

**MOROCCO:  
A BRIEFING ON GENDER AND THE  
CONSTITUTION**

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**Maternity Leave, Political Representation,  
Domestic Violence, Reproductive Rights and Access  
to Property**



INTERNATIONAL HUMAN RIGHTS CLINIC

## INTRODUCTION<sup>1</sup>

International human rights treaties reflect the commitments of the government to their inhabitants and the global community. However, these rights and protections are only truly available to individuals when incorporated into national law and policy. The drafters of the Universal Declaration of Human Rights, widely considered to be the cornerstone of the international human rights framework, were explicit in their intention that the principles in the UDHR become a part of national legal structure, adapted to various cultures, governments and value systems.

Constitutions have long been viewed as a natural and promising source of domestication of international human rights law. States that incorporate human rights into their constitutions are viewed as taking a significant step towards ensuring accessibility of human rights to the country's inhabitants. However, the role of constitutions varies depending on country context as well as its efficacy in ensuring women's rights and gender equality. This briefing is composed of a three-country case study – Morocco, Zimbabwe and Vietnam - that investigate how a newly revised or reformed constitution is impacting women's human rights and gender equality in particular country contexts. These briefings focus on five key areas of women's rights: maternity leave, political representation, domestic violence, reproductive rights and access to property. All briefings were prepared by a student team following in country engagements in the relevant countries.

## BACKGROUND

In 1961, King Hassan II acceded to the throne of Morocco, also designating himself its prime minister.<sup>1</sup> In 1962, Hassan put forth Morocco's first draft constitution, which was adopted by a national referendum in December of that year.<sup>2</sup> The 1962 Constitution separated the King's executive powers from the parliament's legislative powers.<sup>3</sup> This constitution was followed by the promulgation of four others during Hassan's rule in 1970, 1972, 1992, and 1996, before the accession of King Mohammed VI in 1999.<sup>4</sup>

Over the last decade, Morocco has seen a number of improvements that impacted women socially and economically. Between 2001 and 2013, real Gross Domestic Product (GDP) grew by 4.8% on average.<sup>5</sup> From 1990 to 2015, the percentage of births attended by skilled health personnel rose dramatically from 35% to 82% and the rate of maternal mortality improved from 317 to 121 deaths per 100,000 live births.<sup>6</sup> The percentage of girls enrolled in primary school also increased significantly from 71.4% in 2000 to 98.3% in 2015.<sup>7</sup>

However, women in Morocco have continued to experience significant levels of inequality. Morocco is ranked 117 out of 155 countries in the UNDP Gender Inequality Index.<sup>8</sup> Women's

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<sup>1</sup> This briefing paper was prepared by students at the University of Chicago Law School: Dylan Cowart, Brittany Ellenberg, Salwa Shameem and Nathan Maxwell. Information is current as of September 2017.

participation in the labor force is approximately one-third that of men as is their estimated yearly income.<sup>9</sup>

Morocco's domestic legal framework is primarily based on French civil law and Islamic law (Shari'a).<sup>10</sup> Sunni Muslims account for 99% of the population.<sup>11</sup> Matters related to personal status (many of which impact women significantly, including inheritance, marriage, divorce and child custody) are governed by the Mudawana, the personal status code (or family code) based on Islamic law.<sup>12</sup>

Internationally, Morocco took on various commitments to uphold and promote human rights and women's rights, including the ratification of CEDAW in 1993 (with reservations) and the adoption of CEDAW's Optional Protocol in 2012.<sup>13</sup> In response to its periodic reports, the CEDAW Committee has urged Morocco to withdraw its reservation to Article 2 of the Convention, which requires states to pursue policies and practices that address and eliminate discrimination.<sup>14</sup> In 2008, the King declared that all reservations were withdrawn.<sup>15</sup> However, Morocco has maintained that Article 2 should be interpreted as requiring only "appropriate means. . . of eliminating discrimination against women"<sup>16</sup> that do not conflict with Islamic law.<sup>17</sup>

## CONSTITUTIONAL REFORM PROCESS

The 2011 Constitution of Morocco is widely considered a response to a social movement seeking democratic change in the country's political leadership.<sup>18</sup> On February 20, 2011, approximately 150,000 to 200,000 Moroccans in 53 cities and towns across the country marched in a call for political reform.<sup>19</sup> Protesters, including thousands of young Moroccans and numerous civil society organizations, rallied in the government capital of Rabat.<sup>20</sup> Their demands included the establishment of a constitution based on the principle of popular sovereignty, an independent judiciary, and separations of powers.<sup>21</sup>

In July 2011, King Mohammed IV held a referendum on a revised constitution. Despite protests from various constituencies that the constitution had been drafted with minimal input from political party representatives and civil society, the reforms were approved by 98.5% of voters.<sup>22</sup> The 2011 Constitution recognizes new rights, promotes human rights, and increases the capacity of parliament and government. Importantly, for women, the Constitution establishes the Authority for Parity and the Fight Against All Forms of Discrimination.<sup>23</sup> This specialized body, created under Articles 19 and 164, is primarily responsible for ensuring respect for the rights and freedoms provided for in Article 19.<sup>24</sup>

Due to the lack of consultation, the constitutional reform process provided only a limited opportunity for women's groups to advocate for increased recognition of women's rights.<sup>25</sup> As a result, while the constitution represents a significant advance for women's rights in the country, some women's groups claim it has not yet been an effective advocacy tool.<sup>26</sup> In particular, they highlight the current lack of political will to fully implement the constitution and the dearth of explicit guarantees for women in the document.<sup>27</sup> Notwithstanding these concerns, women's groups identify the Preamble, Article 19, and Article 164 as helpful in advocating generally for eliminating discrimination against women and, in particular, in calling on the government to uphold its international commitments under CEDAW.<sup>28</sup>

## MATERNITY LEAVE

### A. BACKGROUND

The Moroccan Labour Code was revised in 2003 to prohibit discrimination in employment and extend paid maternity leave from twelve to fourteen weeks<sup>29</sup> at a rate of 100% of the mother's wages, paid by the national social security fund.<sup>30</sup> However, this law applies to only a small percentage of women in Morocco. Fewer than one in four women in Morocco are employed, and 87.5% of women in rural areas work without a written contract and, as a result, are not covered by the Labour Code.<sup>31</sup>

### B. MATERNITY LEAVE IN THE CONSTITUTION

The Constitution does not explicitly provide for maternity leave or protections for pregnant workers. However, there is language identifying a need for such policies. Article 34 calls for “public powers” to “implement . . . policies designed . . . to provide for the vulnerability of certain categories of women and of mothers, of children, and of elderly persons.”<sup>32</sup> Article 31 also requires the “[s]tate, the public establishments and the territorial [collectives] . . . to facilitate the equal access of the citizens [masculine and feminine] to conditions that permit their enjoyment of the right” to work.<sup>33</sup>

### C. MATERNITY LEAVE IN LEGISLATION, POLICY AND PRACTICE

As noted above, legislation in Morocco provided for paid maternity leave prior to the constitutional reform process. The revised Labour Code (2003) and Moroccan Public Service Law (2011)—passed during the same year as the new constitution—now provide women in both private and public sectors with fourteen weeks of paid maternity leave.<sup>34</sup> Female employees also have the right to take an additional period of leave for up to ninety days, after the fourteen weeks of maternity leave have passed.<sup>35</sup> In addition, a woman can take up to an additional one year of unpaid maternity leave.<sup>36</sup>

In 2013, following the constitutional reform, the Ministry of Employment and Vocational Training organized training sessions for labor inspectors to identify infringements of maternity protection laws.<sup>37</sup> The Party of Justice and Development is also currently considering a proposal to increase the existing maternity leave available to working women from fourteen to sixteen weeks.<sup>38</sup>

Despite the legal availability of maternity leave, women's groups have reported that women in the private sector are often not able to take paid maternity leave,<sup>39</sup> and that inspectors accept bribes not to enforce the law and often side with employers in disputes over paid maternity leave.<sup>40</sup> Moreover, because so many women are employed in the informal sector and in rural areas, maternity leave is a privilege reserved for the few women in the formal workplace whose employers choose to respect the law.<sup>41</sup>

## POLITICAL REPRESENTATION

### A. BACKGROUND

Women's participation in politics has increased steadily over the last two decades in Morocco.<sup>42</sup> Women currently hold 81 of 395 directly elected seats in the House of Representatives, the lower house of the Parliament of Morocco.<sup>43</sup> Seventy-four percent of the 81 seats occupied by

women are the result of the quota system, discussed below. In the national government, 4 of 39 ministers are women, and women account for 38% of officials at the regional levels of government.<sup>44</sup>

#### B. EQUALITY IN POLITICAL REPRESENTATION IN THE CONSTITUTION

Article 19 and 30 of the Constitution of Morocco promote gender equality in political participation and leadership.<sup>45</sup> Article 30 states that all “citizens [feminine and masculine] of majority, enjoying their civil and political rights[,] are electors and eligible,” and the law shall “provide the provisions of [a] nature encouraging the equal access of women and men to elective functions.”<sup>46</sup> Article 6 also requires that the “public powers work for the creation of the conditions permitting the effectiveness of liberty and of the equality of citizens [feminine] and citizens [masculine] to be made general, as well as their participation in political . . . life.”<sup>47</sup> Article 146 provides for the creation of an organic law that, among other things, encourages the participation of women in local governance.<sup>48</sup>

#### C. EQUALITY IN POLITICAL REPRESENTATION IN LEGISLATION, POLICY AND PRACTICE

Two Moroccan laws, enacted the same year as the constitutional reform, establish a quota system to ensure women occupy seats in the House of Representatives. Three hundred and five of the three hundred ninety-five members of the lower house are elected in 92 multi-member constituencies through a proportional representation system. Article 23(2) of Organic Law No. 27-11 reserves 60 seats for women, filled by winners elected through the proportional representation system.<sup>49</sup> Organic Law No. 59-11 reserves one-third of directly elected seats for women on regional councils.<sup>50</sup> The law also provides for additional electoral constituencies reserved for women in lower district and communal councils through a proportional representation system, as consistent with Article 146 of the new constitution.<sup>51</sup>

These laws were enacted during the 2011 electoral reforms and built upon an “honorary agreement” formed between the political parties in 2002, which reserved 30 seats for women.<sup>52</sup> According to a leading women’s group, the constitutional reform process provided momentum for the electoral reforms and directly influenced the establishment of the quota system for women’s representation in elected bodies.<sup>53</sup>

While these laws have increased women’s representation in elected bodies in Morocco, women’s groups note that they have not increased the number of women in key decision-making roles or women’s participation in politics more generally, compromising the mandates of Article 6 and 30.<sup>54</sup> Moreover, many political parties continue to resist the presence of women on electoral lists and in leadership positions within the party.<sup>55</sup>

## DOMESTIC VIOLENCE

#### A. BACKGROUND

According to a 2010 national survey, 63% of Moroccan women have experienced some form of physical, psychological, sexual, or economic violence.<sup>56</sup> Of these women, 55% reported conjugal violence, i.e. violence committed by their spouses.<sup>57</sup> Only 3% of women who

experienced conjugal violence had reported it to authorities.<sup>58</sup> Domestic violence is particularly prevalent in rural areas of Morocco, where, according to reports, police sometimes accept bribes from perpetrators in return for impunity.<sup>59</sup> Women who are able to navigate the law enforcement and judicial systems to proceed with claims of domestic violence tend to be affluent.<sup>60</sup>

#### B. DOMESTIC VIOLENCE IN THE CONSTITUTION

The Constitution does not contain a provision explicitly prohibiting domestic violence or violence against women more generally. However, Article 19, which requires equal enjoyment between the genders of social rights,<sup>61</sup> and Article 22, which prohibits private citizens from inflicting “cruel, inhuman, [or] degrading treatments or infringements of human dignity”<sup>62</sup> on other citizens are relevant.

#### C. DOMESTIC VIOLENCE IN LEGISLATION, POLICY AND PRACTICE

There is no law or policy explicitly prohibiting domestic violence or violence against women in Morocco. The Moroccan Penal Code includes a law against general violence,<sup>63</sup> but it is not tailored to address situations involving domestic violence. As a result, women often do not use the law to seek protection against domestic violence.<sup>64</sup>

A draft law (#103-13) on the elimination of violence against women has been proposed by the Ministry of Solidarity, Women, Family and Social Development, and was approved by the Moroccan Government Council on March 17, 2016.<sup>65</sup> The bill is limited primarily to minor reforms to the Penal Code and the Penal Procedure Code, and it does not address the critical, earlier steps in the process, including reporting, investigation and prosecution of cases involving violence against women. The bill also fails to provide a definition of “domestic violence,” instead prohibiting “violence against women” more broadly. It does not explicitly prohibit marital rape.<sup>66</sup> A leading women’s group involved in advocacy related to the bill reports that the Constitution has not been a key factor in the process, but the Article 19 provision of gender equality has been used in support of demands for inclusion of more robust protections in the law.<sup>67</sup>

## REPRODUCTIVE RIGHTS AND HEALTH

#### A. BACKGROUND

Moroccan women have historically faced barriers to exercising their reproductive rights and health but there has been steady improvement since the 1960s.<sup>68</sup> In 2015, there were 121 maternal deaths per 100,000 live births, well below the global average of 216, but above the target of 70 set by the Sustainable Development Goals.<sup>69</sup> Between 2005 and 2015, 74.8% of married or in-union women of reproductive age had their need for family planning satisfied with modern methods.<sup>70</sup> The difference between the percentage of married women using contraceptives in the richest and poorest quintiles decreased from 30% to 6% between 1992 and 2003.<sup>71</sup> Unmarried women, however, still face barriers in accessing contraceptives and other family planning services due to social stigma and their exclusion from the public program that provides free contraception to married women.<sup>72</sup>

#### B. REPRODUCTIVE RIGHTS AND HEALTH IN THE CONSTITUTION

Article 31 of the Constitution establishes a right to healthcare for all female and male citizens, but does not speak directly to reproductive health.<sup>73</sup> Article 31 provides: “[t]he State, the public establishments, and the territorial collectivities work for the mobilization of all the means available to facilitate the equal access of the [female and male citizens] to conditions that permit their enjoyment of the right: to healthcare . . . [and] to medical coverage.”<sup>74</sup>

### C. REPRODUCTIVE RIGHTS AND HEALTH IN LEGISLATION, POLICY AND PRACTICE

Family planning law and policy in Morocco has remained largely unchanged in the last decade. The Ministry of Health has provided contraception to married women since at least 2003.<sup>75</sup> The Moroccan Penal Code prohibits abortion and punishes the various actors involved in the procedure, including the woman who has the abortion.<sup>76</sup> The only current exception to the prohibition on abortion is “when it is a necessary measure to safeguard the health of the mother and is openly performed by a physician or a surgeon with the consent of the spouse.”<sup>77</sup>

In May 2015, King Mohammed VI instructed the Minister of Health and the Minister of Justice and Freedom to coordinate with medical specialists to draft a proposal for the liberalization of Morocco’s abortion provisions. Consultations prior to this directive indicated that “the overwhelming majority” favored decriminalizing abortion in cases when the pregnancy is a danger to the life and health (including mental health) of the mother, when the pregnancy is the result of a rape or incest, or when the fetus is beset by severe deformities or incurable diseases.<sup>78</sup> In June of 2015, the government approved an amendment to the penal code allowing for abortions in cases of rape and incest and to preserve the mental and physical health of the mother.<sup>79</sup>

## EQUAL ACCESS TO PROPERTY OWNERSHIP

### A. BACKGROUND

Despite having the same legal right to land ownership as men, women own only about 7% of land in Morocco.<sup>80</sup> Property ownership is largely a religious issue in the country, since Shari’a law informs the Mudawana (the Moroccan family code), which governs marital property and inheritance and reflects traditional gender roles.<sup>81</sup>

### B. EQUAL ACCESS TO PROPERTY OWNERSHIP IN THE CONSTITUTION

Article 35 of the Constitution provides for the right to property and calls on the government to guarantee equal opportunities for property ownership for all.<sup>82</sup> Article 35 establishes that the “right to property is guaranteed” and that the State will strive to “guarantee . . . equality of opportunities for all” and to grant “specific protection for the socially disfavored categories.”<sup>83</sup>

### C. EQUAL ACCESS TO PROPERTY OWNERSHIP IN LEGISLATION, POLICY AND PRACTICE

The Mudawana governs marriage, divorce, and inheritance. It is derived from a variety of sources, including Shari’a law, Islamic teachings, the King’s directives, and existing legal doctrine.<sup>84</sup> In 2004, the Mudawana underwent a significant reform that improved women’s property and marriage rights, but it still contains provisions that are problematic for women’s equality.<sup>85</sup> For example, the Code continues to place severe restrictions on women’s right to inheritance, providing male heirs double the inheritance of female heirs.<sup>86</sup> Moreover, even areas

of improvement, such as the Article 49 requirement that judges take into consideration “the work of each spouse, the efforts made as well as the responsibilities assumed in the development of the family assets” when dividing property during divorce,<sup>87</sup> give judges wide discretion in dividing property between men and women upon divorce. Overall, challenges remain in fully implementing constitutional equality of women’s access to property both in the laws and their implementation.<sup>88</sup>

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<sup>1</sup> *Constitutional History of Morocco*, ConstitutionNet, 2016, available at <http://www.constitutionnet.org/country/constitutional-history-morocco>.

<sup>2</sup> Willard A. Beling, *Some Implications of the New Constitutional Monarchy in Morocco*, 18 MIDDLE EAST JOURNAL 163 (1964), available at [https://www-jstor-org.proxy.uchicago.edu/stable/4323701?seq=1#page\\_scan\\_tab\\_contents](https://www-jstor-org.proxy.uchicago.edu/stable/4323701?seq=1#page_scan_tab_contents).

<sup>3</sup> Beling, 18 MIDDLE EAST JOURNAL 163, *supra* note 2.

<sup>4</sup> *Constitution*, Moroccan Government website, available at <http://www.maroc.ma/en/content/constitution>.

<sup>5</sup> Figure based on average of World Bank annual GDP growth numbers between 2001 and 2013 from *Morocco, Annual GDP Growth (%)*, World Bank, available at <http://data.worldbank.org/country/morocco>.

<sup>6</sup> *Maternal Mortality in 1990-2015, Morocco*, WHO, UNICEF, UNFPA, World Bank Group, and United Nations Population Division Maternal Mortality Estimation Inter-Agency Group, available at [http://www.who.int/gho/maternal\\_health/countries/mar.pdf](http://www.who.int/gho/maternal_health/countries/mar.pdf).

<sup>7</sup> *Gender Data Portal, Morocco, Education*, World Bank, available at <http://datatopics.worldbank.org/gender/country/morocco>.

<sup>8</sup> *Work of Human Development: Zimbabwe*, U.N.D.P. Human Development Report 2015, available at [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/ZWE.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/ZWE.pdf).

<sup>9</sup> *Work of Human Development: Zimbabwe*, U.N.D.P. Human Development Report 2015, available at [http://hdr.undp.org/sites/all/themes/hdr\\_theme/country-notes/ZWE.pdf](http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/ZWE.pdf).

<sup>10</sup> *Morocco: MENA Gender Equality Profile, Status of Girls and Women in the Middle East and North Africa*, UNICEF 1 (2011), available at <https://www.unicef.org/gender/files/Morocco-Gender-Equality-Profile-2011.pdf>.

<sup>11</sup> *Morocco*, CIA World Factbook (2016), available at <https://www.cia.gov/library/publications/the-world-factbook/geos/mo.html>.

<sup>12</sup> *Gender Equality Profile*, *supra* note 10 at 1.

<sup>13</sup> *Gender Equality Profile*, *supra* note 10 at 1.

<sup>14</sup> The CEDAW Committee has repeatedly noted that Article 2 is central to the purpose and objective of the Convention. Report of the Committee on the Elimination of Discrimination against Women, Eighteenth and Nineteenth Session, A/53/38/Rev.1, 1998, at 49.

<sup>15</sup> *Morocco: Defending Basic Rights for Women*, CEDAW, available at <http://www.cedaw2015.org/index.php/cedaw-works/ratification-in-action/morocco>.

<sup>16</sup> Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13, art. 2.

<sup>17</sup> *Gender Equality Profile*, *supra* note 10 at 1.

<sup>18</sup> See Clare Castillejo & Helen Tilley, *The Road to Reform: Women’s Political Voice in Morocco*, Development Progress (2015), available at [http://www.developmentprogress.org/sites/developmentprogress.org/files/case-study-report/morocco\\_full\\_report-final-digital.pdf](http://www.developmentprogress.org/sites/developmentprogress.org/files/case-study-report/morocco_full_report-final-digital.pdf).

<sup>19</sup> Mohamed Madani, Driss Maghraoui, & Saloua Zerhouni, *The 2011 Moroccan Constitution: A Critical Analysis*, International Institute for Democracy and Electoral Assistance (2012), available at [http://www.constitutionnet.org/files/the\\_2011\\_moroccan\\_constitution\\_english.pdf](http://www.constitutionnet.org/files/the_2011_moroccan_constitution_english.pdf).

<sup>20</sup> Marc Champion, *Morocco Joins in, Defying Predictions*, WALL STREET JOURNAL (Feb. 21, 2011).

<sup>21</sup> *Despite a New Constitution, Moroccans Protest*, CBS News, available at <http://www.cbsnews.com/news/despite-a-new-constitution-moroccans-protest/>.



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- <sup>22</sup> Souhail Karam, *Moroccan King Triumphs in Referendum Vote*, Reuters, (Jul. 1, 2011), available at <http://www.reuters.com/article/us-morocco-reform-idUSTRE76019220110701>.
- <sup>23</sup> MOR. CONST. art. 19, 164.
- <sup>24</sup> MOR. CONST. art. 19, 164.
- <sup>25</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>26</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>27</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>28</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>29</sup> *Gender Equality and Women's Empowerment in Public Administration: Morocco Case Study*, United Nations Development Programme, available at <http://www.undp.org/content/dam/morocco/docs/GOVERNANCE/GEPA%20Morocco%20Case%20study.pdf>.
- <sup>30</sup> U.N. Women, *Morocco*, Spring Forward for Women Programme, available at <http://spring-forward.unwomen.org/en/countries/morocco>.
- <sup>31</sup> *Morocco's Workplace Gender Gap Widens*, AL-MONITOR (2014), available at <http://www.al-monitor.com/pulse/business/2014/12/morocco-women-unemployment-discrimination-workplace-gender.html>.
- <sup>32</sup> MOR. CONST. art. 34.
- <sup>33</sup> MOR. CONST. art. 30.
- <sup>34</sup> Moroccan Labor Law, *Palais de Web-Justice* (Apr. 14, 2010), available at <http://tn-juris.blogspot.com/2010/04/moroccan-labor-law.html>.
- <sup>35</sup> Moroccan Labor Law, *supra* note 34.
- <sup>36</sup> Laura Addati, Naomi Cassirer, & Katherine Gilchrist, *Maternity and Paternity at Work: Law and Practice Across the World*, International Labour Organization (2014), available at [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_242615.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_242615.pdf).
- <sup>37</sup> *Maternity and Paternity at Work*, *supra* note 36.
- <sup>38</sup> Tarik El Barakah, *Morocco: PJD Seeks to Increase Maternity Leave to 16 Weeks*, MOROCCO WORLD NEWS (Aug. 27, 2015), available at <http://www.morocoworldnews.com/2015/08/166553/morocco-pjd-seeks-to-increase-maternity-leave-to-16-weeks/>.
- <sup>39</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>40</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>41</sup> Spring Forward for Women, *supra* note 30.
- <sup>42</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>43</sup> *Morocco Majliss-annouwab*, Inter-Parliamentary Union (Nov. 30, 2016), available at [http://www.ipu.org/parline-e/reports/2221\\_a.htm](http://www.ipu.org/parline-e/reports/2221_a.htm).
- <sup>44</sup> *List of Government*, Moroccan Government Website, available at <http://www.maroc.ma/en/content/list-government>.
- <sup>45</sup> MOR. CONST. arts. 19 and 30.
- <sup>46</sup> MOR. CONST. art. 30.
- <sup>47</sup> MOR. CONST. art. 6.
- <sup>48</sup> MOR. CONST. art. 146.
- <sup>49</sup> *Morocco*, Quota Project, available at <http://www.quotaproject.org/country/?ul=en&CountryCode=MA>.
- <sup>50</sup> Quota Project, *supra* note 49.
- <sup>51</sup> Quota Project, *supra* note 49.
- <sup>52</sup> Drude Dahlerup, et al., *Atlas of Electoral Gender Quotas*, Institute for Democracy and Electoral Assistance (Jun. 20, 2014), available at <http://www.idea.int/publications/catalogue/atlas-electoral-gender-quotas?lang=en>.
- <sup>53</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>54</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>55</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>56</sup> *Morocco: Tepid Response on Domestic Violence*, Human Rights Watch (Feb. 15, 2016), available at <https://www.hrw.org/news/2016/02/15/morocco-tepid-response-domestic-violence>.
- <sup>57</sup> Human Rights Watch, *supra* note 56.
- <sup>58</sup> Human Rights Watch, *supra* note 56.
- <sup>59</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>60</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>61</sup> MOR. CONST. art. 19.
- <sup>62</sup> MOR. CONST. art. 22.

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- <sup>63</sup> Moroccan Penal Code, Dahir No. 1-59-413, art. 400, available at <http://www.wipo.int/edocs/lexdocs/laws/fr/ma/ma045fr.pdf>.
- <sup>64</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>65</sup> Mobilizing for Rights Associates, Analysis and Advocacy Chart for Draft Law # 103-13 (as updated) on the elimination of violence against women, available at <http://www.egalite.ma/attachments/article/764/MRA%20Draft%20VAW%20law%20Morocco%20Analysis%20and%20Advocacy%20Chart%20September%207%20version1.pdf>.
- <sup>66</sup> *Letter from Human Rights Watch to the Government of Morocco on Domestic Violence Reforms*, Human Rights Watch (Feb. 2016), available at <https://www.hrw.org/news/2016/02/15/letter-human-rights-watch-government-morocco-domestic-violence-law-reforms>.
- <sup>67</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>68</sup> Mohamed Ayad and Farzaneh Roudi, *Fertility Decline and Reproductive Health in Morocco: New DHS Figures*, Population Reference Bureau (May 2006), available at <http://www.prb.org/Publications/Articles/2006/FertilityDeclineandReproductiveHealthinMoroccoNewDHSFigures.aspx>.
- <sup>69</sup> *World Health Statistics 2016: Monitoring Health for the SDGs*, World Health Organization (2016) at 44-45, available at [http://www.who.int/gho/publications/world\\_health\\_statistics/2016/en/](http://www.who.int/gho/publications/world_health_statistics/2016/en/).
- <sup>70</sup> *World Health Statistics*, *supra* note 69 at 69.
- <sup>71</sup> *World Health Statistics*, *supra* note 69 at 69.
- <sup>72</sup> Paola Scommegna, *In Morocco, More Modern Contraceptive Use Plays Key Role in Decreasing Maternal Deaths*, Population Reference Bureau (Jun. 2012), available at <http://www.prb.org/Publications/Articles/2012/morocco-maternal-deaths.aspx>.
- <sup>73</sup> MOR. CONST. art. 31.
- <sup>74</sup> MOR. CONST. art. 31.
- <sup>75</sup> *Fertility Decline*, *supra* note 68.
- <sup>76</sup> Article 449 punishes “[a]ny person performing an illegal abortion” and “subject[s] [them] to one to five years’ imprisonment and payment of a fine of 120-500 DH.” Under article 452, a woman “who induces her own abortion or consents to it being induced is subject to six months’ to two years’ imprisonment and payment of a fine of DH 120-500.” Moroccan Penal Code, Dahir No. 1-59-413, art. 449, 452.
- <sup>77</sup> Moroccan Penal Code, Dahir No. 1-59-413, art. 453.
- <sup>78</sup> *Moroccan King Mohammed VI Received the Results of Consultations on Abortion from Concerned Ministerial Departments*, AFRICAN BULLETIN (May 15, 2015), available at <http://www.african-bulletin.com/8425-moroccan-king-mohammed-vi-received-the-results-of-consultations-on-abortion-from-concerned-ministerial-departments.html>; *Morocco to Allow Abortion in Cases of Incest, Rape and Malformation*, MOROCCO WORLD NEWS (May 16, 2015), available at <http://www.morocoworldnews.com/2015/05/158512/morocco-to-allow-abortion-in-cases-of-incest-rape-and-malformation/>.
- <sup>79</sup> *Morocco Liberalizes Abortion Laws, Amends Penal Code*, MOROCCO WORLD NEWS (June 10, 2016), available at <https://www.morocoworldnews.com/2016/06/188740/morocco-liberalizes-abortion-laws-amends-penal-code/>.
- <sup>80</sup> *Spring Forward for Women*, *supra* note 30.
- <sup>81</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>82</sup> MOR. CONST. art. 35.
- <sup>83</sup> MOR. CONST. art. 35.
- <sup>84</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.
- <sup>85</sup> *See, e.g.,* Katie Zoglin, *Morocco’s Family Code: Improving Equality for Women*, 31 HUM. RTS. Q. 4 (Nov. 2009), 964-984.
- <sup>86</sup> *Gender Inequality in Morocco Continues, Despite Amendments to Family Law*, NEW YORK TIMES (March 16, 2014), available at <https://www.nytimes.com/2014/03/17/world/africa/gender-inequality-in-morocco-continues-despite-amendments-to-family-law.html>.
- <sup>87</sup> Royal Edict no. 1.04.22 to Implement Law no. 70.03 as the Family Code, Feb. 3, 2004, available in English at <http://www.hrea.org/programs/gender-equality-and-womens-empowerment/moudawana/>.
- <sup>88</sup> In-Country Stakeholder Engagements, Morocco March 2016, information on file with researchers.