicated to its implementation (sufficient

shelters, specialised training for police and judges), and difficulty in proving some cases in courts.

- **Activation Of The Parity Authority:** The delay in its full activation undermines its potential role as a powerful mechanism for combating discrimination.

Article 3 (Development Of The Guarantee Of Women's Human Rights And Fundamental Freedoms)

- ✓ **Success:** The Moroccan legal arsenal has included significant improvements to women's rights. For example, women's representation in Parliament and elected councils has increased (thanks to the quota system), and women's participation in the labor market has also increased (although it is still below ambitions).

- ✓ **Challenges:** Wage discrimination still exists in some sectors, and women face greater difficulty in accessing senior leadership positions in both the public and private sectors.

Article 4 (Temporary Special Measures – Positive Discrimination)

✓ **Success:** Morocco has adopted a quota system to enhance women's representation in elected councils (Parliament, communal, and regional councils).

○ **Example:** In the 2021 elections, the number of women in the House of Representatives increased to 96 seats out of 395 thanks to the regional women's list, which significantly raised the percentage of female representation compared to previous years.

✓ **Challenges:** These measures are still temporary, and there is a debate about the need to transition from quotas to genuine equal opportunities. Female representation in senior leadership positions also remains limited.

✓

Article 5 (Elimination Of Stereotypes)

✓ **Success:** Efforts are being made by the Ministry of Solidarity, Social Integration, and the Family, civil society, and some media outlets to change stereotypical images of women through awareness campaigns. However, this effort remains

modest, especially at the Governmental level and in the public media.

✓ **Challenges:** Stereotypes remain deeply rooted in Moroccan culture and society. Media, especially advertisements and TV series, sometimes still reinforce stereotypical roles for women. Folk proverbs and social customs still perpetuate the inferiority of women in some aspects.

Article 6 (Combating the Exploitation Of Women For Prostitution)

✓ **Success:** The Moroccan Penal Code criminalises prostitution, its incitement, and human trafficking.

✓ **Challenges:** Despite the criminalisation, these phenomena still exist. The problem lies in the effective enforcement of the law, the provision of protection and support mechanisms for victims, and addressing the root causes (poverty, vulnerability).

Article 7 (Political And Public Life)

✓ **Success:**

- **Parliamentary Representation:** Thanks to the quota, the number of women in Parliament has increased.

- **Participation In Communal And Regional Councils:** This has also witnessed an increase.

- **Government Positions:** Recent Governments have seen the appointment of a greater number of women to ministerial portfolios.

✓ **Challenges:**

- **Senior Leadership Positions:** The percentage of women in senior leadership positions (governors, general directors in public administrations, university presidents...) remains very low compared to men.

- **Real Impact:** Despite the quotas, there are still questions about the actual influence of elected women in decision-making, as they may face internal obstacles.

Article 8 (Representation At The International Level)

✓ **Success:** There is an increase in the representation of Moroccan women in the diplomatic corps and as representatives of Morocco in international forums and UN organisations.

✓ **Challenges:** The percentage is still lower than that of men, and more efforts are needed to encourage and facilitate women's access to these positions.

Article 9 (Nationality)

✓ **Success:** The amended Nationality Law (2007) enabled Moroccan women to grant their nationality to their children born to a foreign father, which was a major achievement and a key demand of women's associations.

✓ **Challenges:** There are still challenges regarding some special cases (such as the children of a Moroccan mother married to a foreigner before the law was amended) and the need to simplify administrative procedures.

Article 10 (Education)

✓ **Success:**

- **Universal Education:** Morocco has made great progress in making basic education universal for girls, and the gender gap in school enrollment at the primary and secondary levels has decreased significantly.

- **Increased Enrollment Rates:** Girls' enrollment rates have increased at all levels.

- **University Education:** Girls now constitute a significant percentage of university students and even outperform in some specialisations.

✓ **Challenges:**

- **School Dropout:** Girls in rural and remote areas are still vulnerable to dropping out of school, especially at the secondary level, due to economic and social factors (poverty, early marriage, long distances to schools).

- **Unequal Education:** There is still a disparity in the quality of education available to girls in cities compared to villages.

Article 11 (Employment)

- ✓ **Success:**

- **Labor Law:** It provides some protection for working women (such as maternity leave).

- **Increased Women's Participation:** The rate of women's participation has increased in some sectors (industry, services).

- **Challenges:**

- **Equal Pay:** Wage discrimination still exists in some sectors, where women receive lower pay than men for the same work or work of equal value.

- **Informal Sector:** A large percentage of women work in the informal sector (especially in agriculture and domestic services) without social or legal protection.

- **Harassment At Work:** Harassment in the workplace is still a problem women face.

- **Unemployment:** Women's unemployment rates are higher than men's, especially among university graduates.

Article 12 (Healthcare)

- ✓ **Success:**

- **Improved Health Indicators:** Morocco has seen an improvement in maternal and child health indicators and a decrease in the maternal mortality rate.

- **Provision Of Family Planning Services:** Family planning services have become more widely available.

- ✓ **Challenges:**

- **Access To Care:** Women in remote and rural areas still face difficulties accessing good healthcare services, especially maternal care.

- **Adolescent Health:** Issues of adolescent health (such as reproductive health awareness) still need more attention.

- **Illegal Abortion:** Illegal abortion still poses a danger to women's health and lives.

Article 13 (Economic And Social Benefits)

✓ **Success:** Moroccan laws guarantee women equal rights to obtain bank loans and participate in recreational and cultural activities.

✓ **Challenges:**

○ **Land Ownership:** The percentage of women's ownership of land and real estate is still much lower than men's, especially in rural areas, which limits their economic independence.

○ **Access To Resources:** Women face difficulty in accessing the financial and technical resources necessary to start small or medium-sized businesses.

Article 14 (Rural Women)

✓ **Success:** The Government has launched development programmes targeting rural women (such as the Human Development Initiative) and some women's cooperative associations in rural areas.

✓ **Challenges:**

○ **Poverty And Vulnerability:** Rural women still suffer particularly from poverty, vulnerability, and a lack of basic services (education, health, infrastructure).

- **Agricultural Work:** The majority of rural women work in the agricultural sector under harsh working conditions and without social protection.

- **Illiteracy:** Illiteracy rates remain high among women in rural areas.

- **Customs And Traditions:** Women face greater pressure from customs and traditions that limit their movement and participation in public life.

Article 15 (Equality Before The Law In Civil Matters)

- ✓ **Success:** The Family Code has made men and women equal in many civil aspects, as we have previously given examples of.

- ✓ **Challenges:**

- **Inheritance:** The inheritance system in Morocco still differentiates between men and women, and we specifically mention in this section the issue of *ta'sib* (agnatic succession), which directly contradicts the principles of equality in CEDAW. This issue represents a major point of contention between feminist and human rights organisations and the conservative current.

- **Spouses' Rights After Divorce:** Despite the improvement in the situation, there are still challenges in implementing judgments related to, for example, compensation,

alimony, and the fair division of joint property after divorce, which ensures women's rights.

Article 16 (Equality In Marriage And Family Relations)

✓ **Success:**

- **Family Code:** This Code has achieved a degree of equality. It abolished guardianship, established equality in the age of marriage, restricted polygamy, and granted women the right to divorce.

- **Lifting Reservations:** Morocco lifted many of its reservations on this article, which reflects a greater commitment.

✓ **Challenges:**

- **Undocumented Marriages:** This is still prevalent in some areas and deprives women of their legal rights.

- **Judicial Permission To Marry Before 18:** Despite raising the age of marriage, judges still grant exceptions for marriage before the age of 18 (known as the "judicial exception for child marriage"), which undermines the principle of raising the

age. This issue represents a major challenge and a point of criticism from human rights organisations.

- **Full Activation Of the Code's Provisions:** There are still challenges in activating some of the Code's provisions, especially those related to alimony and the division of joint property, where women face difficulties in obtaining their rights after divorce.

The Impact Of CEDAW Recommendations On The Drafting Of The 2004 Family Code (with Specific Examples)⁵⁷

The pressure from the CEDAW Committee and its recommendations had a very important impact on Morocco, pushing forward the reform of the Personal Status Code, which culminated in the issuance of the 2004 Family Code. Although the reform was the result of a strong internal movement by the Moroccan feminist movement, the CEDAW Committee's concluding observations provided crucial international support for these demands and served as a reference to ensure the reforms were in line with international standards for women's rights.

⁵⁷ See the recommendations in the Annex N0. 15, page N0. 168.

The fundamental reforms clearly reflected the impact of international pressure and human rights demands. We can mention some of them as follows:

Raising The Age Of Marriage

- **CEDAW Recommendation:** The Committee repeatedly demanded that the age of marriage for girls be raised to 18, to be equal to that of males.

- **CEDAW's Impact On The Family Code:** Article 19 of the Family Code raised the age of marriage to 18 for both males and females. This change was one of the most prominent reforms, aligning directly with CEDAW's recommendations aimed at protecting girls and guaranteeing their rights.

Restricting Polygamy

- **CEDAW's Recommendation:** The committee called for the abolition or strict restriction of polygamy.

- **CEDAW's Impact On The Family Code:** Articles 40 to 46 of the new Family Code instituted strict restrictions on polygamy, requiring judicial authorisation after verifying the husband's financial capacity and ability to ensure equality among

wives, as well as the consent of the first wife after she is summoned. While this restriction did not amount to total abolition as some parties had recommended, it represents a significant step towards protecting the rights of the first wife and reflects a clear response to the Committee's observations.

Shared Family Responsibility

- **CEDAW's Recommendation:** The Committee called for promoting equality within the family and abolishing the concept of absolute male guardianship.

- **CEDAW's Impact On The Family Code:** Article 4 of the Family Code abolished the concept of "the husband is the head of the family" and replaced it with "the family is under the care and responsibility of both spouses." This fundamental shift in concept emphasises partnership and equality in managing family affairs, which is highly consistent with CEDAW principles.

Divorce Rights

- **CEDAW's Recommendation:** The Committee called for ensuring equality in divorce rights and granting women broader rights to seek dissolution of the marriage.

- **CEDAW's Impact On The Family Code:** The new Family Code granted women the right to seek divorce for discord

(talaqlil–shiqaq) which gave them the possibility to end the marriage when cohabitation becomes impossible after judicial reconciliation attempts. The Code also enhanced women's financial rights upon divorce, which aligns with CEDAW's recommendations regarding the protection of women's economic rights after separation.

In summary, it can be said that the concluding observations and recommendations of the CEDAW Committee played a catalytic and supportive role in the reforms introduced by the 2004 Family Code. These recommendations provided an international reference framework that helped the Moroccan women's movement to lobby effectively and gave greater legitimacy to the reforms adopted by Morocco.

The Role Of CEDAW Recommendations In Encouraging Morocco To Lift Reservations On The Convention

The reservations Morocco expressed when ratifying the CEDAW Convention in 1993 were a major point of contention between Morocco and the CEDAW Committee, and they constituted an obstacle to the full implementation of the Convention. The

Committee's continuous recommendations played a crucial role in pushing Morocco to review and ultimately lift these reservations.

Original Moroccan Reservations⁵⁸(1993): Upon ratifying CEDAW, Morocco expressed reservations on several articles, considering that they might conflict with the provisions of the then-Moroccan Constitution.

Article 2: This article obligates States to take all appropriate measures, including legislative ones, to amend or abolish laws, regulations, and customs that constitute discrimination against women. This reservation meant that Morocco reserved the right not to change laws it considered "unchangeable" (such as some provisions of the then-Personal Status Code).

✓ **Article 9 (Paragraph 2):** Related to granting women equal rights with men regarding the nationality of their children.

✓ **Article 15 (Paragraph 4):** Related to the freedom to choose residence and domicile, which was interpreted as potentially conflicting with the husband's guardianship.

✓ **Article 16 (Paragraphs 1 (c), (e), (f), (g)):** This article is fundamental and relates to equality in marriage and

⁵⁸ Morocco's reservations on CEDAW, Human Rights Library, Minnesota University, <https://hrlibrary.umn.edu/arabic/Morocco-CEDAW>, annex N0. 16, page. 177.

family relations, including equal rights in marriage, divorce, custody, family name, and property ownership. The reservation meant that Morocco would adhere to these rights unless they conflicted with Islamic Sharia.

✓ **Article 29 (Paragraph 1):** Related to the mechanism for settling disputes between States parties through arbitration or the International Court of Justice.

Continuous Pressure From The CEDAW Committee: Since Morocco's first report to the Committee, the Committee has consistently expressed serious concern in its concluding observations about these reservations, repeatedly calling on Morocco to review and lift them. The Committee considered these reservations to be "broad" and to empty the Convention of its essence, especially the reservations on Articles 2 and 16, which are considered fundamental to achieving the Convention's objectives.

An Example Of The Committee's Recommendations on Reservations: In the concluding observations of several sessions, the Committee affirmed the following:

✓ "The Committee strongly encourages the State Party to reconsider its reservations to the Convention, particularly

Articles 2 and 16, with a view to withdrawing them as soon as possible, as they are contrary to the object and purpose of the Convention."

✓ "The Committee urges the State Party to expand its family law reform to ensure full compliance with Article 16 of the Convention, including the repeal of any discriminatory provisions related to equality in marriage, divorce, and guardianship."

As mentioned previously, the most significant development that paved the way for lifting the reservations was the adoption of a new Moroccan Constitution in 2011, which stipulated in its preamble the "commitment to human rights, as universally recognised," and in its 19th Chapter that "men and women enjoy, on an equal footing, civil, political, economic, social, cultural, and environmental rights and freedoms... as well as in the international Conventions and pacts ratified by Morocco, and all provisions of the law." This constitutional text, which recognises the principle of equality and parity and the supremacy of international conventions, provided the legal and political basis for lifting the reservations.

Lifting Of Reservations (December 2011): Thanks to this new constitutional basis, and in response to continuous pressure from the CEDAW Committee and civil society, the Moroccan government lifted most of its reservations on the CEDAW

Convention⁵⁹ in December 2011, just days before the new Constitution officially came into effect.

- **Articles For Which Reservations Were Fully Lifted:** Article 2, Article 9 (Paragraph 2), and Article 15 (Paragraph 4).
- **Remaining Reservations (partially):** A partial reservation remained on Article 16 (c) concerning the family name, where Morocco maintained the reservation, noting that "the Moroccan system grants the wife the right to keep her family name." The reservation on Article 29 (Paragraph 1) concerning the mechanism for settling disputes between States parties also remained.

This process of lifting reservations was a historic achievement, affirming Morocco's full commitment to the principles of CEDAW and opening the door for further legislative reforms to ensure full compliance with the Convention. The role of the CEDAW Committee in putting pressure and monitoring was crucial in achieving this progress.

⁵⁹ Morocco lifted its reservations regarding the CEDAW Convention in a royal letter addressed to the Consultative Council for Human Rights on the occasion of the 60th anniversary of the Universal Declaration of Human Rights, Annex No. 17, p. 174.

The Impact Of CEDAW Recommendations On The Law On The Prevention Of Violence Against Women (103.13)

The impact of the CEDAW Committee's recommendations was not limited to the Family Code and the lifting of reservations, but also extended to other laws related to women's rights, most notably Law No. 103.13 on the prevention of violence against women⁶⁰, which came into force in 2018.

The CEDAW Committee has always emphasised the need for States to take effective measures to combat violence against women, which is considered one of the most prominent forms of discrimination.

In its concluding observations, the CEDAW Committee has consistently called on Morocco to:

✓ **Criminalise All Forms Of Violence:** The Committee urged Morocco to criminalise all forms of violence

⁶⁰ Integral text of the law on the Solidarity, Social Inclusion and Family Ministry's website: <https://www.social.gov.ma>

against women, including physical, sexual, psychological, and economic violence, whether within or outside the family.

✓ **Adopt a Comprehensive Law To Combat Violence:** The Committee recommended the need for a comprehensive legal framework to combat gender-based violence, ensuring the protection of victims, providing them with legal and psychological assistance, and offering shelters.

✓ **Collect Data:** It emphasised the importance of collecting detailed and disaggregated data on cases of violence against women to understand the extent of the phenomenon and develop effective policies.

✓ **Preventive And Educational Measures:** The Committee urged the adoption of preventive measures, including awareness and education campaigns to change attitudes and stereotypes that justify violence.

Law 103.13 came as a partial response to these international recommendations. It represented a significant step in the Moroccan legal framework for combating violence, and the impact of the recommendations can be observed in:

✓ **Criminalising New Acts:** The law explicitly criminalised acts that were not previously criminalised, such as sexual harassment in public spaces (Article 503-1 of the amended

Criminal Code) and coercion into marriage (Article 490-1). These new criminalisations are consistent with CEDAW's calls to expand the scope of criminalising violence.

- ✓ **Defining Violence:** For the first time, the law provided a definition of violence against women, although this definition was considered limited by some human rights advocates (Article 1-1).

- ✓ **Protective Measures:** The law stipulated some protective measures for victims, such as the possibility of a court-ordered eviction of an abusive husband from the marital home, and a prohibition on contacting or approaching the victim (Article 503-4). While these mechanisms are still under development, they responded to CEDAW's demands to provide protection for victims.

- ✓ **Public Prosecution Powers:** The law granted the public prosecution broader powers to intervene in cases of violence against women.

Strengths Of Law 103.13:

- ✓ **A Specialised Legal Framework:** For the first time, Morocco has a dedicated law to combat violence against women, instead of relying on scattered texts in the general Criminal Code.

- ✓

✓ **Expanding The Scope Of Criminalisation:** It criminalised new acts that were widespread without explicit punishment, such as sexual harassment in public spaces and forced marriage.

✓ **Protective Measures, Albeit Limited:** The beginning of establishing protective measures such as the removal of the abuser, which represents an important step towards protecting victims.

✓ **Empowering Civil Society:** The law granted women's rights associations the right to file civil suits in cases of violence, enhancing their role in defending victims.

Weaknesses Of Law 103.13 (as seen by human rights advocates):

✓ **Lack Of a Comprehensive Definition Of Gender-Based Violence:** Many human rights advocates believe that the law's definition of violence is still narrow and does not align with international standards (such as those in the Istanbul Convention), which require a comprehensive definition of gender-based violence, especially systematic psychological and economic violence.

✓

✓ **Focus On Punitive Aspects:** The law focuses heavily on criminal penalties after violence occurs, while lacking comprehensive preventive mechanisms, such as awareness, education, and changing mindsets that justify violence.

✓ **Difficulty In Implementing Protective Measures:** Protective orders face difficulties in practical application, such as the lack of sufficient shelters, and the difficulty of tracking removed abusers, which leaves some victims at risk after reporting.

✓ **Lack Of An Integrated Criminal Policy:** There is still a lack of an integrated strategy for dealing with violence cases, including specialised training for judges, police, and gendarmerie, and raising their awareness of gender issues.

✓ **Social Mentalities:** The reporting of violence cases is still weak due to social stigma, fear of the abuser's reaction, and women's economic dependence on men, which limits the law's effectiveness on the ground.

✓ **Delayed Activation Of Some Provisions:** Some articles that stipulate cooperation and coordination between institutions still need full activation to ensure comprehensive care for victims.

Despite these criticisms, Law 103.13 remains an important first step in the long journey to combat violence against women in

Morocco and requires continuous review and development to ensure its full effectiveness in protecting women and achieving justice for them.

Section Three: Role of The United Nations

Agencies in Morocco

UN Women

UN Women is the leading UN entity specialising in gender equality and women's empowerment. In Morocco, the agency works closely with the Government, Parliament, civil society, and the private sector to achieve its goals and provide support in various fields.

- ✓ **Technical Assistance And Capacity Building:** UN Women provides technical expertise and assistance to government institutions and civil society associations to develop and implement policies and programmes that promote women's rights.

- **Example:** Providing technical support to the Ministry of Solidarity, Social Integration, and Family to formulate and implement national strategies to combat violence against women, including developing mechanisms for victim care and training staff working in listening and shelter centers.

✓ **Supporting Women's Economic Empowerment:**

UN Women considers women's economic empowerment a cornerstone of achieving gender equality. Therefore, its programmes focus on enhancing women's opportunities to access and control economic resources and improving their working conditions.

Specific Examples:

○ **Supporting Women's Entrepreneurship:** In partnership with government agencies and microfinance institutions, the Agency supports programmes to enable women to establish and develop their small and medium-sized enterprises, especially in rural areas. This includes providing training in administrative and marketing skills, facilitating access to finance, and connecting them to markets. For example, it might support women's cooperatives working in the production of local products (such as argan oil, handicrafts, medicinal herbs) to enhance their competitiveness and expand their distribution network.

○ **Improving women's Working Conditions:** The Agency works to promote the rights of women workers, especially in the informal sectors (such as agriculture, domestic work), through programmes that raise awareness of decent work rights and provide support to associations that advocate for these rights.

It also works to promote equal pay and prevent discrimination in the workplace.

○

○ **Promoting Women's Access To Property And Land Ownership:** In rural areas, where land ownership plays a crucial role in economic empowerment, the Agency supports initiatives to raise women's awareness of their inheritance and land ownership rights, and provides them with legal assistance to secure these rights.

✓ **Supporting Women's Political Participation:** UN Women believes that equal participation of women in political life and decision-making is essential for democracy and sustainable development.

Specific Examples:

○ **Building The Capacity Of Female Candidates And Leaders:** The Agency organises intensive training workshops for women running for local and parliamentary elections. These workshops focus on leadership skills, political communication, drafting electoral programmes, and mobilising voters. For example, before legislative and local elections, hundreds of women are trained on how to run successful election

campaigns and overcome gender-related challenges in the political landscape.

- **Advocacy** The Agency works closely with parliamentarians, political parties, and civil society to advocate for strengthening the principle of parity in electoral laws and quota systems, and ensuring fair representation of women at all levels of decision-making, including elected councils and administrative boards of companies and public institutions.

- **Enhancing The Role Of Women Members Of Parliament:** After elections, the Agency supports women Members of Parliament in performing their legislative and oversight roles by providing them with information and analyses on issues related to women, and organising forums to exchange experiences between those women from different parties.

All these initiatives fall within specific programmes, including, but not limited to:

- Harmonising the legal framework with the provisions of the Constitution.

- Women for Women and Men for Women: Towards positive change.

- Rabat: A safe city without violence for women and girls.

- Improving access to justice for women and child victims of human trafficking.

- Promoting women's participation in local governance and strengthening gender-sensitive territorial governance.

- Women's leadership and political participation... and other programmes.

The United Nations Population Fund (UNFPA)

The United Nations Population Fund (UNFPA) plays a vital role in Morocco in the field of reproductive health and women's rights, focusing on sensitive issues that directly affect the lives and dignity of women and girls.

✓ Promoting Reproductive Health and Rights:

Supporting women's reproductive health is one of the core pillars of UNFPA's work.

Specific Examples:

- **Providing family planning services:** The Fund supports the efforts of the Ministry of Health and Social Protection to provide modern and comprehensive family planning services, including the provision of contraception, information, and

counseling services in primary health centers, especially in remote areas. The goal is to empower women to make informed decisions about their reproductive health and to determine the number and spacing of their children.

- **Improving Maternal And Newborn Health Care:**

The Fund works to reduce maternal mortality by supporting programmes that improve the quality of prenatal, childbirth, and postnatal care. This includes training midwives and health workers, equipping maternity units, and promoting childbirth in health facilities. For example, the Fund may support awareness campaigns on the importance of supervised childbirth and provide transportation for pregnant women in isolated areas to reach hospitals.

- **Awareness Of Sexually Transmitted Diseases (including HIV):** The Fund supports awareness and prevention programmes for sexually transmitted diseases among youth, with a focus on safe sex and accurate health information.

- ✓ **Combating Child Marriage (Marriage Of Minors):** Child marriage is a serious human rights violation with severe consequences for girls' health, education, and life opportunities. UNFPA focuses heavily on this issue.

Specific Examples:

- **Awareness And advocacy Campaigns:** The Fund supports large-scale national and local campaigns to raise awareness of the negative impacts of child marriage on girls' health, education, and future, and on community development in general. These campaigns target parents, religious leaders, school teachers, and decision-makers in the most affected areas.

- **Supporting The Strengthening Of The Legal Framework:** The Fund works with governmental actors and civil society to advocate for a review of Article 20 of the Family Code, which allows for an exception to the age of marriage, with the aim of abolishing this exception or significantly narrowing it to ensure the protection of all girls.

- **Girls' Empowerment Programmes:** The Fund supports programmes targeting adolescent girls, especially in rural areas, to encourage them to continue their education, and to provide them with life skills and information about their rights, to enhance their ability to make informed decisions about their future and delay marriage.

✓ **Combating Gender-Based Violence (GBV):**

UNFPA considers gender-based violence a public health crisis and a human rights violation.

Specific Examples:

○ **Providing Comprehensive Services For Survivors:** The Fund supports the development and expansion of essential services for violence survivors, including medical, psychological, social, and legal care. The Fund cooperates with the Ministry of Health and associations to develop protocols for providing these services in a way that is sensitive to the survivors' privacy.

○ **Training Service Providers:** The Fund supports training for workers in the health, security, and judicial sectors on how to handle cases of gender-based violence in a sensitive and respectful manner that respects the privacy of victims.

○ **Data Collection:** The Fund supports conducting studies and collecting accurate data on the prevalence of gender-based violence in Morocco, and understanding its causes and consequences, with the aim of formulating evidence-based policies and programmes.

○

The United Nations Development Programme (UNDP)

The United Nations Development Programme (UNDP) focuses on inclusive and sustainable development and integrates gender equality as a fundamental dimension in all its programmes. The Programme believes that women's empowerment is essential for achieving sustainable development goals and reducing poverty.

✓ **Integrating Gender Into Development Planning And Public Policies:** UNDP works to help government institutions integrate a gender perspective at all stages of planning, budgeting, implementation, and evaluation of development policies and programmes.

Specific Examples:

✓ **Gender-Responsive Budgeting (GRB):**
The Programme provides technical support to the Ministry of Economy and Finance and other ministries to implement gender-responsive budgeting. This means analysing how budgets and financial policies affect men and women differently and ensuring that these budgets are distributed fairly to achieve equality.

✓ **Supporting National Strategies:** The Programme helps in formulating and implementing national strategies and plans aimed at promoting gender equality in areas such as education, health, work, and access to justice.

• **Promoting Good Governance And Inclusive Participation:** Promoting good governance, transparency, accountability, and citizen participation are essential pillars of UNDP's work, and it integrates a gender perspective into these areas.

Specific Examples:

✓ **Supporting Decentralisation And Local Governance:** The Programme works to enhance women's participation in local elected councils and territorial communities. It provides support for building the capacity of female local councilors to enable them to perform their roles effectively in local decision-making and in setting development priorities that consider the needs of women. For example, it organises workshops on how to integrate gender issues into the local development plans of elected councils.

✓ **Promoting Transparency And Accountability:** The Programme supports government transparency and accountability mechanisms and encourages

women's participation in oversight and evaluation processes to ensure that their needs are met and that resources are used fairly and equitably.

✓ **Supporting Civil Society Participation:**

The Programme provides support to civil society organisations, including women's associations, to enhance their capacity for advocacy, participation in national policy dialogues, and monitoring the implementation of international commitments related to women's rights, such as supporting workshops to build the capacity of women's associations in preparing shadow reports submitted to international treaty committees.

Section Four: Role Of International Non-Governmental Organisations (NGOs)

Non-governmental organisations (NGOs) are public, non-interest organisations being out of the control of any government or international institution. They are also known as civil society organisations or non-profit organisations and aim to achieve a wide range of non-profit goals, such as promoting human rights, protecting the environment, providing humanitarian aid, and developing communities. These organisations often rely on funding from individuals, private institutions, and sometimes from

governments, but they maintain their independence in decision-making and implementing their activities.

NGOs play a vital and pivotal role in promoting women's rights and gender equality at the local, national, and international levels. These organisations contribute significantly to dismantling gender-based discrimination and providing an inclusive environment that enables women to thrive. Their role is in several key aspects:

Monitoring Violations And Submitting Shadow Reports

Real-World Examples Of Monitoring And "Shadow Reports":

✓ **Conditions Of Women in prisons: Relevant Organisations:** Human Rights Watch⁶¹ and Amnesty

⁶¹ Human Rights Watch (HRW) is a non-governmental human rights organisation. Its staff consists of experts... Since its founding in 1978, it has been known for its meticulous fact-finding, impartial reports, and targeted advocacy, often in partnership with local human rights organisations. It publishes more than 100 reports annually. Source: www.hrw.org/ar/about-us

International⁶², and some local organisations cooperating with them.

Content Of Reports: These reports often monitor the conditions of female prisoners, focusing on:

- **Physical Conditions Of Detention:** Overcrowding, hygiene, healthcare (especially for pregnant and breastfeeding women).
- **Discrimination And Violence:** Cases of sexual or psychological violence inside prisons, and discriminatory treatment.
- **Access To Justice:** The right to a fair trial and legal representation.
- **Rights Of Incarcerated Mothers:** The conditions of children born to or living with their mothers in prisons.

Specific Example: Reports from these organisations highlight individual cases of women who were subjected to inappropriate treatment, insufficient healthcare, or violations of the rights of children living with their mothers inside prison. These reports

⁶² Amnesty International is a global movement of more than 10 million people who take injustice personally and fight for a world where everyone enjoys human rights. Source: www.amnesty.org/ar/who-we-are

contributed to putting the Moroccan authorities to improve these conditions and also influence the recommendations of the CEDAW Committee or the Committee Against Torture.

✓ **Violence Against Women:**

Examples of Amnesty International's Work In Morocco On violence Against Women:

- **Amina Filali's Case (2012):** This case is one of the most prominent examples Amnesty International worked on. Amina Filali, a 16-year-old Moroccan girl, committed suicide after being forced to marry the man she said raped her. The organisation shed light on this tragic case and called for the abolition of Article 475 of the Moroccan Criminal Code, which allowed a rapist to escape prosecution by marrying his minor victim. This article was indeed amended in 2014, and this change is considered a significant step forward thanks to human rights campaigns.

- **Advocacy For Legal Reforms:** Amnesty International has consistently called on the Moroccan Government to address domestic violence as a fundamental

human rights violation. The Organisation welcomed the issuance of the modern Family Code and the Nationality Law but continued to call for the lifting of all reservations to the **"International Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW)** to ensure women enjoy their fundamental rights and to combat violence.

- **Training Professionals:** The Organisation organised training sessions and workshops for professionals working with women exposed to violence, to provide them with legal advice and necessary support. These trainings focused on helping illiterate women or women with limited resources understand their fundamental rights in the face of violence and discrimination.

- **Awareness Campaigns:** Amnesty International participated in awareness campaigns such as the **#MeToo** campaign to highlight the prevalence of gender-based violence and sexual harassment in Moroccan society.

Examples Of Human Rights Watch's Work In Morocco On Violence Against Women:

○ **Report: "Morocco: New Law On The Prevention Of Violence Against Women" (2018)**⁶³: Human Rights Watch issued a detailed report evaluating Law 103-13 on the prevention of violence against women adopted by Morocco. The Organisation praised some of the positive provisions in the law, such as the definition of violence against women and the increase in penalties for some of its forms, but criticised the absence of an explicit definition of domestic violence and the lack of a clear criminalisation of marital rape.

✓ **Documenting Victims' Stories:** The Organisation interviewed dozens of women and girls who had been subjected to domestic violence and described being beaten, kicked, burned, stabbed, or raped by their husbands or family members. These testimonies highlighted the lack of protection for victims and the difficulty of their access to justice.

✓ **Identifying Gaps In Law Enforcement:** Human Rights Watch pointed out that a very small percentage of women who are subjected to violence report it to the authorities, and that many cases are dropped due to family pressure or the victims' financial dependence on the abusers. It also documented cases where police refused to register victims' complaints or failed

⁶³ Extracts from the aforementioned report regarding Law 103-13, taken from the organization's website <https://www.hrw.org/ar/news/2018>, Annex No. 18, p. 181.

to follow up on investigations effectively, and where judges requested unrealistic evidence such as eyewitnesses in crimes that occur behind closed doors.

✓ **Calling For Comprehensive Reforms:**

Human Rights Watch called for the need to define "domestic violence" comprehensively in the law to include physical, sexual, psychological, and economic violence, and to criminalise marital rape. It also called for providing sufficient funding for shelters for women victims of violence and training police, public prosecutors, and judges to deal with these cases effectively.

✓ **Combating Harmful Stereotypes:**

Human Rights Watch pointed to the persistence of harmful stereotypes about women in Moroccan society, such as the belief that a woman sometimes deserves to be beaten, or that she must endure violence to preserve the family. It called for addressing these stereotypes through media and educational awareness.

In short, these two Organisations play a vital role in monitoring the status of women's rights in Morocco, documenting violations, and providing recommendations to the Moroccan government to strengthen the legal and institutional framework for protecting women from all forms of violence.

✓ **Inheritance Issues:**

Most reports focus on the following:

- **Discrimination In Inheritance Laws:** An analysis of legal provisions, especially those related to agnatic succession (ta'sib), and its impact on the economic and social status of women and girls.

- **Conflict Between Constitutional Laws And Sharia:** Highlighting the ongoing debate between the constitutional principle of equality (Chapter 19) and some interpretations of jurisprudential inheritance rules.

- **Calls For Reform:** Documenting the demands of civil society to reform the inheritance system to align with the spirit of the times and constitutional principles.

Specific Example: A shadow report might document the testimonies of women who were harmed by inheritance rules, specifically by agnatic succession, or provide a legal analysis that suggests ways to interpret Sharia in a more progressive manner that is compatible with the principle of equality, or compare the Moroccan situation with the experiences of other Islamic countries that have carried out reforms in their inheritance laws.

Joint Advocacy Campaigns with Moroccan Civil Society

Joint advocacy campaigns between international NGOs and Moroccan civil society are essential for creating change. These partnerships combine international expertise, resources, and the ability to lobby at governmental and international levels with a deep knowledge of the local reality and the ability to mobilize the grassroots of local associations.

Examples of Joint Advocacy Campaigns

✓ Campaigns Demanding Equality In Inheritance And The Abolition Of Agnatic Succession:

- The issue of inheritance, as mentioned above, is one of the most sensitive and complex issues in Morocco due to its close connection to religious interpretations. Despite the major reforms in the 2004 Family Code, the provisions related to inheritance remained unchanged. Therefore, progressive political parties and leading Moroccan women's associations such as the Democratic Association of Moroccan Women (ADFM), Printemps de la Dignité, Jousour Forum of Moroccan Women, and others, often lead campaigns in partnership with international

organisations such as Human Rights Watch or Amnesty International, which provide supportive international reports and legal analyses. This is done through awareness campaigns and by organising meetings and seminars to shed light on the discrimination faced by women primarily due to the issue of agnatic succession today. Detailed memoranda are also prepared that present the legal and human rights position and provide specific recommendations for reforming the articles related to inheritance, within the framework of reforming the Family Code, which has already been done, and these memoranda have been submitted to the Consultative Committee appointed by His Majesty the King for this purpose.

- **Impact:** Although the inheritance law has not yet been amended, these joint campaigns have succeeded in keeping the issue on the national agenda, creating a public debate about it, and making it part of the future reform of the Family Code.

- **Campaigns Demanding The Abolition Of The Exception For Child Marriage:**

- Despite raising the legal age of marriage to 18 in the Family Code, Article 20 allows a judge to grant permission for minors to marry, which has led to thousands of cases of child marriage annually. Therefore, most Moroccan women's movements, in partnership with international organisations such

as UNICEF, UNFPA, Girls Not Brides, and Human Rights Watch, have presented documented studies on the prevalence of child marriage and its devastating effects on girls, and widely published these studies, in addition to carrying out strong media campaigns to highlight the stories of girl victims and the impact of child marriage on their lives. Proposals to amend the relevant articles have also been submitted, and this has already been done as part of the Family Code reform project. Of course, using international forums to put pressure on Morocco to adhere to international standards has contributed to this.

- **Impact:** No change has been made yet in this regard, but these campaigns in their various forms have succeeded in keeping the issue at the forefront of public debate and increasing awareness of its seriousness, thus contributing to a relative narrowing in the granting of permissions in some courts, pending the comprehensive reform of the Family Code.

✓ **Building The Capacity Of Local Women's Associations:**

Building the capacity of local women's associations is one of the most important roles played by international NGOs. Strengthening these associations enables them to become independent and influential actors in defending women's rights in the long run. This is important in itself given the local associations'

deep knowledge of the communities they work in and their easy access to the most affected groups. Capacity building includes legal and human rights training, developing the associations' abilities to organise campaigns, build alliances, and communicate with decision-makers. It also includes training on data collection, documenting violations, writing reports (including shadow reports), project management, drafting proposals, and seeking sustainable sources of funding without neglecting the importance of improving the communication capabilities of associations and how they use social media.

Section Five: Existing Challenges In Implementing Women's Rights In Morocco Despite International Support

It is certain that international organisations have had a tangible positive impact on promoting women's rights and advancing their status in the Kingdom. This has been achieved through supporting legal reforms, enhancing the institutional capacities of both the government and civil society in formulating and implementing effective policies and programmes that promote gender equality, and by increasing societal awareness of women's issues, as well as improving indicators related to women, such as the rise in girls'

education rates and the increase in women's participation in politics and other fields.

The Moroccan experience clearly demonstrates the important role played by international organisations in promoting women's rights in Morocco, as well as in pushing the reform process forward. One cannot deny the shadow reports on Morocco submitted by the CEDAW Committee, which had a profound impact on changing the Family Code in 2004 and on Morocco's lifting of its reservations to the CEDAW Convention. The Committee also played the same role in bringing Law 103-13 into existence.

Joint advocacy campaigns with civil society associations on the issues of inheritance and combating child marriage also contributed to keeping these and other issues on the national reform agenda and creating lively community discussions about them, even if they have not yet resulted in any change.

Despite all that has been achieved, there are many constraints and significant challenges, which are primarily as follows:

The Gap Between Legal Text And Practical Application

It is true that Morocco has undertaken a series of legislative reforms, especially in recent times, and that its legal arsenal

includes a set of articles and provisions aimed primarily at protecting and promoting women's rights. However, the implementation and activation of these provisions face a series of obstacles and constraints, not least of which is a judicial interpretation that is often conservative and does not live up to the level of the advanced laws on paper. In addition, many legal provisions are imprecise and undefined, which creates loopholes that are the entry point for all rulings that are predominantly based on conservative jurisprudential character, thereby expanding the powers of judges who, in this case, go beyond applying the law to legislating.

Mindsets And Stereotypes

Moroccan society, like other Arab societies in particular, is a society deeply rooted in old traditions, customs, and norms that constitute an obstacle to the progress of society and the acceptance of any change that would take it out of the stereotypical roles of both men and women, especially in conservative social groups and in rural areas. This, of course, affects women's opportunities in education, work, and even more so, access to decision-making positions.

Real-World Examples:

○ **Stereotypical Gender Roles:** There are still prevailing stereotypical perceptions that define women's roles in the private sphere (home and family) and men's roles in the public sphere (work and decision-making). This is reflected in several aspects, such as some families' preference for educating male children over females, especially in rural areas, or not encouraging girls to pursue certain professional paths considered "male." For example, it may be difficult for a woman to be accepted by society working in construction, even if the laws allow it.

○ **Male Mentalities:** Despite the existence of laws that criminalize sexual harassment in the workplace, many women still suffer from harassment or discrimination due to their gender. This may be the result of a male mentality that sees women as having a lower status or as a mere tool. The acceptance of the idea of women holding senior leadership positions still faces resistance in some institutions and companies.

○ **Social Stigma:** Sometimes, women are afraid to report cases of violence or harassment due to the social stigma that might be attached to them or their families. The fear of "scandal" or "tarnishing the reputation" may be stronger than the desire to obtain justice, which leads many victims to silence.

○ **Resistance To Change In Institutions:** Even within institutions that are supposed to be protectors of women's

rights, there may be conservative mentalities that resist change. This can be seen in the slow response of some administrations to women's issues or the failure to give sufficient priority to women's empowerment projects.

Economic and Social Challenges

Economic and social conditions have a significant impact on women's ability to exercise their rights and benefit from them. The prevalence of unemployment, economic vulnerability, and illiteracy limits women's independence and reinforces their economic dependence on men, making them more vulnerable to violations.

○ Unemployment And Economic Vulnerability:

Women in Morocco suffer from higher unemployment rates than men, especially among young women. Even when a woman gets a job, it is often in the informal sectors, which lack social security and legal protection. This economic precarity makes women more vulnerable to exploitation and discrimination in the workplace, and it limits their ability to make independent decisions, whether in their personal or professional lives. For

example, a woman working in the agricultural sector might have to endure harsh working conditions and low wages for fear of losing her only source of income.

- **Illiteracy:** Despite efforts to combat illiteracy, the illiteracy rate remains high among women, especially in rural areas. Illiteracy deprives women of access to information, understanding their legal rights, and effective participation in public life. Illiterate women are more vulnerable to misinformation and exploitation, and they face difficulty integrating into the formal labor market, which reinforces the cycle of poverty and vulnerability.

- **Limited Access To Resources:** Many women, particularly in remote areas, suffer from limited access to essential services such as education, healthcare, and financial resources. This deficiency hinders the development of their capabilities, reinforces their dependency, and makes them less able to demand their rights or escape situations of violence or exploitation.

- **Poverty:** Poverty is a primary reason that puts women in a vulnerable position. Poor families may be forced to marry off their daughters at an early age to alleviate economic burdens, or to deprive them of education to support the family. Additionally, female heads of households face compounded

challenges in ensuring the stability of their families in the absence of sufficient support.

- **Weak Coordination Among Various Actors**

Achieving gender equality requires a joint and coordinated effort among different stakeholders: The Government, official institutions, civil society organisations, and the private sector. However, weak coordination can sometimes hinder the effectiveness of these efforts and limit their impact.

- **Dispersed Efforts:** There may be multiple initiatives by different parties aimed at empowering women, but they might be uncoordinated, leading to a duplication of efforts or a failure to cover all necessary aspects. For example, associations might work on raising awareness of women's rights, while government institutions focus on the legislative side, without an effective bridge connecting these efforts.

- **Lack of Integration:** At times, a gender perspective is not sufficiently integrated into all Government policies and programmes. For instance, women's needs may not be taken into account when economic development policies are formulated, which can lead to widening disparities instead of narrowing them.

○ **Absence Of Effective Monitoring And Evaluation Mechanisms:** Despite the existence of national plans and strategies for women's empowerment, monitoring and evaluation mechanisms can sometimes be weak, making it difficult to measure progress and identify gaps that need to be addressed.

○ **Overlapping Roles:** There may be an overlap in the roles and authorities of various institutions responsible for women's issues, leading to confusion in responsibilities and delays in decision-making or implementation of procedures.

○ **Funding Challenges:** Many civil society organisations working in the field of women's rights suffer from a lack of funding, which limits their ability to effectively implement their programmes and projects, and thus affects their capacity to advocate for change or provide necessary support to women.

In conclusion, despite the legislative and constitutional achievements that Morocco has made in the field of women's rights, there is still an urgent need to address the gaps between the law and its implementation, confront social and cultural resistance, overcome economic and social challenges, and strengthen coordination among all actors to ensure that these rights are transformed from mere legal texts into a tangible reality

for all Moroccan women. There is also a pressing need to continue efforts and direct them toward the following priorities:

- **Achieving De Facto Equality:** Shifting from legal equality to de facto equality on the ground, especially in the areas of economic empowerment, political participation, and access to decision-making positions.

- **Reviewing Obstructive Laws:** Continuing advocacy and pressure to review any laws or texts whose provisions contain discrimination against women.

- **Combating All Forms Of Violence:** Comprehensively strengthening efforts to combat gender-based violence, including reviewing Law 103.13 to be more comprehensive and effective, and providing comprehensive protection and support mechanisms for survivors.

- **Investing In Girls:** Focusing on programmes aimed at empowering girls, especially in rural and marginalised areas, and ensuring their right to education, health, and protection from early marriage.

- **Strengthening The Role Of Men In Equality:** Increasing the involvement of men and boys in gender equality programmes to change stereotypes and promote shared responsibility.

- **Supporting National Institutions:** Continuing to support national institutions (such as the Parity and Anti-Discrimination Body, once fully activated, and the National Human Rights Council) to enable them to perform their roles effectively.

- **Innovation And Sustainable Solutions:** Seeking innovative and sustainable solutions to challenges, and utilising technology to promote women's rights and raise awareness.

Certainly, the path toward achieving full and effective equality for women in Morocco remains long. Based on the spirit of CEDAW recommendations and human rights demands, Morocco must focus on the following steps:

- **Comprehensive Review Of the Family Code:** A comprehensive review of the Family Code regarding all matters related to custody, legal guardianship, types of divorce, polygamy, child marriage, the division of assets acquired during marriage, valuing a wife's domestic work, the issue of inheritance by agnatic succession, and other issues for which the desired changes will be included in an annex 19 of this research (page 183).

- **Strengthening The Effectiveness Of Law 103-13** to combat violence.

- **Broadening The Definition Of Violence:** Revising the law to include a broader definition of gender-based violence, including psychological and systematic economic violence, and explicitly criminalising all its forms.

- **Strengthening Preventive Mechanisms:** Developing comprehensive preventive strategies that include large-scale community awareness and education programmes to change discriminatory mindsets and stereotypes.

- **Providing Comprehensive Protection For Victims:** Building more safe shelters, providing specialized and continuous legal, psychological, and social support for victims, and facilitating reporting procedures and access to justice.

- **Specialised Training:** Enhancing specialised training for all actors in the criminal justice chain (police, gendarmerie, public prosecution, judges) to ensure a sensitive and effective response to cases of violence against women.

- **Activating The Parity And Anti-Discrimination Body:**

- Accelerating the activation of this constitutional body and granting it the necessary powers and resources to enable it to perform its role in monitoring discrimination, proposing policies, and providing recommendations to ensure equality and parity.

- **Collecting Disaggregated Data:**

- Strengthening mechanisms for collecting gender-disaggregated data in all sectors, to gain a deeper understanding of the challenges women face and to measure the impact of policies and reforms.

In summary, the future path for women's rights in Morocco, despite the achievements made, still requires a sustained commitment from the State, political parties and civil society, as well as a dedication to continuing legislative reforms, changing mindsets, and activating mechanisms to ensure that constitutional principles and international commitments are translated into a tangible reality of equality and justice for all Moroccan women.

Recommendations and Future Prospects

Conclusion

International Organisations: A Solid Pillar In Women's Struggle For Equity And Equality

International organisations, both governmental and non-governmental, have proven their pivotal role in advancing the promotion of women's rights globally. Since the adoption of the Universal Declaration of Human Rights and the subsequent international conventions and instruments concerning the advancement of women's rights, these organisations have become the guardians of international standards, advocates for change, and indispensable supporters for communities. Through diligent monitoring and documentation, as well as enlightened community awareness, persistent political advocacy, and continuous technical support, they have brought about a qualitative shift in the legal and social landscape, from enacting legislation that criminalises violence against women to elevating their political representation in many countries.

Nevertheless, the remaining challenges to achieving full equality for women worldwide still exist. We specifically highlight the principle of national sovereignty, which a number of countries continue to use as a pretext to reject international intervention in several issues, including those related to women's rights. There is also, at times, a lack of genuine political will to implement the international commitments contained in the conventions that

States ratify. At other times, the presence of conservative forces at the helm of power means standing against any progress in the field of women's rights or the advancement of their status. In addition to these political challenges, there are also cultural challenges, which can be primarily summarised as folk religious culture, customs, and traditions that confine women to stereotypical roles. And of course, there are economic challenges, as the female gender is often associated with poverty, which prevents girls and women from accessing education, healthcare, and job opportunities, except for informal work or work without pay or with half the wages of men for the same work, among other reasons that necessitate a re-evaluation and development of these organisations' work strategies

- **Proposals To Improve The Work Of International Organisations For More Efficiency**

- ✓ **Shifting Towards Flexible, Sustainable, And Locally-Oriented Funding**

- **Diversifying Funding Sources:** Reducing reliance on a limited number of government donors and exploring innovative funding mechanisms (such as partnerships with the responsible private sector).

- **Direct Funding for Local Organisations:**

Allocating a larger portion of budgets to direct financial transfers to local organisations, while reducing bureaucratic constraints. This allows local organisations to allocate resources based on their actual needs and priorities.

- **Core Funding:** Providing non-earmarked funding for specific projects to support the institutional capacities of local organisations, enabling them to engage in long-term planning and develop strong internal structures.

- ✓ **Investing In Building The Technical And Skill-Based Capacities Of Local Organisations:**

- **Specialised Training Programmes:** Organising intensive workshops and training courses in areas such as data collection and analysis, political advocacy and lobbying, strategic planning, project management, communication and media, and technology use (digital transformation for local organizations).

- **Transfer Of Expertise And Knowledge:** Facilitating the exchange of expertise between international organisations and local staff through exchange programmes, mentorship, and participation in international conferences.

- **Supporting Research And Analysis:** Assisting local organisations in developing their research capabilities to

produce context-specific knowledge, which strengthens their advocacy arguments and provides strong evidence for change.

✓ **Adopting a Comprehensive 'Gender Mainstreaming' Approach at the Internal Operations Level:**

- **Integrating a Gender Perspective:** Ensuring that all programmes and projects of international organisations, even those not directly related to women's rights, take into account the needs of women and girls and contribute to their empowerment.

- **Balanced Representation:** Ensuring women's representation in leadership and decision-making positions within the international organisations themselves, to reflect the values of equality they advocate for.

✓ **Leveraging Digital Technology And Innovation:**

- **Digital Knowledge Platforms:** Creating online platforms for the exchange of best practices, tools, and studies on women's rights, which allows for broader access to knowledge.

- **Smart Monitoring Tools:** Using technology to monitor violations of women's rights more efficiently and accurately (such as violence reporting apps, and big data analysis to identify patterns).

- **Digital Awareness Campaigns:** Utilising social media and digital platforms to launch influential awareness campaigns that reach a wide and diverse audience.

- **The Importance Of Cooperation Between International And Local Organisations:** Effective cooperation and equal partnership between international and local organisations are the key to success and sustainability in promoting women's rights.

- ✓ **Where Does This Importance Lie?**

- **Deep Understanding Of The Context:** Local organisations are most knowledgeable about the cultural, social, economic, and political dynamics of the communities in which they operate. This understanding is essential for conceptualising relevant and effective interventions.

- **Building Trust And Legitimacy:** Local organisations enjoy greater trust within their communities, which makes it easier for them to reach target groups, gather information, and build alliances.

- **Sustainability And Local Ownership:** When local organisations are empowered, initiatives become community-

owned, which ensures their continuity even after international support ends.

- **Rapid Response To Developments:** Local organisations can respond quickly to sudden changes or crises due to their proximity to the ground reality.

✓ **How Can International Organisations Strengthen The Role Of Local Organisations And Empower Them For Autonomy?**

- **Prioritising The Agenda Of Local Organisations:** International organisations must seriously listen to the priorities and needs of local organisations and allow them to lead the planning process and set objectives.

- **Providing Institutional Support:** Support is not limited to projects; it also includes strengthening administrative structures, developing financial systems, and enhancing the internal governance of local organisations.

- **Facilitating Access to Funding And Expertise Networks:** International organisations act as bridges, connecting local organisations with international donors, experts, and global knowledge exchange platforms.

- **Building Local And Regional Alliances And Networks:** Encouraging local organisations to cooperate among

themselves and build strong alliances to increase their advocacy and lobbying impact.

- **Joint Advocacy:** Supporting local organisations in their national advocacy efforts, and standing by them in demanding reforms, which gives them greater strength.

- **Tangible Strategies For Sustainable Women's Rights Promotion**

- ✓ **Comprehensive Legislative Reform And Domestication Of International Conventions:**

- **Comprehensive Review Of National Laws:** Identifying and repealing all laws that discriminate against women (such as laws on personal status, inheritance, nationality, labor, and criminal penalties).

- **Ratification Of International Conventions And Lifting Reservations:** Urging States to fully ratify conventions like CEDAW and to lift all reservations that conflict with the essence of equality.

- **Developing Effective Implementation Mechanisms:** Enacting new laws, such as comprehensive laws to combat gender-based violence, providing the necessary

budgets for their implementation, and training all workers in the justice system.

✓ **Economic And Financial Empowerment For Women:**

- **Equal Access To Resources:** Providing equal opportunities for education and vocational training, access to loans and funding, and joint ownership of land and resources.

- **Supporting Women's Entrepreneurship:** Offering mentorship programmes, financial support, and facilitating access to markets to enable women to start and grow their businesses.

- **Addressing Gaps in Wages And Working Conditions:** Enacting laws that ensure equal pay for work of equal value, providing safe, harassment-free work environments, and supporting women's participation in non-traditional sectors.

✓ **Comprehensive Education And Changing Social Mindsets:**

- **Inclusive Curricula:** Developing educational curricula that promote gender equality, challenge stereotypes, and teach about women's rights and female history.

- **Large-Scale Awareness Campaigns:** Launching continuous media and community campaigns, targeting both men and women, to challenge harmful norms and practices and promote a culture of respect and equality.

- **Engaging Religious And Community Leaders:** Collaborating with religious and social influencers to disseminate positive messages about women's rights from a perspective of justice and parity.

- ✓ **Enhancing Women's Participation In Decision-Making:**

- **Quotas And Affirmative Action Mechanisms:** Implementing quota systems in parliamentary and local elections to increase women's representation, and providing the necessary training for female leaders.

- **Supporting Women's Participation In Peace Negotiations And Peacebuilding:** Ensuring women's representation in all stages of peace processes and state-building, and leveraging their expertise in conflict resolution.

- ✓ **Eliminating All Forms Of Gender-Based Violence:**

- **Integrated Protection Systems:** Providing comprehensive support networks that include safe shelters, hotlines, and health, psychological, and legal services for victims of violence.

- **Strengthening Criminal Accountability:** Ensuring the effective investigation of violence cases and the fair and efficient prosecution of perpetrators, putting an end to the culture of impunity.

- **Preventive Programmes:** Implementing programmes that target men and boys to change violent behaviors and promote concepts of positive and non-toxic masculinity.

In conclusion, the role of international organisations, both governmental and non-governmental, is crucial and pivotal in advancing the status of women, as this status itself has repercussions on achieving the Sustainable Development Goals to which many countries have committed. While these organisations have succeeded to some extent in achieving legal reforms and have contributed to raising awareness, the absence or weakness of political will at times, the heavy weight of cultural heritage on societal trends at other times, and the fragile economic situation of women are all constraints that require the concerted efforts of all actors. It also requires increased cooperation between

international organizations and local civil society, with a focus on building its capacities to confront discriminatory norms and traditions against women. This cooperation should not be limited to civil society but also extend to the governments themselves, urging them to allocate sufficient resources for women's empowerment programmes and to integrate a gender perspective into all development policies and programmes.

It is certain that the path to establishing and promoting a culture of women's rights through a legal framework that is compatible with states' commitments to international conventions in this area is a long and complex struggle that requires the concerted efforts of all concerned parties. The role played by international organisations remains a part of the hope for overcoming all obstacles and challenging all constraints to achieve full and complete equality for a life based on dignity for women wherever they may be, without the slightest discrimination.

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de Gouges's fame comes from the "Declaration of the Rights of Woman and the Female Citizen," which she wrote in the style of the "Declaration of the Rights of Man and of the Citizen" (1789). Source: The Equal Citizenship Center website <https://equalcitizenshipcentre.com/>

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20, 1848. It resulted in the signing of the Declaration of Sentiments, in which American feminists demanded equality for women with men, including the right to vote. The results of the conference were significant as they marked the beginning of the women's rights movement in the United States and helped pave the way for future activism and legislative work to improve women's rights and equality with men in work, property, and the right to vote (suffrage). A. M. Dr. Riyam Ghanem Najib, College of Political Education, Al-Muthanna University, Al-Qadisiyah Journal of Humanities, Volume 28 - Issue 1 - Year 2025.

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ANNEXES



THE UNIVERSAL DECLARATION OF Human Rights

PREAMBLE recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

PREAMBLE disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

PREAMBLE it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

PREAMBLE it is essential to promote the development of friendly relations among nations,

PREAMBLE the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have

determined to promote social progress and better standards of life in larger freedom,

PREAMBLE Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

PREAMBLE a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

NOW THEREFORE THE GENERAL ASSEMBLY

PROCLAIMS this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1 — All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2 — 1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be an independent, trust or Non-Self-Governing territory, or under any other limitation of sovereignty.

ARTICLE 3 — Everyone has the right to life, liberty and the security of person.

ARTICLE 4 — 1. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5 — No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6 — Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7 — 1. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination.

ARTICLE 8 — Everyone has the right to an effective remedy by the competent national institutions for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9 — No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10 — Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11 — 1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ARTICLE 12 — No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13 — 1. Everyone has the right to freedom of movement and residence within the borders of each state.

2. Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14 — 1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE 15 — 1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16 — 1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE 17 — 1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

ARTICLE 18 — Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19 — Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20 — 1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

ARTICLE 21 — 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22 — Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23 — 1. Everyone has the right to work, in free choice of employment, in just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration

including for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

ARTICLE 24 — Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 25 — 1. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

2. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, ill-health, disability, old age or other lack of livelihood in circumstances beyond his control.

3. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 26 — 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

ARTICLE 27 — 1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28 — Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration may be fully realised.

ARTICLE 29 — 1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

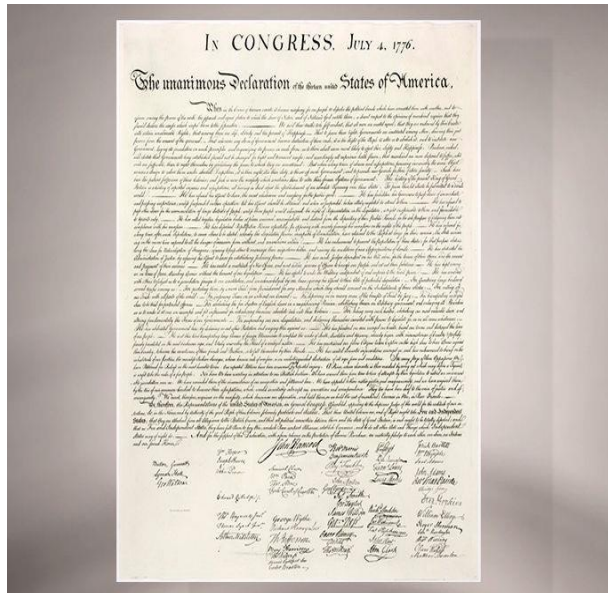
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE 30 — Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

UNITED NATIONS

Annex No. 2: The Declaration of Independence of the United States of America.



Annex N0. 3: Declaration of the Rights of Man and of the Citizen



Annex N0. 4: The Magna Carta of King John



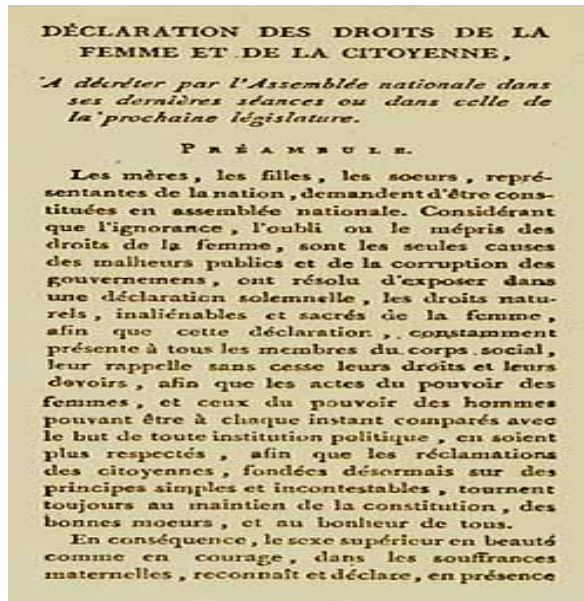
Annex N0. 5: The English Bill of Rights 1689



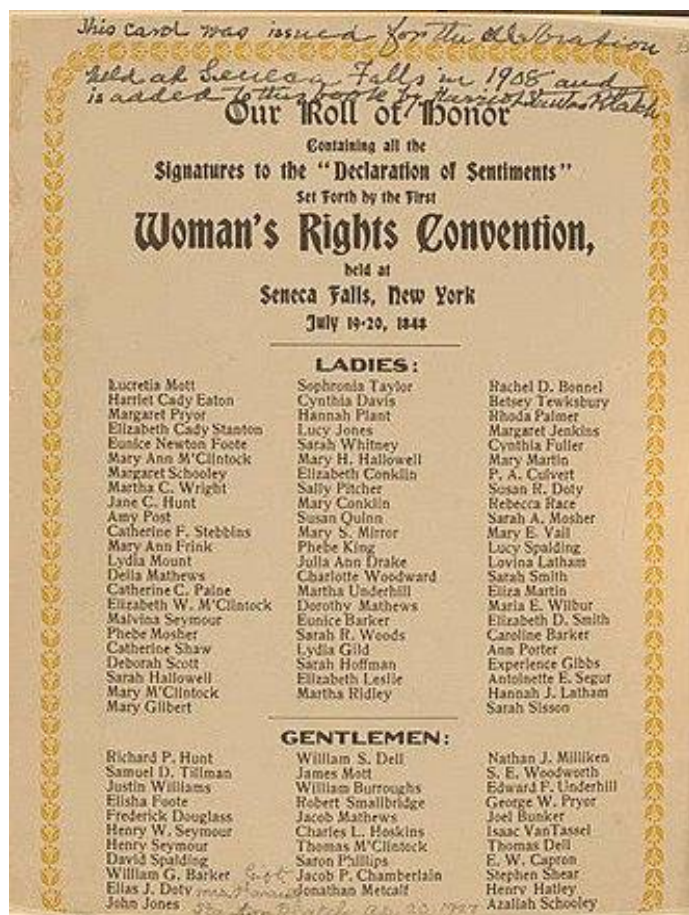
Annex N0. 6: United Nations Charter



Appendix N0. 7: Declaration of the Rights of Woman and of the Female Citizen



Annex N0. 8: Women's Rights Convention



Annex N0.9: Resolution 2000/46 - Commission on Human Rights - Fifty-sixth session

The Commission on Human Rights,

Reaffirming that the equal rights of men and women are embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and other international human rights instruments,

Recalling all its previous resolutions on this subject,

Also recalling that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action adopted in June 1993 (A/CONF.157/23), reaffirmed that the human rights of women and the girl-child are an inalienable, integral and indivisible part of universal human rights and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activities,

Emphasizing that all entities of the United Nations system, as well as the major United Nations conferences and summits, should, in their overall work and in the implementation of their outcomes, increase the integration of a gender perspective at all levels, bearing in mind the need for a coordinated and integrated follow-up,

Bearing in mind that the Fourth World Conference on Women, in the Platform for Action adopted at Beijing in September 1995 (A/CONF.177/20, chap. I, annex II), called upon all relevant organs, bodies and agencies of the United Nations system and all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full and

equal attention, on a continuous basis, to the human rights of women, in the exercise of their respective mandates,

Welcoming the adoption by the General Assembly, without a vote, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, by its resolution 54/4 of 6 October 1999, which was opened for signature, ratification and accession on 10 December 1999, as well as the fact that a number of States have already signed this Optional Protocol,

Emphasizing the central role of the Commission on the Status of Women in promoting equality between women and men, and welcoming its agreed conclusions on the human rights of women and on other relevant areas of concern of the Platform for Action,

Recognizing the need to increase the integration of the human rights of women and a gender perspective in all aspects of the work of the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights, and all other subsidiary mechanisms,

Recognizing further the need for a comprehensive and integrated approach to the promotion and protection of the human rights of women, including the integration of the human rights of women into the mainstream of United Nations system-wide activities,

Reaffirming the important role of women's groups and non-governmental organizations in promoting and protecting the human rights of women,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2000/67);
2. *Also welcomes* the ministerial statement adopted by the Economic and Social Council at the high-level segment of its substantive session of 1999 on the theme "The role of

- employment and work in poverty eradication: the empowerment and advancement of women";
3. *Affirms* that the goal of gender mainstreaming is to achieve gender equality and that it includes ensuring that the human rights of women are integrated into all United Nations activities;
 4. *Invites* the Economic and Social Council to pay attention to the implementation of its agreed conclusions 1997/2 on mainstreaming the gender perspective and 1998/2 concerning the coordinated follow-up and implementation of the Vienna Declaration and Programme of Action, in particular section II.B.3 on the equal status and human rights of women, including its part on the coordination for the year 2000 on the theme of assessing the progress made within the United Nations system, through the review of conferences, in the promotion of integrated and coordinated implementation and follow-up to major United Nations conferences and summits in the economic, social and related fields;
 5. *Encourages* the continued commitment of the United Nations High Commissioner for Human Rights to integrating the human rights of women throughout the United Nations system and, in this regard, welcomes the High Commissioner's finalization of a policy statement on gender and the human rights of women and the cooperation on the human rights of women between the High Commissioner and the Special Adviser on Gender Issues and Advancement of Women;
 6. *Welcomes* the continued cooperation between the Commission on the Status of Women and the Commission on Human Rights, including through joint meetings of the bureaux of the Commissions and the participation of the Chairperson of the Commission on the Status of Women in the work of the Commission on Human Rights under the

relevant agenda item, and encourages the continuation of this cooperation;

7. *Also welcomes* the cooperation and coordination between the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights to mainstream the human rights of women into the system, and the report of the Secretary-General on the joint work plan for the year 2000 (E/CN.4/2000/118- E/CN.6/2000/8), and encourages the Secretary-General to ensure its implementation and to further develop it to reflect all aspects of ongoing work and lessons learned, to identify obstacles and areas for increased cooperation, and to make it available to the Commission on Human Rights at its fifty-seventh session and to the Commission on the Status of Women at its forty-fifth session;
8. *Draws attention* to the need to develop practical strategies to implement the recommendations contained in the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes (E/CN.4/1996/105, annex), and notes with interest, in this regard, the seminar on gender mainstreaming in the human rights system jointly organized by the Office of the United Nations High Commissioner for Human Rights, the Division for the Advancement of Women and the United Nations Development Fund for Women from 26 to 28 May 1999;
9. *Urges* relevant organs, bodies and agencies of the United Nations system, including all human rights bodies, the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, when appointing staff to missions that include peacekeeping, humanitarian and human rights operations, to take into account the need for expertise on the human rights of women and girls;

10. *Emphasizes* the need for further activities in the United Nations system to promote expertise on the equal status and human rights of women through, inter alia, training on the human rights of women and on gender mainstreaming, including through a gender-impact analysis, for all United Nations staff and officials at Headquarters and in the field, especially in field operations;
11. *Recognizes* that gender mainstreaming will be greatly enhanced by the full and enhanced participation of women, including at the higher decision-making levels in the United Nations system, and strongly encourages, in this regard, Member States to promote gender balance by, inter alia, regularly nominating more women for election to human rights treaty bodies and for appointment to United Nations bodies, specialized agencies and other organs, and calls upon all relevant actors to implement General Assembly resolution 54/139 of 17 December 1999 on improvement of the status of women in the Secretariat;
12. *Encourages* United Nations bodies and agencies to increase their cooperation with other organizations in developing activities to address, within their respective mandates, violations of the human rights of women, and to promote the full enjoyment by women of all human rights and fundamental freedoms, including through the development of activities with other organizations;
13. *Requests* all human rights treaty bodies, special procedures, and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights to regularly and systematically take a gender perspective into account in the implementation of their mandates, and to include in their reports qualitative information and analysis on the human rights of women and girls, and encourages enhanced cooperation and coordination in this regard;

14. *Recalls* the paper prepared for the meeting of special rapporteurs/representatives, independent experts and chairpersons of the working groups of the special procedures and advisory services programme of the Commission held from 28 to 30 May 1996 (E/CN.4/1997/3, annex) and its description of gender-specific analysis and reporting as a study of the impact of gender on the form that human rights violations take, the circumstances in which a particular violation occurs, the consequences of violations for the victims, and the availability and accessibility of remedies, and urges the implementation of the recommendations relating to working methods and reporting methodology, including sources of information and gender-based analysis in the conclusions and recommendations;
15. *Welcomes* the request of the Economic and Social Council, in its agreed conclusions 1998/2, that the Commission should clearly indicate the gender perspective when establishing or renewing human rights mandates;
16. *Urges* the use of gender-inclusive language in the drafting, interpretation and application of human rights instruments, as well as in the reports and resolutions and/or decisions of the Commission, the Sub-Commission, and the various human rights mechanisms, and requests the Office of the United Nations High Commissioner for Human Rights to use gender-inclusive language in all of its communications, reports and publications and to work with the United Nations conference services units to ensure that gender-inclusive language and interpretations are used in the work of the Office;
17. *Encourages* the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, taking into account the seminar on gender mainstreaming, and reaffirms the responsibility of all treaty bodies to integrate a gender perspective into their work, also taking into consideration the need to: (a) Develop gender-

sensitive guidelines for the review of States parties' reports; (b) Give priority to developing a common strategy to mainstream the human rights of women into their work so that each body, within its mandate, can monitor the human rights of women; (c) Use a gender analysis and exchange information regularly when developing general comments and recommendations with a view to drafting general comments that reflect a gender perspective; (d) Integrate a gender perspective into concluding observations so that the concluding observations of each treaty body identify the strengths and weaknesses of each State party in terms of the enjoyment by women of the rights guaranteed by the respective treaty;

18. *Encourages* all entities entrusted with the promotion and protection of human rights, especially United Nations human rights bodies and mechanisms, to identify, collect and use gender-disaggregated data and information in their activities and to take gender-based analysis into account in their monitoring and reporting;
19. *Welcomes* the reporting by specialized agencies, at the invitation of the Committee on the Elimination of Discrimination against Women, on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in areas falling within the scope of their activities, and the contribution of non-governmental organizations to the work of the Committee;
20. *Encourages* all entities of the United Nations system to give regular, increased and sustained attention to the recommendations of the Committee on the Elimination of Discrimination against Women to ensure that its concluding observations and general recommendations are better utilized in their respective work;
21. *Urges* all States that have not yet ratified or acceded to the Convention to do so as soon as possible, so that universal

- ratification of the Convention can be achieved by the year 2000, and encourages all Member States to consider signing, ratifying and acceding to the Optional Protocol to the Convention to enable its early entry into force;
22. *Urges* States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention or are otherwise contrary to international treaty law, and to review reservations regularly with a view to withdrawing them and to withdraw reservations that are contrary to the object and purpose of the Convention or are otherwise contrary to international treaty law;
 23. *Urges* States that have ratified or acceded to the Convention to take action to implement the Convention fully through, inter alia, national legislation, policies and practices, and to take into consideration the recommendations of the Committee on the Elimination of Discrimination against Women in this regard;
 24. *Requests* the Secretary-General to submit a report on the implementation of this resolution to the Commission on Human Rights at its fifty-seventh session;
 25. *Decides* to integrate a gender perspective into all items of the Commission's agenda;
 26. *Decides* also to continue its consideration of this question at its fifty-seventh session.

United Nations document E/2000/23, adopted without a vote, at the 61st meeting, on 20 April 2000

Annex N0. 10

Please see full text on <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> & on <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

The International Covenant on Civil and Political Rights (ICCPR)

The Covenant follows the structure of the Universal Declaration and the International Covenant on Civil and Political Rights, with a preamble and fifty-three articles divided into six parts.

- **Part 1 (Article 1)** recognizes the right of all peoples to **self-determination**, including the right to "freely determine their political status" and to pursue their economic, social, and cultural goals, as well as to manage their own resources. It recognizes the **negative right** of a people not to be deprived of its means of subsistence and imposes an obligation on those parties still responsible for non-self-governing and colonial governance to encourage and respect their right to self-determination.
- **Part 2 (Articles 2-5)** obliges parties to legislate where necessary to enforce the rights recognized in this Covenant and to provide an effective legal remedy for any violation of those rights. It also requires the recognition of rights "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" and ensures that they are enjoyed equally by women. Rights can only

be limited "in **exceptional public emergencies** which threaten the life of the nation," and even then, the right to life, freedom from torture and slavery, non-retroactive application of the law, the right to personality, and freedom of thought, conscience, and religion may not be violated.

- **Part 3 (Articles 6-27)** lists the rights themselves. These rights include:
 - **Physical integrity** in the form of the right to life and freedom from **torture** and **slavery** (Articles 6, 7, and 8).
 - **Personal liberty and security** in the form of freedom from **arbitrary arrest** and detention and the right to appear before a court (Articles 9-11).
 - **Procedural justice** in the form of the rights to due process of law, a fair trial, the **presumption of innocence**, and recognition as a person before the law (Articles 14, 15, and 16).
 - **Individual freedom** in the form of freedom of **movement, thought, conscience, and religion**, as well as freedom of expression, association, and assembly, family rights, the right to nationality, and the right to **privacy** (Articles 12, 13, and 17-24).
 - The **prohibition of any propaganda for war** and any incitement to national or religious hatred that constitutes incitement to discrimination, hostility, or violence under the law (Article 20).
 - **Political participation**, including the right to vote (Article 25).
 - **Non-discrimination, minority rights, and equality before the law** (Articles 26 and 27).
 - Many of these rights include specific measures that must be taken to achieve them.
- **Part 4 (Articles 28-45)** governs the establishment and operation of the Human Rights Committee and the reporting and monitoring of the Covenant. It also allows parties to recognize the jurisdiction of the Committee to

resolve disputes between parties regarding the implementation of the Covenant (Articles 41 and 42).

- **Part 5 (Articles 46-47)** clarifies that the Covenant may not be interpreted to interfere with a United Nations process or the "inherent right of all peoples to enjoy and utilize their wealth and natural resources fully and freely."
- **Part 6 (Articles 48-53)** governs the ratification, entry into force, and amendment of the Covenant.

The International Covenant on Economic, Social and Cultural Rights (ICESCR)

The **ICESCR** is a multilateral treaty adopted by the United Nations General Assembly on December 16, 1966, and entered into force on January 3, 1976. It obliges its parties to work towards granting economic, social, and cultural rights to non-self-governing and trust territories and individuals, including **labor rights**, the **right to health**, the **right to education**, and the **right to an adequate standard of living**. As of 2015, 164 parties have ratified the Covenant. Five other countries, including the **United States**, have signed but not yet ratified the Covenant.

The International Covenant is part of the International Bill of Human Rights, along with the **Universal Declaration of Human Rights** and the **International Covenant on Civil and Political Rights**, including the First and Second Optional Protocols.

The Covenant follows the structure of the Universal Declaration and the Covenant with a preamble and thirty-one articles, which are divided into five parts.

- **Part 1 (Article 1)** recognizes the right of all peoples to self-determination, including the right to "freely determine their political status" and to pursue economic, social, and cultural goals and manage their own resources. It

recognizes the **negative right** of a people not to be deprived of its means of subsistence and imposes an obligation on those parties still responsible for non-self-governing and colonial governance to encourage and respect their right to **self-determination**.

- **Part 2 (Articles 2-5)** establishes the principle of "progressive realization." It also requires the recognition of rights "without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Rights can only be limited by law in a manner consistent with the nature of the rights and only for the purpose of "promoting the general welfare in a democratic society."
- **Part 3 (Articles 6-15)** lists the rights themselves. These rights include:
 - Work under "just and favorable conditions" with the right to form and join unions (Articles 6, 7, and 8).
 - **Social security**, including social insurance (Article 9).
 - **Family life**, including paid parental leave and the protection of children (Article 10).
 - An **adequate standard of living** that meets their needs for food, clothing, and shelter, and the "continuous improvement of living conditions" (Article 11).
 - **Health**, specifically the "highest attainable standard of physical and mental health" (Article 12).
 - **Education**, including free primary education and universally available secondary education, and equal opportunity for higher education. This should be directed towards the "full development of the human personality and the sense of its dignity" and enable all persons to participate effectively in society (Articles 13 and 14).
 - Participation in **cultural life** (Article 15).

- Many of these rights include specific measures that must be taken to achieve them.
- **Part 4 (Articles 16-25)** governs the reporting and monitoring of the Covenant and the steps taken by the parties to implement it. It also allows the body to recommend to the **United Nations General Assembly** appropriate measures for the realization of rights (Article 21).
- **Part 5 (Articles 26-31)** governs the ratification, entry into force, and amendment of the Covenant.

Annex N0. 11: Convention On the Elimination Of All Forms Of Discrimination Against Women (CEDAW)

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of

men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal

affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article I

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women , for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes,

particularity those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a [Committee on the Elimination of Discrimination against Women](#) (hereinafter referred to as the Committee)

consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately

after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. ([amendment](#), [status of ratification](#))

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.

3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations

Annex N0. 12
Constitution Of The Kingdom Of Morocco (Preamble And Chapters)

Preamble

True to its irreversible choice to build a democratic state of law, the Kingdom of Morocco resolutely continues the process of consolidating and strengthening the institutions of a modern state, founded on the principles of participation, pluralism, and good governance. It is developing a society based on solidarity where everyone enjoys security, freedom, equal opportunity, respect for their dignity, and social justice, within the framework of the principle of the correlation between the rights and duties of citizenship.

A sovereign Muslim state, attached to its national unity and territorial integrity, the Kingdom of Morocco intends to preserve its one and indivisible national identity in its entirety and diversity. Its unity, forged by the convergence of its Arabo-Islamic, Amazigh, and Saharo-Hassani components, has been nourished and enriched by its African, Andalusian, Hebrew, and Mediterranean influences. The pre-eminence given to the Muslim religion in this national framework goes hand in hand with the Moroccan people's attachment to the values of openness,

moderation, tolerance, and dialogue for mutual understanding among all cultures and civilizations of the world.

Aware of the imperative to strengthen its role on the international stage, the Kingdom of Morocco, an active member of international organizations, undertakes to subscribe to the principles, rights, and obligations set forth in their respective charters and conventions. It reaffirms its commitment to human rights as they are universally recognized, as well as its will to continue working to preserve peace and security in the world.

Based on these immutable values and principles, and strong in its firm will to strengthen the bonds of fraternity, cooperation, solidarity, and constructive partnership with other states, and to work for common progress, the Kingdom of Morocco, a united, fully sovereign state belonging to the Great Maghreb, reaffirms the following and commits to it:

- Work towards the construction of the Maghreb Union, as a strategic option;
- Deepen the bonds of belonging to the Arab and Islamic Ummah, and strengthen the bonds of fraternity and solidarity with its brother peoples;
- Consolidate relations of cooperation and solidarity with the peoples and countries of Africa, particularly the sub-Saharan and Sahel countries;
- Intensify relations of cooperation, rapprochement, and partnership with the Euro-Mediterranean neighboring countries;
- Broaden and diversify its relations of friendship and its human, economic, scientific, technical, and cultural exchanges with all countries of the world;
- Strengthen South-South cooperation;
- Protect and promote the mechanisms of human rights and international humanitarian law and contribute to their development in their indivisibility and universality;

- Prohibit and combat all discrimination against anyone, on the basis of sex, color, beliefs, culture, social or regional origin, language, disability, or any personal circumstance whatsoever;
- Grant international conventions duly ratified by it, within the framework of the provisions of the Constitution and the laws of the Kingdom, with respect for its immutable national identity, and upon the publication of these conventions, primacy over the country's domestic law, and harmonize the relevant provisions of its national legislation accordingly.

This preamble is an integral part of this Constitution.

Title 1: General provisions

Title 2: Fundamental freedoms and rights

Title 3: The Monarchy

Title 4: The legislative power

Title 5: The executive power

Title 6: Relations between the powers

Title 7: The judicial power

Title 8: The constitutional court

Title 9: Regions and other territorial collectivities

Title 10: The court of accounts

Title 11: the economic, social and environmental council

Title 12: Good governance

Title 13: Revision of the Constitution

Title 14: Transitional and final provisions

Annex N0. 13

**Extract From King Mohammed VI's Speech At The
Parliament Autumn Opening Session**

... As for the family and the advancement of the status of women, I highlighted its fundamental challenges immediately after assuming the great trust of the Commandership of the Faithful, asking in my speech of August 20, 1999:

"How can society progress when women, who constitute half of it, have their rights violated and are subjected to injustice, violence, and marginalization, disregarding the honor and fairness granted to them by our true religion?"

In addition to the strong and significant decisions and initiatives we have taken to improve the status of women and ensure fairness, we did not hesitate to spare society the pitfalls of discord on this issue by forming a consultative committee of diverse backgrounds and expertise to propose a fundamental review of the Personal Status Code. We consistently provided it with our high directives until it submitted the results of its work for our wise consideration.

On this occasion, we would like to commend the efforts of its chairman and members, considering that the differences in certain issues that this committee sometimes experienced are a manifestation of the saying that "the difference of scholars is a mercy."

"In our high directives to this committee and in expressing our views on the draft Family Code, we have aimed to adopt the following fundamental reforms:

- First: Adopting modern language instead of concepts that harm the dignity and humanity of women. Making the responsibility of the family the joint care of the spouses. This is based on the principle that 'women are the sisters of men in rulings,' in accordance with the saying of my grandfather, the Prophet, peace be upon him... and as is narrated: 'None but a noble man honors them, and none but a mean man insults them.'

- Second: Making legal guardianship a right for the adult woman to exercise according to her choice and interest, based on one of the interpretations of the Holy verse which states that a woman should not be forced into marriage with anyone she does not approve of in good faith: 'And do not prevent them from marrying their husbands if they have agreed among themselves in a good manner.' A woman, of her own free will, may delegate this to her father or one of her relatives.

- Third: Making the marriage age for women and men equal by unifying it at eighteen years, in accordance with some provisions of the Maliki school of thought, while granting the judge the possibility of lowering it in justified cases. Also, making the age for a boy and girl in custody equal at fifteen years to choose their custodian.

- Fourth: Regarding polygamy, we have taken into account the commitment to the tolerant objectives of Islam in ensuring justice, which God Almighty has made a condition for the possibility of polygamy in His saying: 'But if you fear that you will not be able to deal justly, then [marry only] one.' And since He, the Almighty, negated this justice in His saying: 'And you will never be able to be equal between women, even if you should strive to do so.' We

have also embraced the distinguished wisdom of Islam by permitting a man to marry a second wife legally in case of overwhelming necessity and strict conditions, and with the permission of the judge, instead of resorting to actual illegal polygamy in the case of a total ban.

From this perspective, polygamy is not permissible except according to the following legal cases and conditions:

- The judge only permits polygamy if he is certain of the husband's ability to provide justice on an equal footing with the first wife and her children in all aspects of life, and if an exceptional, objective justification for polygamy is proven to him.

- A woman can stipulate in the contract that her husband must not marry another wife, considering this her right, in accordance with the saying of Omar ibn Al-Khattab, may God be pleased with him: 'Rights are determined by conditions.' And if there is no condition, the first wife must be summoned to obtain her consent and the second wife must be informed of and agree to the fact that the husband is married to another. This is with the right granted to the first wife to request divorce for harm.

- Fifth: Embodying our royal will to care for the circumstances of our dear subjects residing abroad to alleviate their suffering when concluding their marriage contracts. This is by simplifying the procedure by only requiring the registration of the contract in the presence of two Muslim witnesses in an acceptable manner in the place of residence and the notarization of the marriage by Moroccan consular or judicial services, in accordance with the saying of the most noble of messengers: 'Make things easy, and do not make them difficult.'

- Sixth: Making divorce a dissolution of the marital covenant practiced by the husband and the wife, each according to their legal conditions and under the supervision of the judiciary. This is

by restricting the arbitrary practice of divorce by the man with controls, in application of his saying, peace be upon him: 'The most hated of what is permissible in the sight of Allah is divorce.' And by strengthening conciliation and mediation mechanisms with the intervention of the family and the judge. While divorce is in the hands of the husband, it is also in the hands of the wife through delegation. In all cases, the right of the divorced woman to obtain all her rights must be taken into account before the divorce is authorized. A new divorce procedure has been approved that requires prior authorization from the court and does not allow for registration until the amounts owed to the wife and children by the husband have been paid. It also stipulates that verbal divorce is not acceptable in unusual cases.

- Seventh: Expanding the woman's right to request divorce for the husband's violation of one of the conditions of the marriage contract or for harming the wife, such as non-support, abandonment, violence, and other forms of harm, in accordance with the general jurisprudential rule: 'No harm shall be inflicted or reciprocated,' and in order to reinforce equality and fairness between the spouses. Consensual divorce under the supervision of the judge has also been approved.

- Eighth: Preserving the rights of the child by incorporating the provisions of international conventions ratified by Morocco. Ensuring the child's best interest in custody by granting it to the mother, then the father, then the maternal grandmother. If this is not possible, the judge may decide to assign custody to the most qualified relative. Providing decent housing for the child in custody has also been made an obligation separate from the rest of the alimony, and the expeditious resolution of alimony-related cases has been set at a maximum of one month.

- Ninth: Protecting the child's right to lineage in cases where the marriage contract is not documented due to overwhelming reasons

by having the court accept the evidence presented to prove paternity, with a five-year period opened to resolve pending cases in this area to alleviate the suffering and deprivation of children in such situations.

- Tenth: Granting the granddaughter and grandson on the mother's side, like the children of the son, their right to a share of their grandfather's inheritance, in accordance with legal reasoning and justice in obligatory bequests.

- Eleventh: As for the issue of managing property acquired by the spouses during marriage, while maintaining the principle of the financial independence of each of them, the principle of the permissibility of an agreement between the spouses in a separate document from the marriage contract has been approved to establish a framework for managing and investing their property acquired during the marriage. In the absence of an agreement, recourse will be made to the general rules of proof, with the judge's discretion to assess the contribution of each spouse to the development of the family's assets.

"Distinguished Members of Parliament,

The reforms, of which we have mentioned the most important, should not be seen as a victory for one group over another, but rather as gains for all Moroccans. We have been keen to ensure that they respond to the following principles and references:

- In my capacity as Commander of the Faithful, I cannot make what God has forbidden permissible or what God has made permissible forbidden.

- Taking into account the tolerant objectives of Islam in honoring humanity, justice, equality, and good companionship, and the unity of the Maliki school of thought and the legal reasoning that

makes Islam suitable for every time and place, to create a modern Family Code that is consistent with the spirit of our true religion.

- Not considering the Code a law for women alone, but a Code for the family—father, mother, and children—and being keen to combine the lifting of injustice from women, the protection of children's rights, and the preservation of the man's dignity. Would any of you accept the displacement of his family, wife, and children onto the streets, or the abuse of his daughter or sister?

- And in our capacity as King of all Moroccans, we do not legislate for a specific group or party, but rather embody the general will of the nation, which we consider our extended family.

Out of concern for the rights of our faithful subjects who profess the Jewish faith, we have confirmed in the new Family Code that the provisions of Moroccan Hebrew Personal Status law will apply to them.

While the 1957 Code was enacted before the establishment of Parliament and amended in 1993 during a transitional constitutional period by royal decrees, our wise view has deemed it appropriate to present the draft Family Code to Parliament for the first time due to the civil commitments it contains, knowing that its legal provisions are the exclusive prerogative of the Commander of the Faithful.

We expect you to be up to this historical responsibility, both by respecting the sanctity of the draft's texts, which are derived from the tolerant objectives of Sharia, and by adopting other texts that should not be viewed with an eye of perfection or fanaticism, but rather dealt with realistically and insightfully, as a legal reasoning that suits today's Morocco in its openness to the development that we are most keen to pursue wisely and gradually.

In our capacity as Commander of the Faithful, we will view your work in this regard from the perspective of God's saying, 'And consult them in the matter,' and His saying, 'And when you have decided, then rely upon God.'

"And out of His Majesty's keenness to provide the necessary conditions for the proper implementation of the Family Code, we have directed a royal letter to our Minister of Justice, in which we have clarified that no matter how many elements of reform this Code contains, its activation remains dependent on the existence of a just, modern, and effective family judiciary. It has become clear from the application of the current Code that the shortcomings and flaws are not only due to its provisions, but rather to the absence of a family judiciary qualified in terms of material, human, and procedural resources to provide all the conditions for justice and fairness with speed in resolving cases and expediting their execution.

We have also ordered him to expedite the establishment of decent premises for family courts in the various courts of the Kingdom and to take care of the training of qualified staff at all levels, given the authorities that this project grants to the judiciary, in addition to the necessity of expediting the creation of the Family Mutual Aid Fund.

We have also ordered him to submit to His Majesty proposals regarding the formation of a committee of specialists to prepare a practical guide that includes the various provisions, texts, and procedures related to family judiciary, to be a unified reference for this judiciary and to serve as a procedure for the Family Code, while working to reduce the deadlines related to the resolution and execution of its cases contained in the Civil Procedure Law in force.

A widespread media campaign must also be carried out to raise awareness among all segments of the population about the

importance of this reform, with the participation of jurisprudential, intellectual, and political figures."

Annex N0. 14

Extract From King Mohammed VI's Speech

On The Throne Day 2022

Building the kind of country we yearn for – one that is committed to progress and dignity – is possible only with the participation of all Moroccans – men and women alike – in the development process.

Therefore, I insist, once again, on the need to ensure the full participation of Moroccan women in all sectors.

Ever since my accession to the throne, I have been keen to improve the status of women, open up prospects for their advancement and enable them to hold their rightful place in society.

The main reforms we have introduced in this regard include the adoption of the Family Law and the 2011 Constitution, which enshrines equality between men and women in terms of rights and obligations and provides for the principle of parity as a goal to be pursued by the state.

The question here is not about giving women unwarranted privileges; rather, it is about giving them their legal and legitimate rights. Today, in Morocco, women cannot be deprived of their rights.

In this regard, we need to make sure the constitutional institutions concerned with the rights of the family and women are operational, and to update the relevant mechanisms and regulations for the promotion of the status of women and the family.

The Family Law was a major step forward. However, it is no longer sufficient. Experience has shown there are many hurdles which stand in the way of completing this process and achieving its objectives.

Among them is the inadequate enforcement of the Family Law for various sociological reasons, the more so as a category of employees and justice practitioners still believe the said law is strictly for women.

In fact, the Family Law does not concern men only, nor is it specific to women: it is a law for the entire family.

This law is based on fairness, since it gives women their rights just as it gives men theirs; it also takes into consideration the interests of children.

I therefore insist on the need for everyone to commit to the proper and full implementation of the provisions of the Family Law.

Moreover, we need to address the deficiencies and negative aspects noted from experience, just as we should revisit – where necessary – some of the law's provisions where deviations from the original goals have been noted.

As the Commander of the Faithful, I pointed out before Parliament in 2003, when introducing the Moudouwana, or Family Law, that I shall not make licit that which the Almighty has forbidden, nor shall I forbid that which He has authorized, particularly when it comes to matters governed by unequivocal Quranic prescriptions.

Therefore, whatever decisions are made in this regard, I am keen to ensure they are in keeping with the stipulations of the Islamic Sharia and the particularities of the Moroccan society, building, to that end, on a moderate, balanced approach, on open-minded interpretation as well as on consultation, dialogue and the engagement of all stakeholders concerned.

In the same vein, I call for family courts to be set up throughout the country, and for providing them with the qualified human resources and means they need for the proper conduct of their mission.

Everyone should understand that giving women their rights does not mean it will be at the expense of men, nor does it mean it will be at the expense of women.

Progress in Morocco hinges on women's status in society and their effective participation in all development sectors.

Annex N0. 15

Concluding Observations Of the Committee On The Elimination Of Discrimination Against Women On The Second Periodic Report Of Morocco

137. The Committee considered the second periodic report of Morocco (CEDAW/C/MOR/2) at its 627th and 628th meetings, held on 15 July 2003 (see CEDAW/C/SR.627 and 628).

Presentation of the State party's report 138. The representative, in introducing the second periodic report of Morocco, noted that the Convention had been implemented in the context of the country's culture, religion and civilization. Since 1993, a ministry for human rights issues has been established, responsible for the overall coordination, preparation and practical administration of laws and regulations at all levels. A governmental body responsible for issues related to the family and the status of women was also established in 1998, and a ministerial committee chaired by the Prime Minister monitors the implementation of the national strategy for the integration of women into the development process. The reform of the Advisory Council on Human Rights in 2002 led to the strengthening of its role, particularly in eliminating discrimination against women, and the Council now has eight female members out of a total of 41. One of the Council's working groups addresses family issues and the status of women. The Council has also gained autonomy in dealing with all matters, including human rights grievances. A new development is the establishment of the Office of the Ombudsman, which acts as an ombudsman's office to ensure respect for the rule of law and redress for any grievances that may be committed by the government administration.

139. The Moroccan Constitution recognizes the primacy of international agreements to which Morocco has become a party over domestic legislation, provided that the conventions do not prejudice the Constitution unless the necessary revision is made beforehand. The Ministry of Human Rights has the task of ensuring the consistency of domestic legislation with the country's international obligations, including the Convention on the Elimination of All Forms of Discrimination against Women. The Convention itself was published in the Official Gazette in 2001, and great importance has been given within the country to implementing the recommendations and comments of the Committee on Morocco's initial report. Following the Fourth World Conference on Women, held in Beijing in 1995, an action plan for the integration of women into the development process was prepared, focusing on four priority themes: education, literacy and a culture of equality; reproductive health; the integration of women into the economic sphere; and the improvement of women's status in the legal and political spheres. In addition, efforts are being made to reform the country's Personal Status Code.

140. The representative, in moving to the report, noted that all relevant departments had contributed to its preparation, and the views of civil society were also taken into account.

141. The representative drew attention to the existing legislative measures against prostitution and trafficking in women. The penal code prohibits prostitution and provides for prison sentences ranging from six months to five years. Measures have been taken by the government, civil society, and the media to publicize and raise awareness of these issues, especially among the most vulnerable segments of the population, to address the risks of prostitution and trafficking in women. The government has also

made efforts to improve the living conditions of disadvantaged social groups and has focused particular attention on providing assistance to women who are victims of prostitution. Morocco has ratified a number of international conventions related to trafficking in women, including the United Nations Convention against Transnational Organized Crime and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

142. According to the Constitution, men and women enjoy equal political rights. Women participate fully in elections and often represent 50 percent of the total number of voters. The representative noted that there are significant efforts by governmental and non-governmental actors to increase and support women's participation in the political arena and within the civil service, but the representation of women in decision-making positions is still insufficient. To address this issue, the Prime Minister issued instructions in 1998 to all ministries to appoint women to decision-making positions, and in 2001, members of the government were asked to report on the measures taken in this regard. The representative also noted the various developments witnessed in 2002, which are: an increase in the number of positions allocated to women at the decision-making level, and the enactment of a new law that allocates 30 seats for women within the House of Representatives. Subsequently, 35 women were elected during the country's legislative elections in 2002.

143. The nationality law ensures equal rights for men and women with respect to the acquisition, change, or retention of nationality. However, the representative noted that the law does not allow a Moroccan woman to grant her nationality to her non-Moroccan husband or to automatically grant her nationality to her children born to a foreign father. The representative explained that the Moroccan Parliament is currently considering a draft law that would allow a Moroccan woman the right to grant her nationality to her children.

144. The country's laws guarantee equal rights for boys and girls. Education is compulsory for all children under the age of six, and it is free in all types of public education. The high rates of illiteracy and school dropouts in rural areas, especially among girls, represent a major challenge facing the government. Various ministries, including the Ministry of Youth and Sports, are taking concrete measures to combat these problems. However, the representative noted that school attendance is linked to socio-economic conditions and the existence of basic infrastructure, such as roads and hospitals.

145. The representative explained that a national education charter, which constitutes the current reference for education policy, was adopted in 1999 and contains ambitious goals in this area. The representative also explained that in 1994, a partnership agreement was concluded between the Ministry of National Education and the Ministry of Human Rights aimed at combating gender-role stereotypes within society by preparing and disseminating a culture of human rights through the educational system. Seminars and training courses in the field of human rights were organized in this regard.

146. The representative explained that Moroccan legislation ensures non-discrimination and equal opportunities between women and men in employment and in the exercise of their functions. The only restrictions women face in this area are those related to professions that are considered dangerous or that harm their health or their role and responsibilities as mothers. The representative noted that women's participation is increasing in professions that were traditionally dominated by men. The government recently enacted a new labor law that prohibits any form of discrimination, as well as a new medical insurance law that provides compulsory medical insurance for all salaried and retired workers. Morocco has ratified a number of international

conventions and instruments that affirm the principle of equality and non-discrimination in employment.

147. The representative explained that the maternal mortality rate, which remains high despite a decline in recent years, is a source of concern for the government. Following measures taken by the Ministry of Health to implement the national family planning program, three out of every five married women currently use a contraceptive method.

148. The issue of violence against women is another source of concern for the government. The national strategy on violence against women identified a number of measures to be taken, including criminalizing various forms of violence against women as human rights violations, developing innovative approaches to intervention and providing effective treatment for female victims of violence; and establishing an appropriate database to encourage scientific studies and research related to gender-based violence. The national strategy also summarized seven areas of strategic action related to violence against women, including the reform and harmonization of laws and regulations; education, awareness-raising, and communication; as well as research and the establishment of partnerships. Amendments were introduced to the penal code that criminalize various forms of violence, including sexual harassment. These developments were reinforced by the publication of the new labor law, which provided protection for women against all forms of physical and moral abuse they may be subjected to.

149. In conclusion, the representative explained that the government welcomes dialogue with the Committee as an important means of identifying proposals and measures aimed at improving the status of Moroccan women and continuing to eliminate discrimination against them within Morocco.

Concluding comments by the Committee Introduction 150.

The Committee expresses its appreciation to the State party for submitting its second periodic report. It commends the State party for its written responses to the issues raised by the pre-sessional working group and for the oral presentation that provided additional information on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Morocco.

151. The Committee commends the State party for sending a delegation headed by the Permanent Representative of the Kingdom of Morocco to the United Nations and appreciates the frank and fruitful dialogue that took place between the delegation and the members of the Committee.

152. The Committee notes the declarations made by the State party on article 2, paragraph 4 of article 15, and the reservations it has made on paragraph 2 of article 9, and articles 16 and 29 of the Convention.

153. The Committee welcomes the State party's acknowledgment of the primacy of international instruments over national legislation.

Positive Aspects 154. The Committee welcomes the State party's commitment to implementing the provisions of the Convention, as demonstrated by a set of legal reforms such as the new penal code and the new labor law, as well as policies, plans, and institutional arrangements. The Committee also welcomes the continued cooperation of the State party with civil society, especially with women's organizations.

155. The Committee welcomes the legislative changes and the voluntary quota system established by political parties to increase women's representation in the House of Representatives, which

led to a significant increase in the number of women elected in the recent elections.

156. The Committee appreciates the fact that the Royal Commission was established with the main objective of revising the Personal Status Code. The Committee commends the State party for enacting a nationality law that gives Moroccan women the right to grant their nationality to their children, similar to men.

157. The Committee commends the State party for establishing the Ministry of Human Rights, which has created a positive environment that ensures the protection and promotion of human rights. It also welcomes the publication of the Convention in the Official Gazette in 2001 and the efforts made to integrate human rights principles into school books and curricula.

Main areas of concern and recommendations 158. While the Committee appreciates that some progress has been made in creating an environment that allows for the withdrawal of the declarations made by the State party on article 2, paragraph 4 of article 15, and the reservations it has made on paragraph 2 of article 9, and articles 16 and 29 of the Convention, it expresses its concern about the continued maintenance of these reservations.

159. The Committee urges the State party to expedite the necessary steps to narrow the scope of its declarations and reservations on the Convention and to eventually withdraw them before the Committee.

160. The Committee is concerned that, although the Constitution guarantees equality before the law, it does not contain an explicit definition of the principle of equality between women and men or of sex-based discrimination. The status of international instruments, including the Convention, in relation to the Constitution and national law has not yet been clarified.

161. The Committee encourages the State party to include the principle of equality between women and men in the Constitution and to fully reflect the definition of discrimination contained in article 1 of the Convention in national legislation. The Committee urges the State party to clarify the status of international conventions in the domestic legal framework and to ensure that the provisions of the Convention are fully translated into all legislation.

162. The Committee is concerned about many of the remaining discriminatory provisions in the Personal Status Code, which sets different standards for women and men on issues related to marriage and family life, the existence of a different minimum age for marriage for women and men, and that women face restrictions in obtaining a divorce and the risk of being renounced of their rights. The law provides for different ages for guardianship of girls and boys, and a woman's access to legal guardianship over her children is restricted. A draft law concerning Moroccan women is still before Parliament. A Moroccan woman still does not have the right to grant her nationality to her children when she marries a foreigner, and the Committee is also concerned about the legal difficulties faced by single mothers.

163. The Committee urges the State party to continue and accelerate the legislative reform process within the Royal Commission on the Personal Status Code and to amend the discriminatory provisions that affect women's rights within the family with regard to divorce, renunciation of their rights, legal guardianship, and the age of guardianship in order to make them consistent with the Convention. The Committee urges the State party to take measures to raise the minimum age for marriage to 18 years for women and men in line with the Convention and the Convention on the Rights of the Child. The Committee urges the State party to expedite the adoption of the proposed law on nationality and to withdraw its reservation to paragraph 2 of article

9 of the Convention. The Committee also urges the State party to ensure that the laws related to the status of women within the family and single mothers affirm and include the principle of gender equality and partnership between men and women and the full realization of women's human rights. The Committee encourages the State party to reform existing relevant laws in consultation with women's groups.

164. Although the Committee welcomes the efforts made by the State party and the achievements it has made to increase women's political participation at the national level, it remains concerned about the low level of women's representation in decision-making positions in all fields, especially in the areas of political representation at all levels and in the public and private sectors, the economy, the judiciary, foreign affairs, and academia.

165. The Committee requests the State party to take effective and sustainable measures to increase women's political representation at all levels, bearing in mind paragraph 1 of article 4 of the Convention. It also calls on the State party to increase women's representation in decision-making centers in all fields. The Committee suggests that the State party provide women with support and leadership training programs and implement campaigns to raise awareness about women's participation in the decision-making process, including in the public and private sectors, foreign affairs, the judiciary, and academia.

166. The Committee expresses its concern about the continued existence of traditional discriminatory practices and strong stereotypical trends about the roles and responsibilities of women and men in the family and society, which negatively affect women's enjoyment of their rights and prevent the full implementation of the Convention.

167. The Committee urges the State party to increase its efforts to plan and implement comprehensive awareness-raising campaigns

to promote a better understanding of equality between women and men at all levels of society with a view to changing stereotypical trends and negative cultural concepts about the responsibilities and roles of women and men in the family and society. It also recommends encouraging the media to produce positive images of women and equality in status and the responsibilities of women and men in society.

168. The Committee is concerned about the lack of specific legislation to eliminate all forms of violence against women and girls, including domestic violence and violence against domestic workers.

169. The Committee recommends that the State party expedite the adoption and implementation of the national strategy to combat violence against women. This includes collecting gender-disaggregated data on all forms of violence, conducting research on the scope of violence against women and girls, including domestic violence, and enacting specific legislation on domestic violence. In light of General Recommendation 19, the Committee calls on the State party to ensure that perpetrators of all forms of violence against women are prosecuted and punished appropriately, and that remedies and protection are provided directly to victims of violence. The Committee requests the State party to ensure full awareness and training for law enforcement officials, the judiciary, and the public on all forms of violence against women and girls. The Committee also urges the State party to take steps to protect domestic workers and ensure the implementation of restrictions on child labor.

170. While the Committee notes the efforts made by the State party to establish records, it expresses concern about the continued high levels of illiteracy among women and girls, especially in rural areas.

171. The Committee calls on the State party to adopt gender-sensitive measures to eliminate female illiteracy, especially in rural areas, and to strengthen measures that would create an environment conducive to increasing the rates of enrollment and retention of girls in schools at all levels, by increasing the training and appointment of teachers, introducing gender-sensitive educational materials, and monitoring the progress made in achieving time-bound records.

172. Although progress has been made in reducing maternal and infant mortality rates and increasing access to family planning methods, the Committee is concerned about the inadequacy of the number of healthcare facilities, especially regarding the situation of rural women who have little or no access to healthcare services and healthcare professionals.

173. The Committee calls on the State party to increase women's access to basic healthcare services, especially for rural women, and to increase their access to affordable family planning methods for women and men. It also calls on the State party to increase awareness campaigns on the importance of reproductive health and rights, including providing information on the prevalence of sexually transmitted diseases, including HIV/AIDS.

174. The Committee notes the lack of information on the status of women in the informal sector and is concerned about the low level of women's participation in the paid workforce and the continued wage gap between women and men. The Committee also notes with concern that women are discriminated against with regard to their access to loans and other forms of financial support and in the enjoyment of the right to property.

175. The Committee urges the State party to adopt appropriate measures to ensure women's equal access to paid employment, and to adopt and enforce appropriate legislation in accordance with its obligations under the ILO conventions to ensure equal

opportunities for women and men in the public and private sectors, in the labor market, and to prevent direct and indirect discrimination in the fields of employment, training, and wages. The Committee also calls on the State party to ensure that women, especially in rural areas, have full and equal access to loans and other forms of financial support and that no obstacles are placed in the way of their right to own land.

176. The Committee notes that although rural women and girls constitute a large percentage of the population, their marginalization continues with regard to their access to government services.

177. The Committee urges the State party to take measures that ensure the full integration of the needs and concerns of rural women when formulating and implementing all sectoral policies and programs and to ensure that rural women and girls have full access to education and healthcare facilities.

178. The Committee notes the slow progress in implementing the Convention by the State party and the modest responses to the Committee's concluding observations submitted after the discussion of the State party's initial report. The Committee also notes the continued existence of social concepts that discriminate against women and girls. Consequently, the combined effects of high illiteracy rates for women and girls, low representation of women in decision-making positions, and low rates of female employment negatively affect the outcomes of national policies aimed at achieving gender equality.

179. The Committee encourages the State party to accelerate the implementation of the Convention, the Committee's concluding observations, and the national strategy to achieve gender equality and to strengthen its efforts to change social concepts with a view to eliminating discrimination against women and girls. The

Committee encourages the State party to establish a national mechanism with sufficient human and financial resources to promote cooperation and partnership between the government and civil society, including women's organizations.

180. The Committee urges the State party to sign and ratify the Optional Protocol to the Convention. It also calls on the State party to accept the amendment to paragraph 1 of article 20 of the Convention, which relates to the dates of the Committee's meetings.

181. The Committee requests the State party to respond to the concerns expressed in these concluding observations in its next periodic report to be submitted under article 18 of the Convention in 2006, as a combined third periodic report for 2002 and a fourth periodic report for 2006. The Committee also requests the State party to improve the collection and analysis of statistical data, disaggregated by gender and age, and to report on the results of the planned and implemented programs and policies in its next periodic report submitted to the Committee.

182. Bearing in mind the gender dimensions contained in the declarations, programs, and action plans of the conferences and summits, and the special sessions held by the United Nations (such as the special session of the General Assembly to conduct a comprehensive review and evaluation of the implementation of the Program of Action of the International Conference on Population and Development (twenty-first special session); the special session of the General Assembly on children (twenty-seventh special session); the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance; and the Second World Assembly on Ageing), the Committee requests the State party to include in its next report information on the implementation of the aspect of those documents related to the relevant articles of the Convention.

183. The Committee requests that these concluding observations be widely disseminated in Morocco to make the Moroccan population, especially government and political officials, aware of the steps taken to ensure the legal and de facto equality of women, and the next steps needed in this regard. It also requests that the government continue to widely disseminate the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the outcome of the twenty-third special session of the General Assembly, entitled “Women 2000: Gender Equality, Development and Peace for the Twenty-first Century,” to women's and human rights organizations.

*Document A/58/38, Part II, and paragraph numbers have been retained as they are.

Sources

Annex N0. 16

Reservations And Declarations Made By Morocco Concerning The Convention On The Elimination Of All Forms Of Discrimination Against Women

[21 June 1993]

Declarations

Article 2 The Government of the Kingdom of Morocco

expresses its readiness to apply the provisions of this article on
the condition that:

- It does not affect the requirements of the Constitution which govern the rules of succession to the throne of the Kingdom of Morocco;
- It does not conflict with the provisions of Islamic Sharia. It should be noted that certain provisions contained in the Moroccan Personal Status Code which grant women rights that differ from those granted to men cannot be violated or abrogated because they are primarily derived from Islamic Sharia, which seeks, among its other purposes, to achieve a balance between the spouses with a view to preserving the cohesion of family life.

Article 15, paragraph 4 The Government of the Kingdom of Morocco declares that it cannot commit to the provisions of this paragraph, especially those related to a woman's right to choose her place of residence and domicile, except to the extent that they

do not conflict with articles 34 and 36 of the Moroccan Personal Status Code.

Reservations

Article 9, paragraph 2 The Government of the Kingdom of Morocco makes a reservation regarding this article, given that Moroccan nationality law does not allow a child to carry the mother's nationality unless the child is born to an unknown father, regardless of the place of birth, or to a stateless father, when born in Morocco. The purpose of this is to ensure the child's right to nationality. Furthermore, a child born in Morocco to a Moroccan mother and a foreign father can acquire the mother's nationality by declaring, within two years of reaching the age of majority, their desire to acquire that nationality, provided that their regular and habitual residence, upon making this declaration, is in Morocco.

Article 16 The Government of the Kingdom of Morocco makes a reservation regarding the provisions of this article, especially those related to the equal rights and responsibilities of men and women concerning marriage and its dissolution. Equality of this kind is incompatible with Islamic Sharia, which guarantees each spouse rights and responsibilities within a framework of balance and complementarity with a view to preserving the sacred marital bond.

The provisions of Islamic Sharia oblige the husband to provide a dowry upon marriage and to support his family, whereas the wife is not legally required to support her family.

Furthermore, the husband is obliged to pay alimony upon the dissolution of the marriage. On the contrary, the wife is completely free to dispose of her money during the marriage and

upon its dissolution without the husband's supervision, so that the husband has no authority over his wife's money.

For these reasons, Islamic Sharia grants the right of divorce to the woman only by a decision of the Sharia judge.

Article 29 The Government of the Kingdom of Morocco does not consider itself bound by the first paragraph of this article, which states that "any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration."

The Government of the Kingdom of Morocco believes that a dispute of this nature can only be submitted to arbitration with the agreement of all parties to the dispute.

- United Nations document CEDAW/SP/2002/2, which contains the text of the declarations, reservations, objections, and notices of withdrawal of reservations by States Parties regarding the Convention on the Elimination of

f All Forms of Discrimination against Women, in the format reproduced in multilateral treaties deposited with the Secretary-General: Status as of 31 December 1999 (United Nations publication, Sales No.: E.99.V.5.), and declarations, reservations, objections, and notices of withdrawal of reservations from the Secretary-General's report on the status of the Convention (A/56/328). Declarations, reservations, objections, and notices of withdrawal of reservations issued from 1 August 2001 to 1 July 2002 were taken from the multilateral treaties website.

Annex N0. 17

Excerpt From The Royal Message of King Mohammed VI to the Special Session of the Advisory Council on Human Rights, Commemorating the 60th Anniversary of the Universal Declaration of Human Rights on December 10, 2008.

Morocco commemorates the 60th anniversary of the Universal Declaration of Human Rights. It is an occasion on which we renew our firm commitment to human rights in their universality and comprehensiveness, making their embodiment in a dignified citizenship for all Moroccans our principle of governance.

We also affirm Morocco's steadfast commitment to the noble values and principles enshrined in this historic document, as it has been a source of international and regional charters that have made human rights a shared heritage for all of humanity, in order to build a world of fraternity, peace, justice, dignity, and equality.

While we commend the choice of the slogan "Dignity and Justice for All" for this anniversary, we do not consider it merely a slogan to be raised on an occasion, but a fundamental demand for all humanity, especially for the groups and regions that suffer from humiliation, oppression, and poverty.

Therefore, its realization on the ground requires a firm commitment, concrete involvement, and sincere struggle to promote the necessary reforms and changes with all wisdom, courage, and initiative.

From this perspective, we have been keen to make our country's commemoration of this sixtieth anniversary an expression of continuing to move forward on the path of completing the building of a state of law, institutions, and the rule of law. Our ultimate goal

is to enable Morocco, as a state and a society, to accumulate more gains that will qualify it to elevate its democratic transition to the highest levels.

We have an honorable record in the achievements we have made, with a pure national will, which is a source of unanimous national pride and international appreciation.

It is a rich record, and if this message is not sufficient to detail it, let us suffice with some of its prominent features, foremost among them being the consolidation of political and civil rights, and at the forefront of that is the strengthening of equality between men and women. This was embodied in the Family Code, which remains a pioneer in its field and continues to bear fruit. We reaffirm our continuous commitment to expanding the space for freedom of expression and opinion, of all kinds, within the framework of the rule of law...

We have also worked to secure the promotion and protection of human rights for all Moroccans equally, both at home and abroad, through the restructuring and establishment of several specialized institutions...

Thanks to these human rights gains, our country has, thank God, been able to harmonize national legislation with the relevant international conventions.

To strengthen this path, we announce the withdrawal of the Kingdom of Morocco's reservations on the International Convention on the Elimination of All Forms of Discrimination against Women, which have become obsolete due to the advanced legislation adopted by our country.

Annex 18

Excerpts From a Human Rights Watch Report On Law 103-13

The new law criminalizes some forms of domestic violence, establishes preventive measures, and provides new protections for survivors. However, it requires survivors to file a lawsuit to obtain protection, and few are able to do so. It also does not specify the duties of the police, public prosecution, and investigating judges in domestic violence cases, nor does it provide funding for women's shelters.

The new law includes positive provisions such as defining violence against women as "any physical, moral, or psychological act or omission based on gender discrimination that results in physical, psychological, sexual, or economic harm to a woman." However, it does not provide a definition of domestic violence and does not explicitly criminalize marital rape.

The law has increased the penalties for some forms of violence already in the Penal Code when committed within the family and has introduced new crimes, including forced marriage, squandering money or property to evade paying alimony or other dues resulting from divorce, expelling or preventing a wife from returning to her home, sexual harassment in public places, and cyber harassment.

The law obliges public authorities to take preventive measures, including awareness-raising programs about violence against women. It also provides for specialized units to meet the needs of women and children in courts, government agencies, security forces, and local, regional, and national committees to address women's and children's issues. However, Human Rights Watch has documented problems with the few existing units, and the law

does not include mechanisms to monitor the units or committees or to hold authorities accountable if they fail to perform their duties.

The new law also contains significant loopholes and flaws that leave women vulnerable to the risk of domestic violence, including the absence of provisions for funding the reforms.

The law allows for protection orders that prevent an accused person from contacting, approaching, or communicating with the victim. But they are only issued during prosecution or after conviction. Furthermore, these orders can be canceled if the spouses reconcile, which increases the pressure on women to cancel these orders.

There are alternative "preventive measures" that "warn" a person against committing violence or disposing of joint marital funds, but the law does not specify which authorities will issue them. Violations of protection orders or "preventive measures" can lead to imprisonment or fines.

In a national study, only 3% of women who had experienced domestic violence reported it to the authorities. Most women drop the few lawsuits they file due to pressure from their families or the families of their abusers, or because they are financially dependent on their abusers.

Protection orders can be life-saving measures that prevent further violence and protect the victim, such as preventing contact with the victim and removing the abuser from the home.

UN Women has recommended that survivors of domestic violence be able to seek protection orders without resorting to other legal procedures, such as criminal charges or divorce. Civil protection orders are provided in many other countries, such as Lebanon and Tunisia.

Human Rights Watch said that Morocco must ensure that survivors of domestic violence can obtain emergency or long-term protection orders through civil measures.

The law also did not specify concrete duties for the police, public prosecution, and other law enforcement and judicial officials in domestic violence cases. Human Rights Watch interviewed survivors of domestic violence who said that police officers refused to record their statements, did not investigate allegations of abuse, and refused to arrest suspects of domestic violence, even with an order from the public prosecution. In some cases, the police advised the victims to return to their abusers.

In many cases, the public prosecution did not file charges but asked the victims to provide documents to the police, asking them to investigate or arrest the abusers. But the police often did not enforce them, leaving women to flounder between the police and the public prosecution in an attempt to get help.

The law also does not provide that courts should consider all forms of evidence in domestic violence cases and that a victim's testimony in court should be sufficient evidence for conviction.

The law also does not provide financial assistance to survivors, nor does it clearly define the government's role in providing support and services to survivors of domestic violence, including shelter, health services, mental health care, legal advice, and emergency hotlines.

Annex 19

The Most Important Demands of Women's Movements Regarding

The Review Of The 2004 Family Code

1. Set the marriage age at 18 without any exceptions, and criminalize the marriage of minors.
2. Joint legal guardianship of children.
3. Exclude the marital home from the inheritance so that it remains a residence for the surviving spouse.
4. Adopt obligatory bequests.
5. Abolish the "Ta'sib" (agnatic inheritance).
6. Grant lineage to children born outside of marriage.
7. Allow inheritance between spouses of different religions.
8. Consider child custody a joint right between the spouses, strengthen the right to the child's residence, and establish controls for visitation.
9. A new framework for managing acquired property, valuing household work, and considering it a contribution to the development of wealth.
10. Allow inheritance between the sponsor ("kafil") and the sponsored child.
11. Abolish polygamy.
12. Rely on the marriage contract alone to prove the marriage.
13. Establish a non-judicial body for conciliation and mediation in cases other than divorce.
14. Reduce the types of divorce and dissolution of marriage.
15. Do not revoke the custody of a divorced mother if she remarries.
16. Establish reference and value-based standards that take into account the assessment of alimony and mechanisms to speed up the notification and enforcement of judgments.
17. Abolish Article 400.