



Country matrix 2024

Morocco

The country matrix adopts and adheres to the coding standards adopted in the "Gender Justice and the Law" initiative.

General framework of the State

Has the State ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)? Does it have any reservations on the implementation of the provisions of the Convention?

Morocco ratified the Convention in 1993, entering some reservations. The Government still expresses reservations to article 29 (1) (dispute settlement) and maintains the declarations it made regarding article 15 (4) (on the grounds that women do not have the right to choose a place of residence and a place of home, except to the extent that this does not contradict the relevant provisions of the Family Code also known as Mudawana); and article 2 (with reference to the willingness of the Government of Morocco to apply the provisions of this article on the condition that it does not conflict with the provisions of Islamic law). Morocco lifted its initial reservation to article 9 (2) in April 2006.

Does the Constitution refer to gender equality and non-discrimination?

Article 19 of the Constitution of Morocco states that a man and woman enjoy, on an equal basis, civil, political, economic, social, cultural, and environmental rights and freedoms.

If customary law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on gender

equality or non-discrimination?

According to article 6 of the Constitution, the constitutionality of the legal rules and their hierarchy and the obligation to publish them are binding principles, and the law is the highest expression of the will of the nation, but there is no text, reference or mention of how to deal with customary law.

If personal law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on equality or non-discrimination?

Islam is the State religion, and according to the Family Code, while no text appears in this law, the Maliki school (a school of Islam) should be referred to and an independent judgment (ijtihad) made that takes into account the realization of Islamic values in justice, equality and good cohabitation. Neither the Constitution nor any legislation or ijtihad addresses the validity of the Personal Status Law as a law that deals with personal status when it conflicts with constitutional provisions on equality and the prohibition of discrimination.

Do national laws clearly define the mandate and jurisdiction of informal justice systems, where they exist, in terms of their enforcement of formal and informal laws, both of which must conform to international standards, including non-discrimination?

The law does not specify the powers and authorities of informal justice systems.

Is there a law on discrimination that prohibits both direct and indirect discrimination against women?

Article 19 of the Constitution states that men and women enjoy, on an equal basis, civil, political, economic, social, cultural, and environmental rights and freedoms. According to the Criminal Code, discrimination is every differentiation between natural persons on grounds of national origin, social origin, colour, sex, marital status, state of health, disability, political opinion, trade union affiliation, or on grounds of affiliation or presumed non-affiliation with a race or to a particular nation, line or religion, but there is no normative legislative framework prohibiting direct and indirect discrimination against women.

Is there a national action plan or policy to address violence against women and girls that is overseen by a national mechanism with the mandate to monitor and review implementation?

Morocco adopted the national strategy to combat violence against women and girls by 2030, which is based on four internationally recognized pillars: protection, prevention, prosecution and judicial follow-up.

Additionally, the Marrakesh Declaration was adopted in 2020

to combat violence against women. It is a unified initiative launched by the National Union of Women of Morocco. It includes a set of integrated commitments for various ministries and public institutions concerned with the issue of violence, assault or gender discrimination. It also aims to encourage the concerned parties to take concrete action to eliminate violence against women and gender discrimination.

Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women and girls by creating an obligation on the Government to provide a budget or allocation of funding for the implementation of relevant programmes or activities?

According to article 32 of the Finance Code, government departments and national institutions must define their programmes according to clear objectives and accurate data from a gender perspective.

Is there a national strategy or action plan currently in place containing measures to ensure full and equal access to the entire range of sexual and reproductive health information, services and supplies, with budgetary, human and administrative resources allocated for its implementation?

The 2023 Finance Bill allocates a special budget for the Ministry of Health and Social Protection dedicated to reproductive health, maternal and child health, youth health, and persons with disabilities.

Is legal aid mandated in criminal matters?

Royal Decree No. 65-514 of 17 Rajab 1386 H (2011) guarantees legal aid in criminal matters. It is important to stress that the law allows the granting of legal aid before all courts, but it is mostly limited to legal representation in all court proceedings.

Is legal aid mandated in civil/family matters?

Yes. As mentioned above.

Are there laws that explicitly require the production and/or dissemination of gender statistics?

The Higher Planning Commission gives utmost priority to the inclusion of a gender approach in its statistical programme, in line with the guidelines and recommendations issued by the United Nations Statistical Commission, but there is no law that expressly requires the release or publication of statistics disaggregated by gender.

Legal capacity and public life

Do women and men have equal rights to apply for passports?

According to article 1 of Decree No. 2.08.310, a biometric passport is the national personal travel document. It is available to every Moroccan citizen, regardless of age.

Do women and men have equal rights to obtain an identity card?

According to article 1 of Law No. 35.06, every Moroccan citizen

over the age of 18 can obtain an electronic national identity card.

In civil law matters and procedures, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?

According to the Civil Procedure Code, litigation is available only for those who have legal capacity and interest. No exceptions are mentioned for women. Article 252 of the

Personal Status Law states that any individual who has reached the legal age and is not deprived of his/her legal capacity can exercise his/her rights and fulfil his/her obligations.

In personal/family law matters, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?

There is no clear provision in the Civil Procedure Code or Personal Status Law that requires a man's

permission to file any lawsuits. According to article 22 of the Family Code, married couples have civil capacity to exercise litigation rights in all matters related to marriage issues, including rights and obligations. Article 252 of the Family Status Law states that any individual who has reached the legal age and is not deprived of his/her legal capacity can exercise his/her rights and fulfil his/her obligations.

Does a woman's testimony carry the same evidentiary weight in court as a man's?

The testimony of a woman has the same evidentiary weight as a man's in all courts, including personal status courts, religious, civil and criminal courts, and family courts. There is no legal text that stipulates that the testimony of women carries less weight than a man's.

Can a woman enter into a contract the same way as a man?

There is no discrimination regarding women's right to enter into contracts.

Does the law allow for women to register businesses the same way as men?

The Commercial Code regulates the civil practice of commerce, and there is no discriminatory provision against women. According to article 17, a married woman has the right to practise business without relying on her husband's permission. Any agreement to the contrary is void.

Do women and men have equal rights to own, access, and control or use property?

Before 2019, women's rights to inheritance of land were infringed upon until Parliament issued laws to regulate the so-called dynastic lands. Tribes and village circles termed "dynasties" used to apply laws based on outdated customs that included depriving many women of the "dynasties" of their share of the inheritance. Law No. 62.17 includes provisions that clearly stipulate the principle of equality. According to article 6 thereof: "members of family groups, male and female, can enjoy the use of the property of the group to which they belong".

Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, judiciary)?

Article 19 of the Constitution states that a man and women enjoy, on an equal basis, civil, political, economic, social, cultural, and environmental rights and freedoms. According to article 1 of the Public Service Code, every Moroccan has an equal right to assume public office and there is no difference between the two sexes when applying this basic law, except as required by or arising from a special law. In spite of all these elements, there are no positive measures regarding women assuming public office in an equal manner as men.

Are there quotas for women (reserved seats) in the national parliament?

A total of 90 seats out of 395 (22.8 per cent) are reserved for women, according to Basic Law No. 16-20, amending Law No. 27-11, which is less than the internationally accepted proportion of 30 per cent.

Is there a law that explicitly prohibits violence against women in politics and elections?

There is no law prohibiting any form of violence against women in politics and/or elections.

Protection from violence against women and girls in the public and private spheres

Is there legislation on domestic violence that includes all forms of physical violence?

According to article 1 of Law No. 103.13, every act that harms or impairs the bodily integrity of women, regardless of the

offender or the manner or place of its commission, is deemed a crime.

Is there legislation on domestic violence that includes all forms of sexual violence?

According to article 1 of Law No. 103.13, sexual violence is any utterance, act or exploitation that violates the sanctity of a woman's body for sexual or commercial purposes, regardless of the means used.

Is there legislation on domestic violence that includes all forms of psychological/emotional violence?

Article 1 of Law No. 103.13 states that any verbal insult, coercion, threat, neglect or deprivation is considered a criminal act.

Is there legislation on domestic violence that includes financial/economic violence?

Article 1 of Law No. 103.13 states that every action or omission of an economic or financial nature that harms or is likely to harm women's social and economic rights is considered a clear violation.

Are there criminal and civil protection orders available for victims of violence for which a breach (constitutes a criminal offence) has legal consequences?

Law No. 103.13 allows protection orders that prohibit a person convicted of the offence of harassment or sexual assault, abuse, or violence against women or minors from contacting or approaching the victim or communicating with her. Violations of protection orders or preventive measures may result in imprisonment or

fines. The law requires that a criminal case be instituted against the perpetrator for the woman to obtain a protection order.

Does the law allow mitigating circumstances for femicide?

Moroccan legislation does not provide for excuses or mitigating circumstances in cases of so-called "honour crimes". However, the Criminal Code (article 418) stipulates mitigating circumstances for so-called "crimes of passion", for example, when the husband or wife benefits from a reduced sentence when the male or female partner is killed in the case of adultery. The reduced sentence also applies to the head of the family accused of assaulting or beating a person he found in his home having illegal sex.

Does the law criminalize female genital mutilation (FGM) or cutting if practised?

There is no law specifically prohibiting FGM/cutting.

Does the law criminalize adultery?

Any married person found guilty of adultery is punished by imprisonment for a period of between one and two years. A trial for adultery may only be prosecuted on the basis of a complaint from the victim's spouse.

Do laws that criminalize rape act based on absence of consent without requiring proof of the use of physical force or penetration?

The Criminal Code criminalizes rape and defines it in article 485 as sexual intercourse without the woman's consent.

Does the law criminalize marital rape?

Marital rape is not a crime, but marital rape can sometimes be criminalized under rape or other laws.

Does the law include exoneration if the offender marries his victim?

There is no "marriage to the rapist/abductor" clause in the Criminal Code.

Is sexual harassment defined in any legislation?

The Criminal Code deals with sexual harassment, which is punishable under it by imprisonment from one to two years and a fine from 5,000 to 50,000 Moroccan dirhams for anyone who uses orders against others or threats or means of coercion or any other means using the powers conferred upon him by his duties for purposes of a sexual nature.

Is there a provision in the law that criminalizes cyberviolence against women and girls?

Based on article 5 of Law No. 103.10, sexual harassment offences occurring via phone or electronic messages, written or depicted, that are of a sexual nature are legally punished. Anyone who undertakes by any means, including information systems, to damage or expose people's private lives will be punished.

Are sex work and prostitution criminalized?

Prostitution is criminalized under Article 498 of the Criminal Code.

Are there comprehensive provisions (punitive, protective and preventive) on human trafficking in any law?

Law No. 27-14 on Combating Human Trafficking obliges the State to provide protection, health care, housing, and psychological and legal assistance for victims of human trafficking.

Employment and economic benefits

Does the law mandate non-discrimination against women in employment?

Article 9 of the Labour Code states that "it is prohibited to discriminate between employees on grounds of race, colour, sex, disability, marital status, political opinion, trade union affiliation, national origin or social origin, which violates or distorts the principle of equal opportunities". Article 478 of the Labour Code states that "private recruitment agencies are prohibited from any discrimination based on race, colour, sex, religion, political opinion, national origin or social origin affecting the principle of equal opportunities and treatment in employment".

Does the law mandate equal pay for the same work as men?

Article 346 of the Labour Code prohibits discrimination in pay between men and women.

Does the law mandate equal remuneration for work of equal value?

Article 346 of the Labour Code states that it is not permissible to discriminate between men and women if the work they perform is of equal value.

Does the law allow women to do the same jobs as men?

Women are prohibited from practising some professions because of "excessive risk", or because the job may be "beyond their capabilities", or because the job is likely to "infringe on good morals" (Decree No. 183-10-2, articles 1 and 4).

Does the law allow women to work the same night hours as men?

According to article 172 of the Labour Code, it is permissible to employ women, taking into account their health and marital status, in any night work, and subject to the exceptions specified in the regulatory text that determines the conditions that must be met to facilitate the employment of women in any night work.

Do national labour and civil service-related laws (labour codes, civil retirement acts, etc.) discriminate between men and women in terms of retirement age?

Article 4 of the Retirement Code stipulates that the right to early retirement is allowed for male employees who have served for a period of at least 24 years, and for female employees who have

spent in actual service a period of not less than 18 years.

Do national labour and civil service-related laws grant men and women equal rights to pass on their pensions to their spouses?

There is no discrimination between the rights of men and women to pass on their pensions in articles 32, 36 and 37 of the Retirement Code.

Does the law prohibit dismissal during pregnancy and maternity leave?

A woman may not be dismissed from work because of pregnancy or taking maternity leave (article 152 of the Labour Code).

Does the law provide for maternity leave that meets the International Labour Organization (ILO) standard of 14 weeks?

Yes, women are entitled to the ILO standard of 14 weeks of maternity leave paid by the Government.

Does the law provide for paid paternity leave available to fathers?

According to articles 269 and 270 of the Labour Law, each male

employee benefits from three days' leave for every birth. During his three days off, the employee is entitled to compensation equal to the pay he would have received had he worked those days.

Additionally, the amended Law on the General Statute of Public Employment now grants a paternity leave for 15 days.

WIs childcare publicly provided or subsidized?

According to article 162 of the Labour Code, a special room for children must be prepared within each institution if at least 50 female workers over the age of 16 work there.

As for the public sector, Circular No. 4 was issued in 2019 mandating the establishment of nurseries in public entities.

Does legislation tackle sexual harassment in the workplace?

According to article 40 of the Labour Code, sexual harassment is deemed a serious offence committed against a female worker.

Are there provisions allowing for civil claims/remedies for sexual harassment in the workplace?

Sexual harassment by an employer is illegal. Under the Labour Code, the employee may claim unfair dismissal if they had to leave the job due to serious misconduct by the employer or head of the company, including as a result of any form of violence or assault on the employee, sexual harassment or attempt of corruption.

Does the Labour Law provide protection for domestic workers?

The Domestic Workers Code, which was adopted in 2016, protects female and male

domestic workers. Under this law, the employment of female and male domestic workers requires the signing and notarizing of a standard written contract. Furthermore, the law provides for the basic entitlements of male and female domestic workers, such as the minimum wage, annual leave and access to education programmes set by the State.

Is there a public entity that can receive complaints on gender discrimination in employment?

The National Human Rights Council looks at all cases of human rights violations either automatically or based on complaints from the persons concerned. The Authority for Parity and the Fight against all Forms of Discrimination receives complaints and makes recommendations.

Family matters (personal status)

Is 18 the minimum age at marriage, with no legal exceptions, for both women and men?

According to article 20 of the Family Code, the family judge may authorize the marriage of a boy and a girl under the legal age stipulated in article 19, which states that a boy and a girl are eligible to marry at the age of 18.

Is marriage under the legal age void or voidable?

The elements and conditions of a void marriage mentioned in article 57 of the Family Code do not contain any provisions regarding the marriage of minors.

Do women and men have equal rights to enter marriage (i.e. consent) and initiate divorce?

Women share most of the rights in marriage and divorce equally with men. Divorce is available by mutual consent under the supervision of the court. A man

cannot divorce on his own; rather, he must refer to the court.

Does the law prohibit polygamy?

The Personal Status Law allows the court to authorize polygamy in exceptional cases, subject to requirements including documented evidence of the husband's financial ability to support more than one wife (articles 40 and 41 of the Personal Status Law).

Do women and men have equal rights to be legal guardian of their children during and after marriage?

According to article 236 of the Personal Status Law, the father is the guardian of his children, as long as his guardianship has not been annulled by a court ruling giving the mother the right to be a guardian.

Does the law grant women and men equal custody rights of their children?

Custody rights are shared during the marriage. In the event of divorce, custody is granted to the mother first, then to the father, then to the mother's mother (the child's grandmother), as stipulated in article 171 of the Personal Status Law. A child in custody who has reached 15 years of age is entitled to choose who has custody of them from their father or mother (article 166).

Do women and men have equal rights to choose where to live?

Women and men have equal rights in legal capacity, including choosing where to live.

Do women and men have equal rights to choose a profession?

Women and men have equal rights under the Constitution and related regulatory laws.

Do women and men have equal rights to own, access, and control or use marital property including upon divorce?

Each of the spouses has financial capacity independent from the other. But they both may, within the framework of managing the money that they will acquire during the marriage, agree on its investment and distribution. In the absence of any agreement, the general rules of proof should be referred to, taking into account the work and efforts of each of the spouses to increase the family assets.

Where rights to inheritance are enshrined by law, do women and men have equal rights?

The Personal Status Law provides for the application of the rules of Islamic law regarding inheritance. Women have the right to inheritance, but in many cases, they receive less than the man.

Are there specialized civil courts or civil court processes for family law matters that provide for the

equal rights of men and women?

According to article 18 of the Civil Procedure Code, the courts of first instance are competent to hear personal status cases through family court circuits. Individuals are equal before the courts; however, these courts do not guarantee equality under the law because they apply the Personal Status Law, which still includes some forms of discrimination against women.

Do women have equal rights as men to pass their nationality to children?

Women have equal rights with men concerning granting nationality to their children. The Moroccan Nationality Law of 2011 defines a Moroccan child as any child born to a Moroccan father or mother.

Do women have equal rights as men to pass their nationality to a foreign spouse?

Women do not have equal rights to grant their nationality to a foreign spouse. A draft law has been submitted aimed at amending the Nationality Law to enable Moroccan women to transfer their nationality to a foreign husband.

Sexual and reproductive health and rights

Do law(s) or regulation(s) exist that guarantee access to maternal health care for all women and girls, irrespective of marital status

and without third-party authorization?

There is no law, but a strategy and measures have been adopted for maternal health care. There are no clear

restrictions that apply with respect to the minimum age or marital status or third-party authorization.

It is worth noting that the draft finance law for 2023 submitted by the Ministry of Health and Social Protection allocates a special budget for reproductive health, maternal and child health, youth health and residents with special needs.

Do law(s) or regulation(s) exist that guarantee access to contraceptive services for all women and adolescent girls, irrespective of marital status and without third-party authorization?

Morocco has not adopted any law or strategy regarding contraceptive services. Access to contraceptive services has imposed restrictions relating to marital status and age. Laws require the consent of the parents of adolescents for access to sexual and reproductive health services, but they do not require the consent of the parents for access to contraceptives, including condoms. There are no laws that require the consent of the husband for the wife's access to sexual and reproductive health services.

Do law(s) or regulation(s) exist that guarantee access to emergency contraception for all women and adolescent girls, irrespective of marital status and without third-party authorization?

There is no law or strategy for access to emergency or morning-after contraceptive services.

Is induced abortion legal at least when the life or health of the pregnant woman is at risk and in cases of rape, incest or severe fetal impairment, and is abortion decriminalized in any case for both the pregnant woman as well as health-care providers performing it (when consent is fully given)?

Abortion is generally prohibited in Morocco for the woman and the person who performs it, under restrictive exceptions. Article 449 of the Criminal Code criminalizes abortion, and there is no specific exception in cases of rape. The Criminal Code does not punish abortion if it is necessary to protect the mother's health when the doctor performs the abortion with the permission of the husband.

Irrespective of the legal status of abortion, do law(s) or regulation(s) exist that ensure access to post-abortion care for all women and girls, independent of their marital status and without third-party authorization?

Access to post-abortion care is not addressed in any of the laws or regulations.

Do law(s), regulation(s) or national policies exist that make comprehensive sexual health education a mandatory component of the national school curriculum?

There is a national policy or strategy for sex education in schools. In 2020, the United Nations Population Fund and the Ministry of National Education signed an annual action plan relating to a set of activities aimed at educating adolescents and young adults on sexual and reproductive health rights.

Do law(s) or regulation(s) exist that guarantee access to voluntary HIV testing and counselling services for all women and girls, irrespective of marital status and without third-party authorization?

Morocco adopted the recommendations of the 2015 guidelines of the World Health Organization on HIV testing services, and the Government is implementing a strategy to respond to infectious diseases, particularly HIV/ AIDS, called the National Strategic Plan 2021–2025 to Combat HIV. The law requires the consent of the parents of adolescents to undergo HIV testing and for access to its treatment. The other restrictions are not clear.