



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 824th meeting

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Chairperson: Ms. Šimonović

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined third and fourth periodic reports of Morocco (CEDAW/C/MAR/4 and CEDAW/C/MAR/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Morocco took places at the Committee table.*

2. **Ms. Skalli** (Morocco) said that the combined third and fourth periodic reports (CEDAW/C/MAR/4) had been prepared with the participation of the Government, non-governmental organizations (NGOs) and United Nations specialized agencies. It had been presented to Parliament, NGOs and the media in January 2008. During the reporting period, the Government had undertaken a number of institutional reforms, which included the restructuring of the Advisory Council on Human Rights and the incorporation of a gender-sensitive approach into the working methods of the Equity and Reconciliation Commission (IER).

3. On 18 May 2005, King Mohammed VI had launched the National Initiative for Human Development, developed with the participation of the Government, local authorities and NGOs. The initiative aimed to put an end to regional and gender disparities in terms of economic, social and cultural rights. The Ministry of Social Development, the Family and Solidarity was the institution responsible for guaranteeing women's rights, promoting their full participation in development and protecting them against violence and discrimination.

4. At its most recent cabinet meeting, the Government had studied the withdrawal of its reservations to the Convention and ratification of the Optional Protocol. It had withdrawn its reservations to article 15, paragraph 4, article 9, paragraph 2, article 16, paragraph 1 (e) and article 16, paragraph 2. In addition, it had reviewed its declarations on certain articles. It had maintained the first part of the declaration on article 2 and had reviewed the second part of that declaration. With regard to article 16, paragraph 1, it had replaced the reservation with interpretative declaration on subparagraphs (a), (b), (c), (d), (f), (g) and (h).

5. With the support of women's groups, the King and international partners, the Government had undertaken a number of legislative reforms. The Family Code had been comprehensively revised to include the principles of equality and shared responsibility. The amendments had abrogated the guardianship obligation, established the minimum age of marriage at 18 for both men and women and provided for judicial divorce under legal supervision. Under the new Family Code, women could apply for divorce on the grounds of discord. Article 121 of the amended Family Code contained provisions aimed at protecting women and children in case of litigation between spouses. The amendments to the Family Code would contribute to a change of attitudes, but it was clear that mentalities and social practices would not change immediately. To complement those amendments, judges had been provided with training and a guidebook. Family courts had been set up within tribunals and women had acceded to positions as family court judges.

6. The Penal Code, the Code of Criminal Procedure and the Labour Code had been amended to remove measures that discriminated against women, provide better safeguards for the protection of human rights and penalize sexual harassment and ensure equal job opportunities for men and women. Under the Nationality Act of 2007, women could pass on their nationality of origin to their children born to a foreign father (article 6). The Government had continued with efforts to harmonize national legislation with international human rights instruments ratified by Morocco.

7. In spite of the fact that gender equality was clearly established by law, a culture of discrimination persisted due to the insufficient role of the media in combating stereotypes and inadequate information provided to women, especially rural women, about gender equality legislation. Furthermore, the support networks for women victims of violence must be strengthened. With regard to women's participation in political and public life, since 2002 women had acceded to the House of Representatives through the national list and 10.8 per cent of members of Parliament were women. In 2007, seven women had been appointed to the cabinet. However, no provisions for affirmative action had been established.

8. In 2002, the Guidelines of the National Education and Training Charter had been established, aimed at

combating stereotypes, promoting education on equality and improving women's image in the media. Gender equality and equal opportunity had been incorporated into the strategic framework of the education system. Education policies and review commissions ensured that the notion of gender equality was respected in textbooks. A gender perspective had been mainstreamed into all government policies, including budgeting. A gender-responsive budgeting process had been initiated in December 2002 and for the third consecutive year a gender report had been published by the Ministry of Finance and Privatization to assess the efficiency of public policies and promotion of justice through budgetary allocations.

9. Following broad-based consultations, the Government had adopted the National Strategy on Gender Equality and Justice in development programmes on 19 May 2006. As part of its gender mainstreaming strategy, it had produced gender-related statistics and established gender focal points. Action plans had been prepared and a gender audit undertaken at the Ministry for Social Development, the Family and Solidarity, the Ministry of Communication and the Ministry for the Modernization of Public Sectors. The Government had also taken steps to give impetus to the Gender Cooperation Committee set up in June 2007 with international partners with a view to harmonizing equality-oriented actions. The establishment of a Higher Council for Women was under consideration.

10. The Government had implemented a number of measures to complement the Operation Plan for the National Strategy on the Elimination of Violence against Women established in 2004. A helpline and a standardized information system had been set up. A bill on the elimination of violence against women and a national observatory on violence against women were under consideration. Legal and psychological counselling centres for women victims had been expanded. Two reception centres had been set up at the university medical centres in Rabat and Casablanca and reception units were being set up within courts of first instance. Gender focal points had been established within the Judicial Police Directorate. The national awareness-raising campaigns were part of the drive to promote a culture of equality, along with a national survey on gender-based violence. Finally, care centres for women victims of violence and abuse perpetrators had been established.

11. Greater equality in education had been achieved, though there were disparities between rural and urban areas. Major improvements in employment legislation included a policy statement on non-discrimination. A 2006-2015 national plan of action to combat child labour had been implemented in the 12 main cities. The Government was also promoting the participation of women in small and medium-sized industries. The main development in the area of health had been the establishment of free health care for all citizens.

12. In conclusion, the Government intended to establish an action plan to pursue its strategy of mainstreaming a gender perspective, continue to withdraw its reservations to the Convention and accede to the Optional Protocol, to pursue legislative reforms, adopt provisional measures to promote women's participation in public life and promote a culture of equality in society.

Articles 1 to 6

13. **Ms. Schöpp-Schilling** said that the delegation should clarify whether the withdrawal of the reservations had been deposited with the Secretary-General. She asked when the Government intended to amend the Constitution in order to include the principle of equality and the precedence of the Convention over domestic legislation. She wondered whether special temporary measures were implemented in practice and whether the Constitution would be amended to allow for their implementation. Clarification should be provided of the violations of women's human rights addressed by the Equity and Reconciliation Commission and of the compensation paid to women victims.

14. **Mr. Flinterman**, referring to the status of the Convention in relation to domestic legislation, said that additional information should be provided on the conditions in which the judiciary applied the Convention's provisions. It would be interesting to know whether there were specific laws that established the precedence of international agreements and whether there were any plans to establish that in the Constitution. He asked whether the principle of equality in the Constitution corresponded with the wide definition of discrimination provided for by the Convention. Additional information should be provided on the applicability of the Convention in Western Sahara.

15. **Ms. Patten** wished to know whether a time frame was in place for the notification of the withdrawal of reservations to the Secretary-General. The reporting State should also clarify whether the new version of the declaration with respect to article 2 of the Convention and the interpretative declaration replacing the reservation to article 16, paragraph 1, subparagraphs (a) to (d) and (f) to (h), of the Convention had been finalized, and provide more information as to their content and scope. A definition of discrimination encompassing both direct and indirect discrimination should also be incorporated in the Constitution.

16. She asked to know whether the Ministries of Justice and Foreign Affairs had submitted their recommendation for accession by Morocco to the Optional Protocol to the Government Council and, if so, when the accession process would begin.

17. She was curious to know whether there had been any cases relating to the precedence of international instruments over domestic legislation in addition to the two Supreme Court decisions mentioned on page 3 of the responses, and whether the judiciary and the legal profession were given any training in that regard.

18. Lastly, she asked the delegation to clarify whether the Convention or the Labour Code applied in the case of a labour conflict resolution.

19. **Ms. Shin** asked where women could take their complaints if judges in rural areas were reluctant to apply the new Family Code.

20. She would be interested to know whether the bill on the elimination of violence against women included all violence against women or only domestic violence and whether it defined violence against women as a social crime. She would also appreciate more information concerning the bill's content and time frame.

21. Lastly, she wished to know more about the composition and work of the Advisory Council on Human Rights.

22. **The Chairperson**, speaking as a member of the Committee, requested clarification concerning the applicability of the Convention and asked which entity was responsible for ensuring compatibility between domestic legislation and international conventions. She would also appreciate more information concerning Morocco's efforts to harmonize its domestic legislation with international human rights treaties.

23. She was pleased with the degree of cooperation with NGOs thus far, but was curious to know how the Government planned to include them in the implementation of the Committee's concluding comments. She also wished to know whether those comments would be forwarded to Parliament.

24. Lastly, the Committee would appreciate input from the Advisory Council on Human Rights the next time Morocco reported to the Committee.

25. **Ms. Skalli** (Morocco) asked the Committee to bear in mind that the Government was still very young. For that reason, certain steps had not been taken as quickly as they perhaps should have been. In reality, however, many reservations had been withdrawn. For example, the fact that the Nationality Act now allowed women to transfer their nationality of origin to children born of a foreign father demonstrated that Morocco's reservation to article 9 had been withdrawn. The same was true for other reservations. The process was, therefore, under way; all that remained was approval by the Government Council and Council of Ministers and the royal seal. She was confident that the process would be completed in the coming weeks or months. In her capacity as Minister of Social Development, the Family and Solidarity, she would closely monitor the situation and ensure that the Secretary-General was notified as soon as a decision was taken.

26. With regard to the implementation of the new Family Code in rural areas, she said that old attitudes died hard. For example, even though the legal minimum age of marriage was 18, many people considered a girl of 15 or 16 to be old enough to marry. In order to get around the law, many couples were married in a simple religious ceremony; only when the girl became pregnant was the judge asked to validate the wedding.

27. **Ms. Mezdali** (Morocco) said that various pieces of Moroccan legislation, including the Nationality Act and the Penal Code, clearly stated that international treaties and conventions took precedence over domestic legislation. She listed a number of Supreme Court decisions taken to that effect.

28. **Ms. Skalli** (Morocco) said that the report already provided a considerable amount of information about the Equity and Reconciliation Commission and the actions taken by it, and about the implementation of a gender approach with regard to past human rights

violations. Indeed, public hearings had been held for both male and female victims.

29. Morocco's laws and human rights mechanisms applied equally throughout the territory; there was no discrimination. On the contrary, the National Initiative for Human Development had been set up to help underdeveloped regions access funds for development. Furthermore, Morocco's freedom of the press ensured that any human rights violations that did occur became widely known.

30. **Ms. Khamlichi** (Morocco) said that in some cases the Equity and Reconciliation Commission had compensated victims of past human rights violations at the regional level, for example by setting up development programmes in their region. A gender-sensitive approach ensured that men and women benefited equally from such programmes. Since 2007, victims of past and present violations had benefited from comprehensive healthcare coverage. In addition, a National Plan of Action for the Promotion of a Culture of Human Rights had been drawn up. The Plan of Action, which had been made public in 2007 and was now in the process of being implemented, aimed to raise awareness about human rights so that they became a reality in the country.

31. **Mr. Bastaoui** (Morocco) said that the Equity and Reconciliation Commission had established that the human rights violations suffered by women in the past included enforced disappearance, arbitrary detention and sexual violence. The compensation offered by the Commission had taken various forms: financial compensation; medical and psychological rehabilitation; and community reparations. The Commission's recommendations had been forwarded to the Advisory Council on Human Rights, which was responsible for implementing them. The Advisory Council — a national institution based on the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles) — issued advisory opinions on the protection and promotion of human rights and fundamental freedoms, published annual reports on the human rights situation in Morocco, issued recommendations on harmonizing domestic legislation with international commitments, encouraged Morocco's ratification of various international instruments, examined human rights violations and issued recommendations in that regard. The Council

was a very active member of the International Coordinating Committee of National Institutions.

32. One of the recommendations of the Equity and Reconciliation Commission had been that the Government should conduct constitutional and institutional reform so as to provide constitutional safeguards for human rights. In response, the Advisory Council had established a tripartite committee composed of representatives of Government and civil society and experts to study the issue.

33. **Ms. Skalli** (Morocco) said that all of Morocco's human rights bodies were headed by former victims of human rights violations. Both the former president of the Equity and Reconciliation Commission and the current president of the Advisory Council on Human Rights had been political prisoners. Furthermore, most of the Advisory Council's members were well known for their commitment to human rights. Lastly, nine of the members of the Advisory Council on Human Rights were women.

34. **Ms. Gaspard** noted that Morocco no longer had a ministry responsible specifically for women's rights, but rather a Ministry of Social Development, the Family and Solidarity. She would be interested to know how many of the Ministry's resources were allocated to the promotion of equality and to coordination with other ministries, particularly in view of its considerable portfolio.

35. Commenting on the delegation's statement that the report had been submitted to Parliament earlier that month, she said that the Government was not obliged to consult Parliament. It should, however, transmit the Committee's concluding comments to Parliament, since they often called for changes to legislation.

36. **Ms. Chutikul** welcomed the commitment to gender-sensitive budgeting, but wished to know the size of the gender equality budget as a percentage of the total national budget.

37. She would also appreciate more information about gender-responsive indicators, in particular those drawn up by the Social Development Agency (ADS).

38. With the advent of gender mainstreaming in two ministries, she wished to know whether the gender focal points were still in operation. She also requested more information concerning the national strategy for equality and justice.

39. Lastly, she requested more information about the Moroccan Centre for Information, Documentation and Research on Women (CMIDEF) and the Higher Council for Women.

40. **Ms. Dairiam** noted from the report that, while poverty in general had fallen, poverty among women had not fallen at the same rate; indeed, women were still at greater risk of poverty, vulnerability and social exclusion than men. She asked about specific measures aimed at poor women and concrete examples of the introduction of a gender approach.

41. Paragraph 66 of the report referred to the integrated, participatory approach of the National Initiative for Human Development (INDH); according to paragraph 63, however, one of the factors making public policies ineffective was the presence of multiple stakeholders. She would be interested to know what the Government was doing to ensure that women were represented in INDH-related decision-making. The delegation should also clarify the relationship between INDH and the national strategy for gender equality and justice, and explain which institution was responsible for ensuring that women contributed to, and benefited from, the National Initiative for Human Development. She wondered whether the Ministry of Social Development, the Family and Solidarity had the necessary authority and the resources to introduce gender mainstreaming.

42. It would be interesting to know which entity was responsible for the content of the report and for the implementation of the Committee's concluding comments, so as to ensure that they were binding on all sectors.

43. **Ms. Neubauer** said that a reference to women or to gender equality in the name of the Ministry could help women to identify with it as the main Government structure responsible for promoting their rights. She would like to hear how many of the Ministry's staff members were experts in gender equality and women's human rights and had responsibility in that area, especially in relation to the Convention. It would also be interesting to know how the Ministry performed its role of coordinator and whether focal points existed at the regional and local levels or only at the national and departmental levels.

44. **Ms. Gabr** asked how the Government would go about the arduous task of tackling stereotypes that stood in the way of effective implementation of new

legislation for the advancement of women. She also asked what measures had been taken to raise awareness in education and the media and if there was any global plan for combating stereotypes. Training was needed not only for judges, but for lawyers, law enforcement personnel and parliamentarians. It was very important to strengthen the image of women as responsible decision-makers in the family and in civil society.

45. **Ms. Pimentel** asked about efforts to eliminate remaining discriminatory provisions, such as article 418 of the Penal Code, which covered crimes of honour. She wished to know which existing laws explicitly prohibited domestic violence, whether there was any national jurisprudence on the subject, particularly in relation to rape and other forms of sexual violence, and how the issue of consent was dealt with. She also asked if any legal or educational measures had been taken to combat the common practice of forcing a rape victim to marry the rapist.

46. It would be interesting to hear about the status of the new draft law to combat violence against women and whether it criminalized violence within the family, including marital rape. She also asked if results had been achieved in relation to the image of women in the media.

47. **Ms. Ara Begum** commented that the figures for crimes involving physical and sexual violence seemed to be increasing at an alarming rate. She asked about the Government's plans to eliminate the remaining discriminatory laws and what action it was taking to provide shelters and support services for battered women.

48. **Ms. Chutikul** asked for an explanation of the very high figures relating to the number of cases of trafficking and the number of persons arrested for trafficking in 2005. She asked how trafficking was defined, how cases were classified and whether the terms "prostitution" and "trafficking" were being used interchangeably. If Morocco had not yet ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), she wished to know whether it would consider doing so, and if Morocco had any plans to draft legislation on trafficking in persons. As a country of origin, transit and destination of trafficking, Morocco could make use of the OHCHR Recommended Principles and Guidelines for Human Rights and Human Trafficking as a working paper for

that purpose. She asked whether provisions already existed to penalize traffickers, especially any Government officials involved.

49. **The Chairperson**, speaking as a member of the Committee, asked for more information on how the Government planned to proceed with adoption of the new law on the elimination of violence against women and whether it planned to make use of the guidance offered by the Committee in General Recommendation No. 19. As countries began to recognize domestic violence as a human rights violation, the issue was no longer taboo, and the number of cases reported often increased. Clear statistical data were therefore very important. She asked if any data were available on the number of women murdered by their husbands, ex-husbands or relatives in crimes of honour. Such data could be used to analyse the situation and see what measures and services were needed.

50. **Ms. Skalli** (Morocco) said that the Ministry of Social Development, the Family and Solidarity was the mechanism for promoting women's rights. Previously there had also been a Secretariat of State for the Family, Child Welfare and Persons with Disabilities, but the two had been merged into a single Ministry. The merger was the result of a new vision of social development which placed women, children, persons with disabilities and older people at the centre of social development and the efforts to achieve gender equality. There were also two additional public agencies, the National Mutual Assistance organization and the Social Development Agency, which followed the Ministry's guidelines in their activities to implement gender equality and combat poverty.

51. The National Initiative for Human Development was complementary to the Government's sectoral actions. Social development was a mainstream action involving many other ministries and the Ministry of Social Development, the Family and Solidarity was the coordinator of social policy. The Initiative included the gender perspective, giving priority to actions in communes where poverty rates were higher than the national average. It was the female population that benefited the most from its income-generating activities.

52. **Ms. Benyahya** (Morocco) said that the Convention was a key reference for the National Strategy for Gender Equality and Justice, which had been submitted to the Committee. The first draft had

been ratified after an 18-month period of preparation and had received the support of all the interested parties, including representatives from civil society and women's organizations. The final version had been disseminated throughout Government institutions and was used to support effective strategies to promote a gender-sensitive approach. Coordination centres in all government institutions and throughout the country played an essential role in devising plans of action on specific topics. Civic education was a key factor in changing mentalities and raising awareness and women teachers had been trained in the importance of human rights.

53. **Mr. Snoussi** (Morocco) said that the budget allocated to the Ministry of Social Development, the Family and Solidarity as the national mechanism for promoting women's rights had been 395.96 million dirhams in 2007 and 460.678 million dirhams in 2008, which was about 0.3 per cent of the State budget, an increase of over 16 per cent.

54. **Ms. Jalal** (Morocco) said that gender-sensitive budgeting did not imply a separate budget for men's and women's issues but introduced a new concept of budgeting that aimed to take into account the different needs of men and women, girls and boys, in both rural and urban areas in order to devise a public spending policy that supported equality and equity.

55. Morocco had introduced a gender-sensitive budgeting project in 2002 as part of a budgetary reform to introduce results-based budgeting. Commitments were made to achieve concrete results through coordination between all departments. The aim was to reduce the pressure on women's time so that they could enjoy their economic, political and human rights.

56. Since 2005, the budget had been accompanied by a gender report on the work of 17 ministries. It was available in Arabic, French and English and contained a gender analysis of public expenditure, based mainly on performance indicators. There had been positive impacts in education, with a reduction of the illiteracy rate and the associated gender disparities. Two million adults, 80 per cent of them women, had benefited from adult literacy efforts over the period 2002-2006. Access to potable water had been extended to reach 92 per cent of the population, which contributed to reducing the pressure on women and girls, who were usually responsible for carrying water. Electricity, which eliminated the need to spend time gathering

wood, was available to 84 per cent of the rural population (access in urban areas was already 99 per cent) and there should be complete coverage by the end of 2008. The road network, which meant access to markets and to education, health and other services, had also been extended. The 2003 coverage level of 49 per cent had been increased to 61.5 per cent in 2007. Gender-sensitive budgeting was a new way to consider public expenditure in a global manner.

57. **Mr. Bouazza** (Morocco) noted that the poverty indicator had improved, falling from 14.2 per cent in 2004 to 11.7 per cent in July 2007 and that the National Initiative for Human Development benefited women in a number of ways. Although the numbers of women participating in management of the initiative at the national, regional, provincial and local levels were low, there was a strong political will to increase their participation. The gender dimension was a major principle of the initiative and was taken into account in all of its activities and in project selection. The initiative included a programme to combat poverty in rural areas, a programme to combat exclusion in urban areas, a programme against insecurity and a cross-cutting programme.

58. All of the Initiative's training programmes included a major module on the gender approach and the efforts to combat poverty focused on the development of opportunities, including small businesses and microcredit. Over 70 per cent of the beneficiaries of microcredit were women and four of Morocco's 13 microcredit institutions had recently been included among the 50 best institutions in an international classification. The Ministry was about to launch a national strategy against poverty which would include the gender perspective.

59. **Ms. Skalli** (Morocco) said that the increase in the statistics for violence against women reflected an improvement in reporting mechanisms rather than an increase in the actual incidence of violence.

60. **Ms. Tahiri** (Morocco) said that the national strategy to eliminate violence against women took several forms, including the compilation of statistics; the bill submitted in October 2006 with a view to amending the Penal Code, which took into account the Committee's recommendations and the declaration on violence against women; the national hotline for women and girl victims of violence; and counselling centres run by NGOs, which reported that 80 per cent

of the women who consulted them were victims of domestic violence. The future national survey on violence was included in the 2008-2009 Plan of Action; during that period, services for victims would also be expanded under the Ministry of Justice, the Ministry of Health and the police. Other initiatives included the establishment of an observatory that would evaluate all governmental and non-governmental efforts and the development of cooperation and data collection mechanisms.

61. **Mr. Zirari** (Morocco) said that violence against women was first and foremost a health issue with an impact on the victim's psychological well-being. The national strategy included not only the establishment of centres at which women could obtain counselling and guidance, but 16 clinics for victims at regional health centres. The goal was to make the treatment of violence against women part of the primary health care system so that it would be available throughout the country and to ensure that victims were issued a medical certificate that they could use when seeking justice in the courts.

62. **Ms. Mezdali** (Morocco) explained that the Penal Code covered all sexual offences and included penalties for violators. However, the Code did not mention marital rape because there was some question as to whether it was a crime; marriage was a legal relationship that gave rise to a conjugal duty.

63. Legal aid was available to victims, who received a guide to the services available. Court judgements in such cases were publicized in the media and included in the training provided to judges. A document listing all the relevant provisions of domestic law was also published. The national strategy provided for cooperation between national bodies and between national and international bodies in combating violence against women.

64. **Ms. Skalli** (Morocco) said that the National Charter for Enhancement of the Image of Women in the Media embodied the Government's strategy for combating gender stereotypes. The Ministry of Habous and Islamic Affairs conducted national campaigns to combat violence against women and in the mosques, the clergy disseminated a positive image of women and stressed that they were entitled to the exercise of their rights.

65. **Mr. Ouassara** (Morocco) said that each of the Councils of Oulémas, formerly all-male, now included

a women theologian who dealt with women's issues; the Fatwas Council also included women. Since 2003, the Ministry had prepared guides for Muslim women and distributed them in the mosques.

66. **Ms. Skalli** (Morocco) said that the current report had already been submitted to both houses of Parliament and that she would convey the Committee's concluding comments, which gave an extremely useful outside perspective, to the Government Council and Parliament on her return. Every effort would be made to ensure that future activities aimed at promoting gender equality were the result of consensus between the relevant ministries and organizations of civil society.

Articles 7 to 9

67. **Ms. Gaspard** said that the situation in Morocco with regard to the number of women in decision-making posts was simply unacceptable; article 4, paragraph 1, of the Convention provided for the adoption of special temporary measures in order to accelerate gender equality. In its responses to the list of issues, the Government stated that in 2002, the political parties had committed to reserving 30 seats on a national list exclusively for women so that 30 women could enter the House of Representatives in the 2002 elections. She wondered whether that initiative had borne fruit in the 2007 elections and whether any of the parliamentary committees were currently chaired by women. It was also important for women to be represented at the municipal level; in India, for example, a 30 per cent quota for women on the town councils had long been in place and had led to change in areas that would otherwise have been ignored, including access to water since it was carried by women and thus of little interest to men.

68. She hoped that the next report would include a table showing progress with respect to the number of women in the justice system and other decision-making bodies. Lastly, 20 per cent of the members of the Consultative Council on Human Rights (CCDH) were women; the Council should include equal numbers of men and women.

69. **Ms. Neubauer** said she hoped that temporary special measures to accelerate gender equality, especially in policymaking posts, would be included in future national action plans. She wondered what specific measures were being taken in implementation

of the declaration in which the Government had committed itself to promoting women's access to elected institutions and decision-making positions through affirmative action.

70. In its responses to the list of issues, the Government stated that women's participation in the upcoming 2009 elections would be enhanced through legislative and regulatory measures that had yet to be formulated; time was growing short and she wondered what was being done to increase the number of women in both elected and appointed posts, including in the diplomatic service.

71. **Mr. Flinterman** commended the Government on the withdrawal of its reservation to article 9, paragraph 2, of the Convention, which was incompatible with two articles of the Nationality Code: article 10 made the acquisition of Moroccan nationality more difficult for foreign husbands of Moroccan women than for foreign wives of Moroccan men, while article 19 suggested that Moroccan women could lose their nationality upon marriage under certain circumstances. The delegation had stated that international instruments that had been duly ratified took precedence over national law; he wondered whether women would henceforth be able to use the Convention in the courts as a basis for overruling discriminatory provisions of the Code.

72. **Ms. Belmihoub-Zerdani** said that while she was pleased that foreign men could now acquire the nationality of their Moroccan wives, it was her understanding that they had already had that right under the 1958 Nationality Code and that the discrimination embodied in article 10 of the new Code had not been included in the previous one.

73. Under article 6 of the new Code, a Moroccan woman, whether resident in Morocco or abroad, could transmit her nationality to all her children, including those born before April 2007 when the Code had entered into force. She wondered, however, whether the children of a Moroccan woman who lost her nationality upon marriage under the circumstances mentioned in article 19 of the Code would be ineligible for Moroccan citizenship.

74. **Ms. Skalli** (Morocco) said that she had been a member of Parliament during the drafting of the Nationality Code and was familiar with its provisions. Article 19 gave women the option of surrendering their Moroccan nationality upon marriage to a foreign man, but it in no way obliged them to do so; thus, it could be

seen as conferring on women a right that men did not have.

75. During the drafting process, she had proposed that article 10 should give Moroccan men and women the right to transmit their nationality to a foreign spouse under equal conditions; in its current form, the article was nonetheless an improvement over the previous Nationality Code. It should be noted that the new Code made it more difficult for foreign spouses, both men and women, to acquire Moroccan nationality; the waiting period had been extended to five years as part of a worldwide trend to make citizenship requirements more stringent.

76. Unfortunately, the Government had tended to rely on the political parties to include women in their lists of candidates rather than obliging them to do so. There had been a great deal of competition for the 30 seats reserved for women in the 2002 elections and, as a result, the women elected represented the elite of each political party. Because the national authorities and non-governmental organizations (NGOs) had actively pursued awareness-raising campaigns during the next five years, it had been hoped that the 2007 elections would further increase the number of women in elected office; however, that had not been the case. The Government now realized that without affirmative action, there would be no progress in that area. The Electoral Code was currently under review and efforts would be made to provide for affirmative action measures aimed at increasing the number of women elected to municipal office in the 2009 elections.

The meeting rose at 1.05 p.m.