



**Report of the National Human Rights Council of the Kingdom of Morocco  
to  
The Committee on the Elimination of Discrimination against Women**

*- For List of Issues -*

**October 2020**

**I. Introduction**

1. The National Human Rights Council of Morocco (CNDH) is a constitutional institution for the promotion and protection of human rights<sup>1</sup>. It was established in 1990 and has been accredited to “A” status since 1999, testifying to its full compliance with the Paris Principles of 1993. The CNDH has 12 regional human rights commissions, which cover the entire national territory and whose new members, composed mainly of civil society representatives, have been installed in September and October 2020. A new law 76.15 reforming the CNDH was adopted unanimously by the parliament in February 2018<sup>2</sup>. This law considerably broadens the powers of the CNDH, particularly by entrusting with the mandate of three mechanisms provided for by international human rights standards. These are the National Preventive Mechanism against Torture (NPM), in line with OPCAT, National Child Redress Mechanism, in line with General Comment 2 of the Committee on the Rights of the Child, and National Monitoring Mechanism for Persons with Disabilities, in line with Article 33 of the Convention on the Rights of Persons with Disabilities.
2. The CNDH welcomes the combined 5<sup>th</sup> and 6<sup>th</sup> periodic reports, due in 2014. Nevertheless, it regretted the delay registered in this regard. In its 2019 annual report, the CNDH drew the government’s attention to the delay in reporting to several treaty bodies, including the Committee on the Elimination of Discrimination against Women (CEDAW). It recommended that the government submit national reports on time, while adopting a participatory approach and a simplified procedure in reporting, given the importance of this procedure in optimizing the dialogue between treaty bodies and the government<sup>3</sup>.
3. The CNDH has engaged in several discussions with UN mechanisms working on women’s rights, whether directly or through the Global Alliance of National Human Rights Institutions. Thus, in 2016, CEDAW, through its member Ms. Nahla Haidar, participated in a workshop organized by the CNDH on the role of NHRI in Sustainable Development Goals and Climate Change. The CNDH also participated in meetings of the CEDAW Working Group on NHRIs, with a view to formalizing cooperation between NHRIs and CEDAW. Regarding the interaction with the Commission on the Status of Women (CSW), the CNDH joined other NHRIs and regional networks, particularly Asia-Pacific Forum of NHRIs, to make advocacy for participation rights at CSW. This was done through the participation in side events on the margin of the CSW sessions and engagement with the Permanent Mission of Morocco in New York.<sup>4</sup> At the annual GANHRI meeting of 2019, a CSW Taskforce of NHRIs was established with the aim of ensuring that

<sup>1</sup> See article 161 of the Constitution : [https://www.amb-maroc.fr/docs/Nouvelle\\_Constitution\\_%20Maroc\\_2011.pdf](https://www.amb-maroc.fr/docs/Nouvelle_Constitution_%20Maroc_2011.pdf)

<sup>2</sup> [https://www.cndh.org.ma/sites/default/files/loi\\_76-15\\_relative\\_a\\_la\\_reorganisation\\_du\\_cndh\\_1.pdf](https://www.cndh.org.ma/sites/default/files/loi_76-15_relative_a_la_reorganisation_du_cndh_1.pdf)

<sup>3</sup> More details are available in page 63, para 263, of the CNDH Annual Report :

[https://www.cndh.org.ma/sites/default/files/rapport\\_annuel.pdf](https://www.cndh.org.ma/sites/default/files/rapport_annuel.pdf)

<sup>4</sup> [https://www.asiapacificforum.net/media/resource\\_file/CSW\\_61\\_NHRI\\_Side\\_Event\\_Invitation.pdf](https://www.asiapacificforum.net/media/resource_file/CSW_61_NHRI_Side_Event_Invitation.pdf)

NHRIs have independent participation rights at CSW, similar to the UN Human Rights Council. The CNDH and the NHRI of Liberia represent Africa in this Taskforce.

4. The present input is based on an analysis of the national context since the last review of Morocco by CEDAW in 2008. It takes stock of the situation of women's rights in Morocco, based on CNDH reports, memoranda, advisory opinions, studies, seminars, observations, debates and awareness-raising activities. Women's and girls' rights were addressed in a cross-cutting manner in the CNDH publications, including the 2019 Annual Report, which devoted a specific chapter to women and girls<sup>5</sup>. The CNDH hopes that this input will constitute additional information for the Committee, inform the interactive dialogue with the government and be a reference for the Committee in drawing up its list of issues. It remains at the disposal of CEDAW for additional information.

## **II. Positive aspects and challenges related to the implementation of CEDAW in Morocco**

5. The CNDH welcomes the constitutional, legislative and institutional progress made since 2008, when the combined third and fourth periodic reports of Morocco were reviewed. By virtue of the 2011 Constitution, Morocco undertakes to ban and combat any discrimination against anyone, including on grounds of sex. The principles of equality and parity between women and men are entrenched under the Preamble of the Constitution and its Articles 6, 19, 32 and 164. In addition, the constitution comes up with the principle of the primacy of international conventions duly ratified by Morocco over domestic laws. Ms. Amina Bouayach, president of the CNDH, and Ms. Amina El Messaoudi, a CNDH member, were members of the Constitutional Review Commission.
6. Several normative developments have also taken place since the last review. In addition to the withdrawal of reservations regarding Articles 9 and 16 of CEDAW, Morocco has acceded to two international instruments: The Convention on the Protection of All Persons from Enforced Disappearance in 2013 and Optional Protocol to the Convention against Torture in 2014. In 2019, the CNDH urged the government to finalize the process of ratifying three other international protocols, namely the Optional Protocol to CEDAW<sup>6</sup>, First Optional Protocol to the International Covenant on Civil and Political Rights<sup>7</sup> and Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure<sup>8</sup>. It also encouraged the government to adhere to the Council of Europe's Convention on preventing and combating violence against women and domestic violence. Furthermore, the CNDH urged the government to publish the report of the Sub-Committee on the Prevention of Torture, who carried out a visit to Morocco in October 2017, and to address a standing invitation to special procedures mandates holders.
7. The legal arsenal in Morocco also saw a significant progress related to the provisions of CEDAW. Thus, a series of laws have been adopted in the field, in particular:
  - Law No. 103.13 relating to combating violence against women in 2018;
  - Law No. 79.14 establishing the Authority for Parity and Fight against All Forms of Discrimination (APALD) in 2017;
  - Law No. 78.14 establishing the Advisory Council for Family and Children (CCFE) in 2016;
  - Law No. 12.19 fixing the working and employment conditions of domestic workers in 2016;

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<sup>5</sup> See recommendation on page 58, CNDH Annual Report 2019: [https://www.cndh.org.ma/sites/default/files/rapport\\_annuel.pdf](https://www.cndh.org.ma/sites/default/files/rapport_annuel.pdf)

<sup>6</sup> This protocol was the subject of an approval law 12.125, published in BO N. 6387, dated 17 August 2015.

<sup>7</sup> This protocol was the subject of an approval law 12.126, published in BO N. 6387, dated 17 August 2015.

<sup>8</sup> This protocol was the subject of an approval law 12.59, published in BO N. 6140, dated 4 April 2013.

- Law No. 62.17 relating to administrative supervision over Soualalyate communities<sup>9</sup> and the management of their property in 2019;
  - Organic law relating to the House of Representatives, which made it possible to strengthen the political representation of women (81 seats, or 21% of the total number of members of the current house of representatives);
  - Organic laws on territorial communities, which enabled 6,669 women to be elected to municipal councils (21.16%) in the September 2015 elections. Seats reserved for women in regional councils represent 37% in total;
  - Law No. 66.16 modifying and supplementing Law No. 77.03 relating to audiovisual communication, which enshrines the promotion of a culture of gender equality and the fight against discrimination based on sex.
8. Despite this legislative development, some laws need to be brought into compliance with international standards. Thus, Organic law 12.02 (2012) relating to the appointment to senior posts does not provide for provisions relating to parity. The implementing decree relating to this law does not contain incentive measures to strengthen the representation of women in positions of responsibility. It highlights the criterion of seniority, which is in itself a discriminatory measure against women. According to a government report on human resources released in October 2020<sup>10</sup>, the number of women appointed, by decree, to senior positions, after deliberation in the Council of Government, amounts to 137 appointments for the period 2012-2020, or a feminization rate of 11.8%. This rate is contradictory to the constitutional principle of parity.
9. Law 103.13 on combating violence against women, which entered into force in 2019, does not provide for provisions relating to the criminalization of marital rape. However, courts use jurisprudence in this respect. Tangier court of appeal took a decision criminalizing this type of rape<sup>11</sup>. The CNDH calls on courts to keep using international instruments in their jurisprudences. The CNDH remains concerned that the rates of violence against women is still high and impunity persists, due to challenges related to the burden of proof and non-reporting of cases to the competent authorities and institutions. The preliminary results of the second national survey on the spread of violence against women in Morocco, published in May 2019, showed that 54.4% of Moroccan women were victims of violence during the 12 months preceding the survey, in particular married women. It was striking in this survey that an extremely high rate of victims (93.4%) do not file a complaint.
10. To address this situation, further efforts need to be exerted in terms of awareness raising and capacity building for various stakeholders on the legal provisions combating violence against women. In October 2019, the CNDH organized together with the Office of High Commissioner for Human Rights and Office of the Public Prosecutor a workshop in this regard, attended by government officials and civil society organizations<sup>12</sup>. The CNDH also contributed to developing a course on gender-based violence destined for judges, lawyers and public prosecutors, as part of the Council of Europe Program on Human Rights Education for Legal Professionals.

<sup>9</sup> In Morocco, some tribes and rural villages called Soualalyate still apply laws based on outdated customs and habits including deprivation of many Soualalyate women of obtaining their share in inheritance under the pretext of fearing that they marry persons from outside the tribe and consequently the ownership of the land goes to strangers. Those patriarchal customs and habits grant men the right to deprive women of their right to inherit their parents' property. This custom, which goes back to the French colonial era, is applied by more than four thousand tribes.

<sup>10</sup> [https://www.finances.gov.ma/Publication/db/2021/10-%20Rapport%20Ressources%20Humaines\\_Fr.pdf](https://www.finances.gov.ma/Publication/db/2021/10-%20Rapport%20Ressources%20Humaines_Fr.pdf)

<sup>11</sup> <https://legal-agenda.com/%D9%85%D8%AD%D9%83%D9%85%D8%A9-%D8%A7%D8%B3%D8%AA%D8%A6%D9%86%D8%A7%D9%81-%D8%B7%D9%86%D8%AC%D8%A9-%D8%AA%D8%AC%D8%B1%D9%91%D9%85-%D8%B5%D8%B1%D8%A7%D8%AD%D8%A9-%D8%A7%D9%84%D8%A7%D8%BA%D8%AA%D8%B5/>

<sup>12</sup> <https://www.cndh.org.ma/ar/blgt-shfy/wrsh-ml-hwl-qnwn-mhrb-lnf-dd-Ins-fy-lmgrb-tzyz-lhmy-wlmn-fy-lqnwn>

11. Other laws need to be adopted or amended. These include a comprehensive anti-discrimination law that takes into account the grounds of discrimination provided in the Constitution and relevant international standards. It should define and punish discrimination and provide for legally binding, proportionate and dissuasive sanctions. The Family law should be also amended so as to grant women the same rights granted to men, especially in terms of formation and dissolution of marriage as well as inheritance matters.
12. On the institutional level, two constitutional bodies dealing with women's rights need to be operational. These are the Authority for Parity and Fight against All Forms of Discrimination (APALD) and Advisory Council for Family and Children (CCFE) whose relevant founding laws were respectively adopted in 2017 and 2016. The CNDH had published in 2015 an advisory opinion on Bill No. 79.14 relating to APALD<sup>13</sup> and another one on Bill No. 78.14 relating to CCFE<sup>14</sup>. The CNDH highlights that these bodies should be provided with adequate human and material resources so that they can discharge their mandate in the best possible conditions. Furthermore, the benefits of the family solidarity fund should be extended to children born out of wedlock. The CNDH is also a member of several national institutions, which enables it to integrate the gender perspective in their work. These institutions include the Higher Council for Judicial power, National Press Council, National Commission for the Fight against and Prevention of Trafficking in Human Beings and Right to Information Access Commission.
13. At the policy level, the government continued to develop a gender-sensitive budgeting (BSG) since 2001. The Government Plan for Equality (PGE) "ICRAM 2" for the period 2017-2021 and the Plan of Action on Democracy and Human Rights 2018-2021 were adopted in 2017. The CNDH recommends that equality and parity be entrenched in public policies in accordance with the Constitution and CEDAW. The gender approach needs to be systematically mainstreamed in the development, implementation, monitoring/evaluation of national and territorial policies and strategies. In all these processes, which should be participatory and inclusive of all stakeholders, including civil society, priority should be given to the most vulnerable women, including the disabled, those living in rural areas, those suffering from serious diseases, such as AIDS, agricultural workers, etc.
14. With a view to contributing to the dialogue on the new development model, the CNDH submitted, in August 2020, a memorandum entitled "*Effectiveness of Rights and Freedoms in Morocco: for a New Social Contract*" to the Development Model Committee<sup>15</sup>. The memorandum provides for the perspective of the CNDH aimed at making the realization of rights and freedoms a basic entry point to guarantee the right to development. In this memorandum, the CNDH called for the territorial implementation of human rights policy measures, such as the fight against sexual harassment, stereotypes in media and school curricula and violence against women<sup>16</sup>. The CNDH also published, in October 2015, a thematic report on the "*State of equality and parity in Morocco*"<sup>17</sup>. The report underlined the progress made in terms of equality and the issues that still compromise women's rights in Morocco. The outstanding concerns include the marriage of minors, the difficulty of women's access to legal guardianship, divorce for discord (*chikak*)<sup>18</sup>, unequal inheritance legislation and rules governing collective lands.
15. Regarding the marriage of minors, official figures indicate that the number of marriage requests concerning minors stood at 32,000 in 2019, 81% of which were accepted. Of these, the percentage

<sup>13</sup> <https://www.cndh.ma/fr/memorandums/avis-du-cndh-sur-le-projet-de-loi-ndeg-79-14-relatif-lautorite-pour-la-parite-et-la>

<sup>14</sup> <http://www.cndh.ma/fr/memorandums/avis-du-cndh-sur-le-projet-de-loi-ndeg-78-14-relatif-au-conseilconsultatif-de-la>

<sup>15</sup> [https://www.cndh.ma/sites/default/files/mdhkr\\_lmjls-\\_lnmwdhj\\_ltnmwy\\_ljdyd\\_2.pdf](https://www.cndh.ma/sites/default/files/mdhkr_lmjls-_lnmwdhj_ltnmwy_ljdyd_2.pdf)

<sup>16</sup> [https://www.cndh.ma/sites/default/files/mdhkr\\_lmjls-\\_lnmwdhj\\_ltnmwy\\_ljdyd\\_2.pdf](https://www.cndh.ma/sites/default/files/mdhkr_lmjls-_lnmwdhj_ltnmwy_ljdyd_2.pdf)

<sup>17</sup> [http://www.cndh.ma/sites/default/files/cndh\\_-\\_etat\\_egalite\\_final22.pdf](http://www.cndh.ma/sites/default/files/cndh_-_etat_egalite_final22.pdf)

<sup>18</sup> A procedure intended to facilitate women's access to divorce without the obligation to establish proof of harm.

of female requests is 99.46%<sup>19</sup>. Almost 67% of these requests come from rural areas. This phenomenon prompted the CNDH to organize a nationwide campaign in 2019, under the theme: “*Marriage of minor girls: Cancelling derogation ...establishing the legal rule*”. As part of this campaign, 30 awareness-raising activities and panel discussions over two weeks. The campaign benefited more than 1000 participants from various government sectors, judges, students, journalists, etc. in 27 prefectures and provinces. It also saw great interaction on social media and electronic platforms at the local, regional and international levels.<sup>20</sup> It should be recalled that the Moroccan legislator has fixed 18 years as the legal age of marriage and allowed marriage of minors in exceptional cases. Article 20 of the Family Law stipulates that the family judge in charge of marriage may allow the marriage of a girl or a boy under majority age (18) by virtue of a reasoned decision.

16. Within the same framework, the CNDH and the United Nations Population Fund signed, in April 2020, a partnership agreement for the period 2020-2021. The partnership aimed to strengthen advocacy to fight against the marriage of minors, promote rights to sexual and reproductive health, and strengthen mobilization for the implementation of the recommendations of international human rights mechanisms in this area.
17. Regarding women’s right to education, despite the efforts made by the government in recent years, illiteracy continues to prevail among women with 42.1%, as against 22.2 for men<sup>21</sup>. The education of girls is still a key challenge, especially in rural areas. According to government statistics, the enrolment rate for children aged between 6 and 11 stood at 99.7% during the academic year 2018-2019. This high rate is partly attributed to the financial support provided by the government to vulnerable families. However, girls suffer from school dropouts, especially in the phase of transition from the primary to the preparatory school. This is mainly due to economic and cultural factors, as some families are unable to cover the education costs for several children at the same time, and hence they prefer to keep boys on the expense of girls.
18. In terms of women’s access to employment, the CNDH welcomes the decision taken in July 2018 to allow women to access the profession of *Adul* (Muslim notaries), a profession hitherto reserved exclusively for men, a precedent in the Muslim world. Today, 299 women hold this profession. However, the CNDH reported in 2019 that many challenges still prevent the women’s enjoyment of the right to employment. In the second quarter of 2020, Morocco has 18 million women (50.3%), of which 13.6 million are at working age (15 years and over). Analysis of the situation of women in the labor market reveals a low participation of women in economic activity. Indeed, their participation rate is only 20.8% in October 2020, well below that of men (69.7%). The labor market is less feminized, as out of an employed labor force of around 10.5 million, the number of women employed reached around 2.4 million in the second quarter of 2020 (i.e. a feminization rate of 22.7%).<sup>22</sup> Likewise, the rate of women entrepreneurs is remarkably very low.
19. While the State has deployed great efforts in ensuring a health cover for all, through two main systems: Compulsory Health Insurance (AMO) and Medical Assistance System (RAMED), the health cover was still limited to only 62% of the whole population in July 2019<sup>23</sup>. The new social protection reforms announced by His Majesty the King on 9 October 2020<sup>24</sup> will ensure a total

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<sup>19</sup> Statement by Minister of Justice before the House of Representatives in January 2020.

<sup>20</sup> More details are available on the CNDH Annual Report of 2019, para. 160, 161 and 162, pp. 41 and 42.

<sup>21</sup> According to the general census of population and housing of 2014.

<sup>22</sup> According to information published in October 2020 by the High Commission for Planning : [https://www.hcp.ma/Note-d-information-du-Haut-Commissariat-au-Plan-a-l-occasion-de-La-journee-nationale-de-la-femme-du-10-octobre-2020\\_a2602.html](https://www.hcp.ma/Note-d-information-du-Haut-Commissariat-au-Plan-a-l-occasion-de-La-journee-nationale-de-la-femme-du-10-octobre-2020_a2602.html)

<sup>23</sup> Statement by the Minister of Health, on 18 June 2019 : <http://www.mapexpress.ma/actualite/activite-gouvernementale/generalisation-du-ramed-permis-datteindre-taux-couverture-medicale-62-population-marocaine/>

<sup>24</sup> See Speech of His Majesty King Mohammed VI: <https://www.maroc.ma/en/royal-speeches/hm-king-delivers-speech-occasion-parliament-opening-full-text>

health cover for all Moroccans by the end of 2022 at the latest. Certainty, this will benefit women, especially vulnerable women living in rural areas, who will be able to access to Basic Health Insurance, which covers the costs of care, drugs, hospitalization and treatment.

20. In July 2020, the CNDH submitted to the parliament its recommendations and observations regarding draft Law No. 72.18 related to the system for targeting beneficiaries of social support programs and establishment of the National Records Agency<sup>25</sup>. This memorandum revolves around twelve (12) recommendations stating that this system should take into account the principles of equality and non-discrimination.
21. The phenomenon of unsafe abortion poses risks to the life as well as the physical and psychological health of women<sup>26</sup>. In its memorandum to the Parliament on Bill No. 10.16 amending and supplementing the penal code corpus, the CNDH recommended, among other things, that the legal text relating to abortion should be based on the concept of health, as defined by the Constitution of the World Health Organization: “*Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity*”.<sup>27</sup>
22. The quarantine caused by Covid-19 has several impacts on women, especially those at risk or with vulnerabilities. In this regard, the Office of the Public Prosecutor has been playing a key role in addressing violence against women during the pandemic crisis. Indeed, it addressed a circular to public prosecutors in various courts and developed digital platforms to receive complaints from women victims of violence<sup>28</sup>. Based on information available to the CNDH, 7482 cases of violence against women and girls were being investigated by the National Police Department (DGSN) between March 2020 to 24 June 2020.
23. In addition, the pandemic crisis is likely to increase gender inequalities in Morocco, as much of informal employment is held by female workers (sale of domestic products and seasonal workers, etc.). Also, the majority of health and social service personnel are women, and therefore they have been exposed to the greatest risk and under a state of considerable stress. Most of them are also mothers and care for family members. The burden of family responsibilities, already disproportionate in normal times, continues to fall on them.
24. The CNDH has paid particular attention to vulnerable groups within the context of Covid-19, including the homeless, children, women, the elderly, refugees and migrants, people with disabilities and people in places of deprivation of liberty. At the end of its meeting of 1 April 2020, the CNDH Bureau proposed to the Moroccan authorities to extend the financial support measures taken by the government to all these groups<sup>29</sup>. To be noted that a Covid-19 management fund of more than 3 billion euros was set up by Morocco to support, among other things, the vulnerable groups.
25. The CNDH has been also monitoring the measures taken by the Prison Administration and Reintegration (DGAPR) to fight the spread of the virus. These include the establishment of a digital platform to provide remote psychological support to prison staff and detainees; limitation of the number of visits to one visit each month; limitation of the number of visitors to one family member, and awareness-raising actions aimed at detainees. The CNDH National Preventive

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<sup>25</sup> <https://www.cndh.org.ma/ar/actualites/lmjls-lwtyny-yqdm-llbrlmm-bgrftyh-twsyth-wmlhzth-bshn-mshrw-lqnwn-rqm-7218>

<sup>26</sup> More details are available on the CNDH Annual Report of 2019, para. 163, p. 42.

<sup>27</sup> PP. 29-32 : [https://cndh.ma/sites/default/files/cndh\\_-\\_web\\_code\\_penal\\_va.pdf](https://cndh.ma/sites/default/files/cndh_-_web_code_penal_va.pdf)

<sup>28</sup> <http://www.pmp.ma/%d8%b1%d8%a6%d9%8a%d8%b3-%d8%a7%d9%84%d9%86%d9%8a%d8%a7%d8%a8%d8%a9-%d8%a7%d9%84%d8%b9%d8%a7%d9%85%d8%a9-%d9%8a%d8%b5%d8%af%d8%b1-%d8%aa%d8%b9%d9%84%d9%8a%d9%85%d8%a7%d8%aa-%d8%ac%d8%af%d9%8a%d8%af/>

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Mechanism conducted 12 field visits to various places of deprivation of liberty during the period of Covid-19. Conclusions and recommendations have been shared with competent authorities.

26. It should be recalled that a total of 5654 inmates were granted an exceptional Royal Pardon in the context of COVID-19. The criteria adopted to grant the pardon took into account age, health condition, gender and vulnerability. The CNDH welcomed this Royal Pardon<sup>30</sup>. Additional 1785 prisoners from various regions of Morocco were granted Royal Pardon on the occasion of various religious and national holidays.
27. The CNDH has also engaged with the authorities to ensure the protection of sub-Saharan migrants in an irregular administrative situation in the period of Covid-19. Many migrants, including women, were admitted to several reception centers, in Laayoune for example. The CNDH also intervened with local authorities in order to meet requests for support for access to basic foodstuffs, from migrants from different sub-Saharan communities, particularly widowed women, parents of children with disabilities and the elderly.
28. The CNDH has published on its social networks a series of video spots to raise awareness about the prevention of COVID-19 as well as containment and state of emergency measures. These include videos in several languages, namely French, English and Spanish as well as Wolof and Lingala, the two most common languages spoken by sub-Saharan migrants, including women<sup>31</sup>.
29. Regarding Soulaliyate women and their right to land, the CNDH received 62 complaints about collective lands, of which 30 complaints from Soulaliyate women who complained about being deprived of their rights to land property and exploitation. These complaints were handled and referred to the governors of provinces as per territorial competence to take the necessary measures. Overall, the CNDH notes that complaints from Soulaliyate women has been on the decrease. This might be attributed to the implementation of the Ministry of the Interior's Circular No. 60 of 25 October 2010 requiring that Soulaliyate women should enjoy their right to compensations in cash and in kind on an equal footing with men. Law No. 62.17 relating to administrative supervision over Soulaliyate communities and the management of their property was adopted and is likely to resolve the issues related to this subject.
30. While the technological development has largely contributed to improving access to information and opening new fields of expression for human rights defenders, it has created environments for occasional violations of private life. The gravity of these violations increases when they involve women. This situation was addressed in the CNDH annual report of 2019 and in its memorandum on the draft Penal Law. The CNDH recommended that the protection of individuals be reinforced against the exploitation of their personal information without their consent by Internet companies and data brokers, and ensuring the accountability of such companies and brokers in case of committing such acts in application of the principle of responsible business conduct.
31. The CNDH followed up on the issue of consensual sexual relationships between adults. The great number of judicial prosecutions in this regard draw the CNDH's attention. Considerable societal changes in Morocco and the requirements of the protection of private life require that the criminalization of consensual sexual relationships between adults be reviewed. The CNDH recommended amending the Penal Law in a way that ensures the decriminalization of all consensual sexual relationships. The CNDH specifies that the reform of the Penal Code should, however, maintain the penalization of all forms of sexual exploitation.

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<sup>30</sup> <https://www.cndh.org.ma/fr/rubriques/rubriques/activites/communiqués>

<sup>31</sup> <https://www.facebook.com/watch/?v=230072775043929>

32. Women human rights defenders and their associations have been playing a key role in advancing women's rights and gender equality in Morocco. The CNDH has been cooperating with them, especially in terms of capacity building. In this context, the CNDH and the Embassy of Canada in Morocco signed, in January 2020, a Memorandum of Understanding concerning a project entitled "*Voice and Leadership of Women in Morocco*". The objective of this project is overall to advance gender equality in Morocco. It also aims to strengthen the management capacities of women NGOs. As part of this project, five NGOs have benefitted from grants to undertake actions on the protection of women's rights during the Covid-19 period. The CNDH also organized a capacity building workshop in October 2019 in collaboration with OHCHR for women human rights defenders in the Arab region.

### **III. List of issues that the Committee may consider:**

1. What steps has the government taken to finalize the process of ratifying international protocols, namely the Optional Protocol to CEDAW, First Optional Protocol to the International Covenant on Civil and Political Rights and Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure?
2. What are the measures the government has taken to respond to the NHRI recommendation to amend the Family Law, especially Article 20 which stipulates that the family judge in charge of marriage may allow the marriage of a girl or a boy under majority age (18) by virtue of a reasoned decision?
3. Do you plan to adopt any comprehensive anti-discrimination law which criminalizes the grounds of discriminations provided for in the national constitution?
4. What are the time frames for the establishment of the Authority for Parity and the Fight against All Forms of Discrimination (APALD) and Advisory Council for Family and Children (CCFE) ?
5. What measures have you taken to implement the recommendations of the CNDH contained in its various publications, including its memorandum on the amendment of the penal code and Annual Report of 2019, especially regarding issues of private life, right to land (Soulalyate lands), marriage of minors and abortion?
6. Provide information on the implementation of the Government Plan for Equality (PGE) "ICRAM 2" for the period 2017-2021 and the Plan of Action on Democracy and Human Rights 2018-2021, especially measures related to women's rights and the approach that will be implemented in assessment, if any?
7. What measures has the government taken to ensure that children born out of wedlock benefit from social support programs given that they do not benefit from the family solidarity fund?
8. Please provide information on the most recent data regarding violence against women, including during the period of Covid-19 and the corrective measures taken to address this phenomenon and ensure justice for victims?
9. What are the measures that you are planning to take to reinforce the political representation of women in the next legislative and communal elections?
10. Provide information on measures taken to ensure women's access to positions of responsibility and decent jobs in innovative and high-productivity sectors as well as to encourage the creation by women of their own businesses?
11. Provide information on girls' school dropouts in various educational levels?
12. Provide information on how courts have used the provisions of CEDAW in their jurisprudences?
13. Provide information on the social, economic and psychological impacts of the pandemic crisis of Covid-19 on women's rights and how the government has addressed such impacts?