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Unwed Mothers in Morocco: studying the impact of the UN women's convention

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Abstract

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This thesis studies the changes in the lives of unwed mothers in Morocco since the ratification of the Convention for the Elimination of all forms of Discrimination Against Women in 1993. The CEDAW aims to protect marginalized groups of women everywhere, and in Morocco, one such group is unwed mothers. This case study evaluates the efficacy of the CEDAW by examining three aspects of the treaty: local methods of implementation, ways of measuring results, and enforcing change. Data have been collected from personal interviews with unwed mothers and scholars in Morocco, library research, published reports, and newspapers. This thesis challenges the notion that a treaty must be binding and prescriptive to be effective. Some think that the CEDAW is too broad to be applied everywhere, and not powerful enough to enforce implementation. This study finds that the CEDAW focuses on empowering local actors and NGOs to create meaningful and lasting change in ways that are culturally appropriate in their communities. By studying the experience of unwed mothers since the ratification of the CEDAW, other countries can learn from the difficulties Morocco faced in applying new laws, and can adopt successful methods of implementation.

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METHODOLOGY

In researching this thesis I used a combination of sources in order to study the CEDAW and unwed mothers in Morocco. My research began by reading published books and journal articles about the CEDAW and international human rights treaties, women's rights in the Arab and Muslim world, women's rights in Morocco, and unwed mothers in Morocco and around the world.

Two books were particularly helpful in compiling stories about the lives of unwed mothers in Morocco. *Miséria: Témoignages* was published by the founder of ASF, Aïcha Ech-Channa, and contains Ech-Channa's memoirs as well as the stories she has collected of unwed mothers. *Grossesses de la Honte* is a sociological study of ASF and unwed mothers in Morocco by Soumaya Naamane-Guessous, sociologist and professor in Morocco. This book combines stories of unwed mothers with statistics about women in Morocco and the changing attitudes of the Moroccan people.

While studying in Rabat, Morocco in October and November of 2009, I conducted interviews with NGOs and women's rights leaders. I have also used interviews conducted by a friend and colleague, Rachel Paulk, collected during the same time period. I returned to Morocco on a grant from the Scholarly Inquiry and Research at Emory (SIRE) program in December and January of 2010-2011, and conducted additional interviews. The interviews that took place during December and January of 2010-2011 were with Moroccan activists, scholars, NGO employees, and with unwed mothers.

Most interviews with Moroccan activists, scholars, and NGO employees were recorded and transcribed. Several interviews were not recorded at the request of the subjects, and I took copious notes instead. For the most part, I prepared questions ahead of time for each interview

which were specific to the specialty and knowledge of each subject. I asked and answered questions in English, French, and Arabic. These interviews took place in various cities in Morocco, including Casablanca, Fes, Rabat, and Ifrane.

I interviewed five unwed mothers at Association Solidarité Féminine in Casablanca and Aïn Sebaa, Morocco. Three of these interviews were not recorded, as per the request of the subjects. Interviews were conducted in Moroccan Arabic, French, and English. I prepared questions ahead of time, but the subjects were instructed to respond only to questions they felt comfortable answering. In addition, I did not ask certain types of questions if I felt it would make the subject uncomfortable. I tried to keep the interviews as informal as possible, and tried to maintain the flow of a conversation.

When compiling information on the status of unwed mothers in Morocco, I drew from my interviews with unwed mothers, interviews with employees at ASF and other NGOs in Morocco, information collected during interviews with scholars and activists, books and articles, and statistics collected by NGO networks. In Morocco, NGOs collect statistics on women for their own private use as well as for publication in reports given to the CEDAW committee. The ANARUZ network is a large but informal network of NGOs that collect data on violence against women and public opinions on the status of women in Morocco. The ANARUZ network publishes several reports on the status of women, and their statistics are used in reports given to the Moroccan government and to the CEDAW committee.

INTRODUCTION

In the early 1980s, Aïcha Ech-Channa had an encounter with a woman who changed Ech-Channa's life. She was working as a social worker at the Moroccan Ministry of Social affairs and had just returned from maternity leave. One day, Ech-Channa saw a young girl sitting in an office near hers. The girl was breast-feeding her young baby and looked up as another social worker approached her. The social worker gave her a piece of paper to sign with her thumbprint, since she was illiterate, and the social worker reached out to pull the baby away from its mother. The young girl was an unwed mother, and she was giving up her baby as was the expectation, even requirement, at the time.

Ech-Channa was moved by this sight and vowed to do what she could to help young mothers keep their children. In 1985, she founded Association Solidarité Féminine (ASF) a NGO in Casablanca dedicated to helping unwed mothers. An unwed mother is a woman who has given birth out of wedlock, and in Morocco, a woman does not become an unwed mother by choice. In general, these women raise their child on their own and face great social stigma. Sex outside of marriage in Morocco is extremely taboo, and a single pregnant woman may be completely ostracized.

Many unwed mothers are forced out of their homes and may not have any personal income. These women are regarded as prostitutes, even when they are not. The lack of family planning options in Morocco can drive many women to perform clandestine abortions and take other measures that are dangerous to the health of the mother, while other mothers may be driven to infanticide or abandonment of their children.¹ ASF works with unwed mothers in order to help

¹ Association Démocratique des Femmes du Maroc, *Non-Governmental Organizations' Shadow Report to the Third and Fourth Periodic Report of the Moroccan Government* (Rabat: ADFM, 2007), 61-62.

them support themselves and their children. ASF tries to find a place in Moroccan society for unwed mothers and their disenfranchised children. ASF's work has changed drastically since its founding in 1985, because numerous legal reforms and changes in cultural norms have somewhat improved the status of unwed mothers in Morocco.

In 1993 and 2004, the Moroccan government reformed substantially the legal codes which most affect unwed mothers and the rights of women. Women's NGOs and activists in Morocco believe that these changes were inspired by the CEDAW, an international human rights treaty that aims to protect the rights of women everywhere. However, many scholars question the ability of international treaties to create effective and lasting change within ratifying countries. In light of this debate, I propose to answer the following question: have the lives of unwed mothers in Morocco improved since the ratification of CEDAW in 1993 and the subsequent legal reforms of 1993 and 2004?

I posit that CEDAW is not a prescriptive treaty that dictates the best methods of implementation, teaches states how to measure their success and forces them to abide by the treaty. The CEDAW provides a platform for states to compare methods of implementation, encourages local organizations to develop their own systems to measure their progress, and it inspires implementation through indirect means and allows states to develop culturally and contextually appropriate methods of implementation. I will examine the efficacy of CEDAW and its impact on unwed mothers by three different approaches to measuring the treaty's ability to create change. First, I will analyze the CEDAW as an international treaty and its efficacy in countries similar to Morocco. Second, I will study the lives of unwed mothers and women in Morocco in order to determine whether or not their positions have changed since legal reforms were enacted. Finally, I will examine the enforcement mechanisms of the CEDAW and its ability

to force countries to abide by the treaty in order to determine whether or not the legal reforms of 1993 and 2004 were inspired by the CEDAW.

BACKGROUND

Before examining the CEDAW and international treaties and their effects on unwed mothers, it is important to understand the Moroccan context in which these women live. Morocco is a Muslim country, located on the western coast of North Africa. Like most predominantly Muslim countries, many of Morocco's laws are influenced by Islamic *shari'a* law. Although Morocco is more liberal than many Muslim countries, Moroccans hold many traditional values. Like many other countries in the Arab and Muslim world, Morocco has an extremely young population, and 30% of Moroccans are under the age of 15. However, Morocco has an extremely low literacy rate, particularly among the rural population. The average literacy rate is around 50% but only 30% of rural women are literate. The rural and urban divide in Morocco is not only apparent in literacy levels, but also in access to healthcare and in opportunities for socioeconomic growth. Rural areas are also much more likely to be religiously conservative. Nonetheless, religion is an important part of Moroccan life, even in urban areas.

Morocco is a constitutional monarchy governed by King Mohammad VI, who is not only the political leader of the country but is also an important religious leader. One of the King's most important titles is 'Amir al-Mu'minin' or Commander of the Faithful. This is a religious title which gives him authority to set religious and moral standards for the country. The King has the power to pass any laws or changes he wishes; the bicameral legislature can raise objections but has no power to override the King.

The Moroccan government reformed the *Mudawwana* or family code in 1993 and 2004. The 2004 reforms were pushed through by the King in his capacity as 'Amir al-Mu'minin' because the Moroccan Parliament was not unanimously in favor of changing the *Mudawwana*. Moroccan laws are not in a unified document that encompasses all areas of life. Rather,

Moroccan law is divided into different codes. The family code or *Mudawwana* deals with matters of the family including marriage, roles of women and men within marriage, divorce, and child custody. The legal code, labor code, penal code and Moroccan constitution define laws for other areas of life in Morocco. In the past 20 years, NGOs have played an important role in changing the cultural norms and legal codes in Morocco.

In the 1970s and 1980s political activism grew in Morocco, particularly in the arena of women's rights. NGOs were not solely focused on achieving women's rights but also concentrated on providing services for the Moroccan people, particularly in rural areas. The government has allowed NGOs to flourish because of the indispensable healthcare and educational services they provide.

Since the ratification of the CEDAW, women's NGOs have put an emphasis on international law and the importance of treaties like the CEDAW. While this has created some backlash from Moroccans who believe that international ideals should not be imposed upon their culture, the CEDAW has been an important rallying point for women's NGOs and feminist activists. NGOs are in charge of externally monitoring the implementation process and the government progress reports submitted to the CEDAW committee. The CEDAW committee is composed of representatives from different ratifying parties, and meets once a year to consider government and shadow reports. Government reports are official state statistics on the progress of the CEDAW implementation. In order to ensure that the CEDAW committee receives an accurate picture of the status of women, NGOs are encouraged to submit their own progress reports. The CEDAW committee considers both of these reports, and makes concluding comments on the status of women with recommendations for implementing changes.

CEDAW AS AN INTERNATIONAL TREATY

The Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly on December 18th, 1979. This convention is a comprehensive document defining equality between men and women, as well as a guide for how it can be achieved. As of March 2011, 186 states have ratified or acceded to the treaty. There are seven states that have not yet signed the treaty (Holy See, Iran, Nauru, Palau, Somalia, Sudan and Tonga), one that has signed but not ratified (US), and one unrecognized state that abides by the treaty (Republic of China).²

Morocco ratified the CEDAW in 1993, 14 years after it had been created, but made several reservations and declarations upon doing so. After ratifying the CEDAW, Morocco subsequently reformed large sections of the *Mudawwana*, or personal status code, in 1993 and 2004. Changes to the *Mudawwana* and other Moroccan legal codes voided many of the laws that the reservations and declarations were based upon. These changes were viewed by women's organizations as a monumental step forward for women's rights in Morocco, and promised to ameliorate the situation of women throughout the country.³ Nevertheless, women's rights advocates say that the convention has not been implemented fully in Morocco and in many other countries.⁴

This section will examine the CEDAW as an international treaty and its ability to inspire change in other countries. In order to understand the implementation of CEDAW in Morocco it

² United Nations. "Convention of the Elimination of all forms of Discrimination Against Women," <http://www.un.org/womenwatch/daw/cedaw/htm> (Accessed 24 Nov. 2010).

³ Interview with Amina Lemrini, November 24, 2009.

⁴ Ekaterina Yahyaoui Krivenko, *Women, Islam and International Law* (Leiden: Martinus Nijhoff, 2009), 4.

is important to examine the process of implementation in similar countries. In this way, we can study the different methods of applying the treaty and the problems that different countries face.

The Role of International Treaties.

International treaties are often presented as a legitimate and effective form of creating and maintaining international law.⁵ However, reality suggests that powerful states are generally able to protect their interests despite regulation of international law.

The advancement of globalization has led to the prevalence of international treaties and to the authority of international law in states' affairs.⁶ Krivenko states that globalization can resemble domination, when larger or more powerful states are able to protect their interests more easily than smaller states. Larger states escape compliance with international law with greater ease than smaller states.

The CEDAW is supposed to be a comprehensive treaty that aims to protect women's human rights in all arenas of life. International treaties that aim to protect women's human rights give the impression that this issue is sufficiently accounted for in the realm of international law. This further gives the impression that human rights of women can be treated in international law, and that they are an integral part of international law.⁷ This can lead to the assumption that the interests of women are respected and protected by international law. However, a closer examination of individual countries shows that the state of women's human rights varies greatly

⁵ Krivenko, *Women, Islam and International Law*, 1.

⁶ Krivenko, *Women, Islam and International Law*, 1.

⁷ Krivenko, *Women, Islam and International Law*, 4. For more information on states and human rights, see Jennifer Sudduth, "CEDAW's Flaws: A Critical Analysis of Why CEDAW is Failing to Protect A Woman's Right to Education in Pakistan." ;Yvonne Yazbeck Haddad and Barbara Freyer Stowasser, *Islamic Law and the Challenges of Modernity*;, Oona A.Hathaway "Do Human Rights Treaties Make a Difference?"

from place to place and that the standards set by treaties like the CEDAW are not well enforced or implemented.⁸

States and Human Rights.

States will often accept human rights obligations that they are not prepared to fulfill. Even when states undertake action on certain human rights situations, it is not always because they are bound to do so, but rather because it may serve their political interests.⁹ Krivenko cites the Rwandan genocide, a case in which no international forces intervened. Even when states choose to intervene, they do so too late and too ineffectively for any real change to occur, such as the genocide in former Yugoslavia.¹⁰ Turkey has been making many human rights reforms in the past few years in hope of being allowed to join the EU. Particularly in an international context, states are more motivated to act for political purposes than in the best interests of their people.

In this way, states are readily acknowledged to be unsuitable to protect human rights.¹¹ Proposals for human rights reforms include measures for action that lie outside of government function. Many human rights treaties include articles that specify the need for reforms of education on a local and national level. Most states do not have the resources or the knowledge necessary to fulfill these requirements.¹² In order to fulfill a state's promise to uphold human rights, it is necessary for international treaties to include the work of outside agencies like NGOs

⁸ Krivenko, *Women, Islam and International Law*, 4.

⁹ Krivenko, *Women, Islam and International Law*, 2. For more information on the relationship between states and human rights, see Abdullahi A An-Na'im, "Human rights in the Arab World: A Regional Perspective."; Nils A Butenschøn, Uri Davis, and Manuel Hassassian, *Citizenship and the State in the Middle East: Approaches and Applications*; Mounira Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco*; Ann Elizabeth Mayer, "Clashing Human Rights Priorities: How the United States and Muslim Countries Selectively Use Provisions of International Human Rights Law."; Jamal J Nasir, *The Status of Women Under Islamic Law and Under Modern Islamic Legislation*; and Eric Neumayer, "Do International Human Rights Treaties Improve Respect for Human Rights?"

¹⁰ Krivenko, *Women, Islam and International Law*, 2.

¹¹ Krivenko, *Women, Islam and International Law*, 2.

¹² Krivenko, *Women, Islam and International Law*, 2.

in the purpose and function of the treaty. For states to pursue national and international foreign policy that is compliant with human rights obligations, pressure from NGOs and other extra-governmental groups is necessary.

Proposals to increase compliance with international human rights treaties include the necessity for raising human rights awareness and human rights activism. It is necessary to have a combination of internal and external pressure to introduce an international human rights treaty and enforce it effectively.

Although these measures are necessary to implement successfully a human rights treaty, Krivenko emphasizes that the need for a combination of pressures and non-governmental action is uncommon within the traditional legal sphere. It is only within the sphere of human rights treaties that such measures are deemed necessary. Additionally, involving NGOs and other extra-governmental organizations does not fit into the “State-centered vision and structure of international law in general and human rights law in particular.”¹³ That is to say, involving NGOs and individuals is contradictory to the traditional view of international law. International law does not generally give great importance to an active individual role, and instead emphasizes the need for the state to act either nationally or internationally.

Self-interest of states does not include the protection of human rights, and it is therefore necessary for outside organizations to play a role in the enforcement of human rights. Traditional international law deals with actions of a state and interactions between states. In international law, it is widely recognized that the driving force behind a state’s actions is self-interest.¹⁴

¹³ Krivenko, *Women, Islam and International Law*, 3.

¹⁴ Krivenko, *Women, Islam and International Law*, 3. For more information, see Claude E. Welch Jr. “Human Rights and African Women: A Comparison of Protection under Two Major Treaties”; Sally Engle Merry, “Constructing a Global Law- Violence against Women and the Human Rights System”; and Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics* .

International law is effective when states interact with one another on a basis of self-interest and reciprocal obligations. However, human rights law lacks the characteristics of traditional international law, and states have no self-interest in the protection of human rights. States have no impetus to protect human rights.¹⁵ Hafidha Chekir argues that this disregard for human rights is shown in the reservations and declarations that countries levy against the CEDAW.¹⁶ By picking and choosing which articles they would like to ratify, states adopt a restrictive attitude toward human rights.¹⁷

Compliance with Human Rights Treaties.

Krivenko asserts that compliance with international human rights treaties is achieved in spite of traditional international law. It is essential that the values espoused in human rights treaties be similarly held in the nations that accede to them. Effective enforcement must focus on aligning social values and mores within the community with those of the human rights treaty in question. But it is also important to question the values of a human rights treaty.

Are the values of a particular treaty compatible with different cultures, societies and governments? If the values of a human rights treaty are aligned with Western values, but are declared incompatible with those of other societies, is it fair to require enforcement to the same degree in both types of societies? Are human rights relative? That is to say, when women have a different status in another culture, is it cultural imperialism to force a Western definition of women's human rights on them? Where is the line between oppression and cultural relativity?

¹⁵ Krivenko, *Women, Islam and International Law*, 3.

¹⁶ Arab and Muslim countries, such as Bahrain, Saudi Arabia, and Egypt have levied reservations and declarations against the CEDAW. More than 62 of the 186 countries have levied reservations or declarations against articles of the treaty, more than any other international human rights treaty. Source: UN, "CEDAW Reservations," <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm> (Accessed 26 March, 2011).

¹⁷ Hafidha Chekir, "Analysis of the State, Justifications, and Ratification of the CEDAW and OP-CEDAW, and the Reservations in the Three Regions (Maghreb/Mashrek/Gulf)," in *Equality Without Reservations, June 8-10, 2006, Rabat*, ed. ADFM (Rabat: ADFM, 2008), 52-53.

The arena of women's human rights reflects these and a number of other contradictory problems. While I cannot resolve these issues within the domain of women's human rights, these questions are an important part of studying the impact of women's human's rights treaties on the lives of women in signatory nations. These contradictory problems call attention to a main critique of international human rights treaties. When creating international treaties, it is important to delineate inalienable human rights that are compatible with different cultures and religions. Incompatibility between Islam or other religions and the goals of the treaty is one of the principal reasons for reservations and declarations against the CEDAW. As previously stated, many women's human rights scholars believe that reservations and declarations against the treaty prevent it from being fully implemented, and a perceived conflict between Islam or Islamic laws and women's equal rights ensures that this situation will continue in the future.

I. Overview of CEDAW

The CEDAW is composed of thirty articles which define discrimination, outline the obligations of states to take action to end such discrimination, and address the different areas in which discrimination must be eliminated. The articles then outline administrative procedures. Articles three through 16 explicitly state the dimensions in which equality must be achieved: civil rights, the legal status of women, and reproductive rights. The CEDAW is different from other human rights treaties in that it also addresses the reproductive rights of women and deals with the effect of cultural factors upon gender relations.

Summary of the CEDAW Articles

Article 1 defines discrimination against women in all different forms.

Articles 2-3 state that all parties to the Convention will condemn discrimination in many different forms, and will repeal all legal policies that discriminate against women, as well as creating new policies to protect women from discrimination, and that they shall do so in both private and public spheres to ensure the full development and advancement of women.

Article 4 encourages temporary measures to rectify any inequality between men and women, but states that these measures should be discontinued once equality is achieved. It also states that any measures taken to protect maternity rights are not discriminatory towards men.

Article 5 discusses the impact of social and cultural patterns of discrimination against women, and states that each party should take steps to change these patterns. This article also discusses the need for family planning that recognizes the equality between men and women in child rearing, and the importance of acting in the best interests of the child.

Articles 6-16 discuss the specific areas in which discrimination should be eliminated by the state, as follows:

Article 6: trafficking in women, and the exploitation of prostitution of women

Article 7: public and political life, particularly participation in elections and the government, as well as participation in nongovernmental organizations

Article 8: political participation at the international level

Article 9: nationality, with respect to marriages between two people of different nationalities and the nationality of any children

Article 10: education, including access to public schools, health education, and the organization of programs for girls who have dropped out of school

Article 11: employment, including stipulations for maternity leave

Article 12: healthcare and family planning

Article 13: economic and social benefits, such as the right to take out loans, or to participate in any recreational activity or aspect of cultural life

Article 14: rural women and equal access to the same benefits that women in urban populations may enjoy

Article 15: equality before the law and freedom of movement

Article 16: marriage and family relations, including divorce and property rights

Articles 17-22 discuss the procedures for submitting reports to the UN, how to organize Committee meetings and elections, and the role of NGOs in the CEDAW.

Articles 23-30 discuss the relationship of the CEDAW to other treaties, and the administration of the Convention.

According to the UN list of state parties to the Convention, 52 countries have reservations or declarations pertaining to CEDAW. The majority of Arab countries have entered declarations and reservations against articles which they claim to be in conflict with Islamic *shari'a*, generally articles 2, 9, 15, and 16. Morocco is not an exception, and formulated declarations against articles 2 and 15 and reservations against articles 9, 16 and 29. These articles declare the extent to which the state must eradicate and fight against discrimination (Article 2), the necessity for equality in the transfer of nationality (Article 9), equality in freedom of movement and choice in domicile (Article 15), and divorce and property rights (Article 16). Article 29 discusses how to resolve disputes between different parties to the treaty. Women's

organizations and scholars on the subject believe that these reservations and declarations severely impede the efficacy of the CEDAW in Morocco and in other countries.

Criticism of Reservations and Declarations.

Ann Elizabeth Mayer levies a harsh criticism against the CEDAW: the reservations and declarations that countries place against the CEDAW effectively cripple the treaty.¹⁸ There is no mechanism in place for the UN or other countries that are party to the treaty to sanction countries which have placed said reservations and declarations. Although both Sweden and Norway entered motions which expressed their displeasure at the reservations and declarations made by Arab countries (Egypt and Morocco in particular) these motions had no visible effect on the UN's comments to Morocco in their report on the status of women.

Mayer criticizes the lack of oversight from other countries that are party to the CEDAW as well as the UN's continued disregard for the laws that are obviously in contradiction with the values put forth by the treaty.¹⁹ She notes that other humans' rights treaties, such as the race discrimination convention, have a special clause. A two-thirds vote by the countries party to the treaty can disallow a reservation or declaration to the treaty, and force the country entering the reservation or declaration to amend the offending laws.

Mayer further argues that using the rationale of religious tolerance for permitting reservations and declarations to limit women's human rights is indicative of a lax attitude towards the convention as a whole, and that more parties to the treaty should scrutinize reservations and declarations like the ones entered by Morocco.²⁰ Sindiso Ngaba argues that

¹⁸ Ann Elizabeth Mayer, "Rhetorical Strategies and Official Policies on Women's Rights: The Merits and Drawbacks of the New World Hypocrisy," in *Faith and Freedom*, ed. Mahnaz Afkhami (UK: Syracuse University Press, 1995), 105-106.

¹⁹ Mayer, "Rhetorical Strategies," 106.

²⁰ Mayer, "Rhetorical Strategies," 106-7.

state's parties should abide by all of its articles, particularly those that are fundamental to the integrity of the treaty.²¹ The CEDAW specifically states that it is the aim of the treaty to rectify any injustices inherent in the culture and religion of the states that are party to the convention, and that every state should be prepared to change social norms as well as their laws. All practices which are discriminatory towards women on the basis of their sex should be eliminated, whether they are based on religion or not.

Many Muslim countries have entered reservations and declarations on the basis of *shari'a* law, stating the sanctity of the law and its immutability. Islamic *shari'a* law is based on the precepts of the Qur'an and the example set by the life of the Prophet Muhammad. Different countries and cultures have varying interpretations of Islamic *shari'a* but it is the basis for legal codes in many Muslim countries. Therefore, countries use the religious nature of *shari'a* law in order to attempt to evade the stipulations of the convention which state that national (internal) laws cannot be used as a means of non-compliance with the treaty. According to the CEDAW, all non-compliant internal laws must be amended, but state's parties that enter reservations or declarations on behalf of *shari'a* law claim that these internal laws are not man made, but divinely ordained, and cannot be changed.

However, many Muslim countries have shown concrete evidence to the contrary. Turkey completely abandoned *shari'a* law in the 1930s, and Egypt's laws are based upon a French system, except in matters relating to the personal status code.²² When Morocco entered reservations and declarations to the convention in 1993, it did so ostensibly in order to conform to *shari'a*. However, Morocco changed the *Mudawwana*, a *shari'a*-based code, only a few

²¹ Sindiso Ngaba, "CEDAW: Eliminating Discrimination against Women" *Agenda* No. 27 (1995), 82.

²² Mayer, "Rhetorical Strategies," 108.

months after stating that the ideals espoused in the personal status code were divinely ordained and immutable. In the 1950s, Tunisia changed many of the principles that both Egypt and Morocco claimed were incontrovertible. Nonetheless, Tunisia later entered reservations and declarations to the convention under the pretext of *shari'a* law, but then changed the offending laws and added many progressive reforms in 1993.²³ Many countries have changed *shari'a* based legal codes and it appears that the immutability of Islamic *shari'a* law is only invoked when Muslim countries find it convenient to do so.

When Morocco ratified the CEDAW in 1993, it made declarations against article 2 and paragraph four of article 15, and reservations against article 9 paragraph 2, article 16, and article 29. At the time, seven Middle Eastern and North African (MENA) states had already acceded to the treaty, with similar reservations and declarations. The majority of these declarations were made because the signing governments refused to enforce any articles in conflict with either national laws or Islamic *Shari'a*. Now, nineteen MENA countries are party to the CEDAW, and almost all of them have the same reservations and declarations.²⁴

In a speech at a 2006 conference organized by the Association Démocratique des Femmes du Maroc (ADFM), Hafidha Chekhir said that when states formulate reservations and declarations against treaties like the CEDAW, the integrity and unity of the entire convention is compromised.²⁵ In her opinion, reservations and declarations essentially invalidate the

²³ Mayer, "Rhetorical Strategies," 114.

²⁴ Among MENA region countries, reservations and declarations have been formulated against five articles – articles 2, 9, 15, 16, and 29. While Saudi Arabia, Mauritania, Tunisia, and Oman made general statements in opposition to the convention, the following countries have levied specific reservations against each of the following articles. Article 2: Algeria, Bahrain, Egypt, Iraq, Libya, Morocco, and Syria. Article 9: Algeria, Saudi Arabia, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Morocco, Tunisia, Syria, and Oman. Article 15: Algeria, Bahrain, Jordan, Morocco, Tunisia, Syria, and Oman. Article 16: Algeria, Bahrain, Egypt, Iraq, Libya, Jordan, Kuwait, Lebanon, Morocco, Tunisia, Syria and Oman. Article 29: Algeria, Saudi Arabia, Bahrain, Egypt, Iraq, Kuwait, Lebanon, Morocco, Tunisia, Yemen, Syria and Oman. Source: ADFM, *Equality Without Reservations*, 42-49.

²⁵ Hafidha Chekir, "Analysis of the State" in *Equality Without Reservations*, 52-53.

achievements of human rights conventions which state that “women’s and girls’ fundamental rights are an inalienable, intrinsic, and indivisible component of universal human rights.” Although NGOs had worked toward the ratification of the CEDAW for many years, and saw Morocco’s accession to the treaty as an important step to improving women’s rights, some activists view the reservations and declarations as a nullification of the fundamental principles of the treaty.

Although Chekhir’s statement is quite radical, and virtually negates Morocco’s accession to the CEDAW, several other feminist speakers have taken the same stance. In her introduction to the 2006 ADFM conference on equality, Souhayr Belhassen, the Vice President of the FIDH (Fédération Internationale des Droits de l’Homme) equated the entry of reservations and declarations against the CEDAW to stripping the convention of its substance and stated that many countries still maintained discrimination against women in their legislation.

Problems Arising from Morocco’s Reservations and Declarations.

Although many human rights treaties do not allow reservations to be entered, and generally agree that reservations and declarations can compromise the goals and objectives of a treaty, Article 28, paragraph 2 of the CEDAW allows reservations and declarations to be formulated, as long as they are compatible with the goals of the convention. This article has led to problems with the convention’s implementation: the reservations effectively legitimate fragmentation of the convention, and grant prevalence to the sovereignty of the state.²⁶ The article also gives each state free reign to decide whether or not these reservations and declarations are compatible with the goals of the convention. Chekhir believes that this has led to

²⁶ Chekir, “Analysis of the State, Justifications, and Ratification of the CEDAW,” 51-52.

an abuse of reservations. She also states that by formulating reservations and declarations, the states show their unwillingness to uphold their obligations to the convention.

Morocco and other Arab states have entered reservations and declarations about some of the most fundamental articles of the convention text. Reservations formulated to article 2 allow states to free themselves of any obligation to adopt policies and measures that will put an end to discrimination against women.²⁷ This jeopardizes the essential purpose of the convention: to eliminate all forms of discrimination against women.

Reservations to articles 9, 15, and 16 allow states to continue with forms of discrimination already contained in national legislation and the Islamic *Shari'a*. This permits the countries to protract a situation in which inequality prevails despite assertions to the contrary.²⁸

Country Reports, Shadow Reports, and UN Comments.

Every country that accedes to the CEDAW is legally bound to submit a progress report within a year of ratifying the treaty and one report at least once every four years on the progress the country had made in eliminating discrimination against women. Morocco submitted its initial report for review in 1997, the second periodic report in 2000, and its third and fourth combined periodic report in 2006.

The 2006 report begins by stating the broad measures that have been undertaken since the second periodic report, and then goes on to address specific changes in the state of women's rights by each article. When addressing specific articles, the report acknowledges some failures and lack of adequate progress, but mainly focuses on the successes of the Moroccan government, such as the establishment of several development initiatives that are aimed at protecting and

²⁷ Chekir, "Analysis of the State, Justifications, and Ratification of the CEDAW," 51-52.

²⁸ Chekir, "Analysis of the State, Justifications, and Ratification of the CEDAW," 51-52.

furthering women's rights. One such project is the National Initiative for Human Development which targets rural, urban, and semi-urban districts, where poverty is in excess of 22%.²⁹

In the report, Morocco announces its intentions to withdraw several reservations and declarations to the convention. In a statement issued by the Ministry of Justice in 2006, they announced the withdrawal of reservations to article 9, paragraph 2, article 16 paragraph 1 (f) and paragraph 2, and intention to withdraw the declaration on article 15, paragraph 4. The announcement also stated that there would be changes to the reservations on other subparagraphs of article 16, as well as a declaration of interpretation for article 2, paragraph 2.³⁰

Once the UN Committee considers each state party's progress report, the committee compiles concluding comments which remark on positive aspects of the country's report, but also specific guidelines for better eliminating discrimination against women in the reviewed country. In the comments responding to the 2006 report, the UN recognizes Morocco's progress, but regrets that Morocco's report has not provided clear and concise information on the implementation of the CEDAW and of previous committee recommendations.³¹

The comments applaud Morocco for the amendments made to the *Mudawwana*, changes made to the Penal Code, Code of Criminal Procedure, and to the Labor Code. However, the UN goes on to say that Morocco has not made sufficient progress in eliminating discrimination against women, that a comprehensive and clear plan to ensure equality has not been formulated, and that Morocco has not yet adequately raised awareness about the laws that have been changed. While the UN recognizes the gesture the King of Morocco made by verbally

²⁹ United Nations, "Combined third and fourth periodic report of States Parties: Morocco," <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/563/69/PDF/N0656369.pdf?OpenElement> (Accessed 1 Dec. 2009).

³⁰ "Combined third and fourth periodic report."

³¹ United Nations, "Concluding comments of the Committee on the Elimination of Discrimination against Women," <http://www.un.org/womenwatch/daw/cedaw/> (Accessed 1 Dec. 2009).

withdrawing some of the reservations and declarations against the CEDAW, they express concern that this has not been formally accomplished and fear that it was perhaps an empty gesture.³² In 2007 and 2009 speeches, the King announced his intentions to withdraw Morocco's reservations and declarations to CEDAW but neither the King nor the Moroccan Parliament has officially amended the reservations or declarations.

The ADFM coordinates a shadow report in concert with every report submitted to the UN by Morocco. These shadow reports are intended to give a real picture of the state of women's rights in Morocco, and to give statistics collected by all of the NGOs that work with the ADFM on the submission of the shadow reports. According to Naima Hamoumi at the ADFM, the shadow reports are particularly important because they offer a second opinion on the state of women's rights in Morocco, and they offer real statistics.³³ Hamoumi had some misgivings about the accuracy of statistics that the government used in their reports, saying that the NGOs have access to "real women, their real problems, and what's really going on with women in Morocco."³⁴

The shadow report that was produced parallel to Morocco's 3rd and 4th combined report, compiled by the ADFM and other NGOs discusses not only the problems in Morocco's report, but also goes through each article in the convention, naming measures that have been taken to better women's rights, how these measures are effective, and where they are ineffective. The shadow reports use statistics to support their claims and offer examples of women affected by poor implementation of the CEDAW. They suggest concrete solutions for the gaps left by the Moroccan government. Many of the criticisms levied by the CEDAW committee and by the

³² "Concluding comments of the Committee" 3.

³³ Interview with Naima Hamoumi, November 24, 2009.

³⁴ Interview with Naima Hamoumi, November 24, 2009.

NGO shadow reports focus on poor implementation of previously existing laws and the results of legal discrimination and social stigma.³⁵ A closer examination of each one of Morocco's reservations and declarations to the CEDAW shows the ways in which the status of women in Morocco is not aligned with the precepts of CEDAW, and a detailed look at the concluding comments of the CEDAW committee allows for discussion of the committee's recommendations for changing Moroccan laws and cultural norms.

Article 2.

Article 2 states that every ratifying party to the CEDAW must condemn discrimination in all of its forms. It calls for each State to adopt legislation that prohibits all discrimination, to establish legal protection of the rights of women, to include sanctions and tribunals to protect these rights, and to repeal all legislation that discriminates against women. It also calls upon state parties to refrain from and eliminate all discrimination against women in both the private and the public sectors. Morocco's declaration against article 2 says that Morocco will apply all of the aforementioned conditions, provided that they do not interfere with the rules of succession to the throne and that they do not conflict with Islamic *Shari'a*.

The rules of succession to the throne of the Kingdom of Morocco are based on patrilineal traditions and the crown cannot be passed down to a woman. The declaration also makes specific reference to the Moroccan Code of Personal Status, stating that it will not be changed to make greater equality between men and women since it is derived from the *Shari'a*. The Code of Personal Status seeks to preserve the coherence of family life and to strike a balance between husband and wife. According to the declaration, the Moroccan government sees family cohesion

³⁵ The criticisms of poor implementation and social stigma will be addressed in further detail regarding the status of unwed mothers and their personal experiences in the section entitled "The Lives of Unwed Mothers".

and the balance between spouses to be in opposition to the principles of equality and the end of all forms of discrimination against women.

In the UN's concluding comments regarding the implementation of article 2, they call upon Morocco to create binding legislation that fully reflects the definition of discrimination as reflected in article 1 of the CEDAW.³⁶ The UN argues that for Morocco to put an end to discrimination against women, the government must enact comprehensive legislation that establishes gender equality as well as a process for filing formal complaints for breaches of this equality. Women must be made aware of their rights under such legislation, and it must be binding for both the public and the private sectors, as described in article 2 of the CEDAW.

The shadow report similarly states that most of the legislation still in place does not conform to the goals of article 2 of the CEDAW. While Morocco has promised to remove several reservations and declarations, including reservations to article 2 that would enshrine the principles of gender equality, they have made no moves to remove these reservations officially, nor have they made moves to change the legislation that is still discriminatory to women under article 2.³⁷ Both the UN and the shadow report call upon Morocco to remove its declaration against article 2 fully, and emphasize that they have been calling for this for many years.

Article 15

Morocco's declaration against article 15 was made specifically in reference to paragraph 4, which states that men and women should be accorded the same rights to choose their residence and domicile, and should have the same freedom of movement. The declaration says that

³⁶ "Concluding comments of the committee," 3.

³⁷ ADFM, *Shadow Report*, 16, 29.

Morocco will only be bound by this paragraph in cases where it is compatible with Islamic *Shari'a* and articles 34 and 36 in the Moroccan Code of Personal Status.

Article 34 in the Moroccan Code of Personal Status discusses possessions within marriage: all possessions that the wife brings with her to the marriage are her property, but if there are disagreements regarding other household furnishings, the matter should be decided according to general rules of evidence. If no evidence is presented by either spouse, the objects are divided up by habitual use: the husband can claim objects habitually used by men, and the wife claims objects habitually used by women. Shared household items are to remain shared. The mutually acquired items within marriage can include the matrimonial home.

Within the Moroccan penal code, there is not a specific procedure for cases of eviction from the home. Although unwed mothers are often evicted from their families' homes they do not have rights to challenge their eviction in court. When a woman is evicted from her home, it is often by her husband as a result of marital problems or divorce. In theory, the Director of Public Prosecutions intervenes on a case by case basis.³⁸ However, this does not translate well in practice, and women are often left without a home to return to, even if they were equal financial contributors. In many cases, it can be hard to prove, and although most cases require thoughtful and meticulous consideration, the law requires that all cases of eviction be dealt with swiftly.³⁹

Article 36 of the Moroccan Code of Personal Status discusses permanent impediments to marriage and states that the woman must defer to and obey not only her husband, but also his

³⁸ ADFM, *Shadow Report*, 61-62.

³⁹ ADFM, *Shadow Report*, 62.

ascendants, descendants, and ancestors.⁴⁰ This can cause problems in the matrimonial home, particularly when the couple in question lives with extended family.

Although the Moroccan government has expressed its willingness to remove the declaration from article 15, paragraph 4 which stipulates that men and women shall enjoy the same rights as far as choice in domicile and the freedom of movement, it has not yet done so. Once again, both reports call for this declaration to be removed, and for Morocco to improve their legislation regarding this article.⁴¹ This reservation has created problems specifically when women are evicted from their matrimonial home. Eviction can be very hard to prove, and the government does not have effective means to guarantee housing for the woman. Often, law enforcement tries to force the woman to return to the matrimonial home, only for her to be forced out again.⁴² The shadow report recommends that the family code be amended to allow for greater enforcement on the part of the government regarding freedom of movement and domicile.

Article 9.

The Moroccan government placed reservations on paragraph 2 of article 9, which states that equal rights should be granted to men and women with respect to the nationality of their children. At the time of reservations, the Law of Moroccan Nationality discriminated against women, and prevented women from passing their nationality on to their children except in specific circumstances. If a child was born in Morocco to a Moroccan mother and an unknown father, the mother could fight in court for the child to carry her nationality. However, it was very

⁴⁰ United Nations Development Project, “Women are Citizens too: The Laws of the State, the Lives of Women,” <http://www.undp.org/governance/docs/Gender-Pub-women%20are%20citizens%20too-EN.pdf> (accessed 30 Nov. 2009).

⁴¹ ADFM, *Shadow Report*, 23.

⁴² ADFM, *Shadow Report*, 63.

difficult for women to transfer their nationality this way because the application of this law was completely at the discretion of local judges and law enforcement.

Under the old Nationality Law, it was slightly easier for a Moroccan woman to transfer her nationality to a Moroccan born child if the father was stateless or from a foreign nation. If the child's habitual residence was in Morocco, the child could obtain Moroccan nationality within two years of reaching the age of majority. However, the child could face significant difficulties enrolling in school, and the child would need to have a visa to live in Morocco until she or he obtained Moroccan nationality. The nationality code was rewritten in April 2007 to change these laws; however, the reservation has still not been lifted.

Both reports are pleased with the changes in the nationality code that happened, but express concern that article 9 is not being fully implemented. The 2007 changes to the Moroccan Law of Nationality allowed women to transfer their nationality to all of their children. However, the new law did not amend all of the offending clauses, and a new clause was added to the nationality code that includes further discrimination.

Moroccan women are still not allowed to transfer their nationality upon marriage to a foreign born husband, although a Moroccan man is allowed to transfer his nationality to a foreign wife.⁴³ Also, the new clause states that a Moroccan woman shall lose her nationality if she acquires the nationality of a foreign-born husband through marriage.⁴⁴ The shadow report then states that not only is this new clause in the nationality law in violation of article 9 of the CEDAW, it also violates article 2, since it introduces a new form of gender-based discrimination

⁴³ ADFM, *Shadow Report*, 39.

⁴⁴ ADFM, *Shadow Report*, 39.

into the nationality code. Both reports call upon Morocco to amend the nationality code once more to strip it of any discriminatory provisions.⁴⁵

Article 16.

Article 16 of the CEDAW states that all parties to the treaty should eliminate discrimination against women in all matters of marriage and family relations and should ensure the equality of men and women in the following specific areas: to freely enter into marriage and choose their own spouse, the same rights at the dissolution of marriage, the same rights and responsibilities as parents, the right to choose the number and spacing of children, and access to education about these options, the same right to guardianship of children, right to own property, and the right to choose an occupation. This article also specifies that there should be a minimum age for marriage, and that all marriages should be officially registered.

Morocco's reservation to this article encompasses several different aspects of the bonds of marriage. The reservation states that equality between men and women regarding the respect of rights and responsibilities upon entry to, and at dissolution of a marriage are incompatible with Islamic *Shari'a*. According to *Shari'a*, there are different rights and responsibilities to each spouse within marriage, and at the beginning and end of a marriage, because complementary responsibilities and rights better preserve the sacred bond of matrimony. The reservation states that the husband must provide a nuptial gift under *Shari'a*, and that the wife is not required under *Shari'a* to support the family. After a divorce, the husband is required to pay alimony, whereas the wife is not required to give anything to her husband upon separation. The reservation further states since these important laws are governed by *Shari'a*, the right to divorce can only be granted by a *Shari'a* judge.

⁴⁵ "Concluding comments of the committee," 8.

While these reservations only explicitly refer to differences in alimony payments, nuptial gifts, rights and responsibilities within the marriage, and complementary rights and responsibilities, Morocco's reservation to the entire article, as well as the laws of the country create many more problems that are unmentioned in the reservation. Instead of entering reservations to the specific sections of the article that are directly mentioned in the reservation, a blanket reservation of the entire article allows many unfair and discriminatory laws and practices to continue.

Even though some laws protect women from discriminatory practices in divorce and equal rights throughout marriage, they cannot be properly enforced or adequately monitored. For example, although the minimum legal age to marriage is 18, an underage child can marry with judicial consent. NGOs have collected statistics that say that 89% of all appeals to the judiciary regarding underage marriage are approved, and that 97.5% of these appeals are entered by girls under 18, but some as young as 13.⁴⁶

Both the shadow report and the UN comments spend a large part of their time discussing article 16: the problems that have resulted from it, and the improvements that need to be made. Article 16 in the CEDAW treaty discusses women's rights regarding divorce, child custody, and marriage and family relations. Significant progress has been made in recent years regarding the different paragraphs of article 16. Amendments to the Labor Code, the Mudawwana, the Penal Code, and the Nationality Code have all brought positive change regarding equality in women's rights.

The changes to the Penal Code criminalize sexual discrimination, aggravate charges regarding domestic violence, and criminalize sexual harassment in the workplace, among other

⁴⁶ ADFM, *Shadow Report*, 60.

things.⁴⁷ The changes to the Family Code, or Mudawwana, were numerous and offer many new forms of protection for women. The changes introduced regulation of polygamy, abolition of the need for a woman to obey her husband, and changes to marriage contracts that allow women to have more control of property, give women more access to child custody, and further protect the rights of children.⁴⁸

Although the shadow report congratulates Morocco for the numerous positive legislative changes, the report is clear that many forms of discrimination still exist, even after the reforms. The Penal Code is based on two discriminatory notions: male honor and control over female sexuality.⁴⁹ The Penal Code is profoundly discriminatory, and deals with the rape of women differently based on whether or not they are married or unmarried, virgin, or non-virgin. Legal proceedings against rapists automatically cease if they agree to marry their underage victims, whether or not the victim consents to the marriage. This law is meant to prevent a woman from becoming an unwed mother or from being considered unfit for marriage. However, being forced to marry their rapists is not only humiliating and degrading to the victims, but this law is often in conflict with the laws against underage marriage.⁵⁰ There are still laws which prevent NGOs and other charitable organizations from opening shelters to house battered women. The law does not prevent NGOs from directly opening shelters but criminalizes the act of housing women in the shelters. No matter the circumstances, if a woman has left the matrimonial home without the consent of her spouse, it is a crime to house her. NGOs cannot open domestic violence shelters for fear of prosecution. The UN report also encourages amending the Family Code to prohibit

⁴⁷ ADFM, *Shadow Report*, 56.

⁴⁸ ADFM, *Shadow Report*, 56-57.

⁴⁹ ADFM, *Shadow Report*, 58.

⁵⁰ ADFM, *Shadow Report*, 58.

polygamy and the immediate amendment of the Family Code to eliminate discrimination regarding divorce, custody, legal proceedings, as well as equal rights within marriage.⁵¹

Both reports express grave concern at the lack of family planning options in Morocco. The UN report recommends that the government immediately increase access to health care, family planning options, and to increase awareness of these options, particularly in rural areas.⁵² They stress the importance of raising awareness about sexually transmitted diseases and HIV/AIDS and the availability of family planning and contraception to reduce the number of clandestine abortions.

The shadow report states that the lack of family planning options can drive many women to perform clandestine abortions and other measures that are dangerous to the health of the mother, while other mothers may be driven to infanticide or abandonment of their children.⁵³ The problem of spousal violence is not well addressed in Morocco's report, and there is a notable lack of statistics, which the UN's response calls for. There are no national statistics on violence against women; the best information comes from NGOs like the ADFM and the ANARUZ network.⁵⁴

From the data collected by the ANARUZ network, the shadow report lists several trends of violence. Over 9 in 10 of the assailants were intimately involved with the victim, and over 8 in 10 were the husband of the victim.⁵⁵ There is also a cultural aspect which reinforces spousal

⁵¹ "Concluding comments of the committee," 8.

⁵² "Concluding comments of the committee," 7.

⁵³ ADFM, *Shadow Report*, 59.

⁵⁴ The ANARUZ Network is a group of NGOs working together to eradicate violence against women. The network allows NGOs to easily communicate with one another, and compile statistics about the level and nature of violence against women in Morocco.

⁵⁵ ANARUZ Network, *Les violences fondées sur le genre au Maroc*. (Rabat : ADFM, 2007)

violence: it is presented as a fact of married life, but taboo to talk about. Victims are also held responsible for their fate, made to feel guilty for incurring the wrath of their husbands.

Both reports include many more suggestions and criticisms regarding article 16. However, they both recommend that many temporary measures be taken to decrease the phenomenon of domestic violence, for the parliament to create measures that ensure the equality of women and men within marriage, and that the parliament immediately amend any further discriminatory laws.⁵⁶

Article 29.

Morocco's reservation to article 29 primarily concerns paragraph 1. This paragraph discusses the means for settling disputes between state parties. If there is any dispute concerning the convention or its application, their dispute should be settled by negotiation, then by arbitration. If the dispute is still unable to be settled, either party can refer the dispute to the International Court of Justice. Morocco's reservation states that the government does not consider itself bound by this article and that any dispute between two or more states can only be referred to arbitration if all of the parties agree to the dispute.

II. Examination of CEDAW in Similar Countries

In order to understand the recent changes to Moroccan law and the problems that women still face, it is important to look at Morocco as a part of several larger regions. When examining Morocco's reservations and declarations to the CEDAW and its implementation, other countries have similar problems with the convention. Morocco's relationship to women's rights and to the CEDAW can be understood in a North African, Islamic, MENA region, or African context. Each

⁵⁶ "Concluding comments of the committee," 8.

perspective allows for an examination of similar values, but also for a close look at the ways in which similar nations or groups of people have succeeded in implementing the women's convention or otherwise ameliorating the status of women.

Morocco and other North African Countries.

In evaluating the changes made to the *Mudawwana*, it is necessary to examine not only Tunisia and Algeria's codes of personal status, but also to take note of the French legal code. Like Morocco, both Algeria and Tunisia have a long history of strong tribal groups, and all three countries chose to base their legal systems upon the French model after each gained its independence from French rule in the 1950s and 1960s.⁵⁷ However, the personal status codes of these countries, such as the Moroccan *Mudawwana*, are based on *shari'a* law.

The *Mudawwana* was adopted in 1958, just two years after independence. Mayer asserts that the reaffirmation of many traditional laws in the *Mudawwana* that were inspired by *Maliki* jurisprudence signaled the desire of the Moroccan government to create a certain distance between itself and France and the former régime.⁵⁸

Tunisia's original personal status code, enacted only 6 months after independence in 1956, was an unequivocal statement of modernization through legal reform.⁵⁹ This radical code prohibited polygamy, set minimum marriage ages of 17 and 20, eliminated a husband's right to repudiation, and established equal rights to divorce for men and women, including a provision that introduced no-fault divorce. In comparison to the United States, the early Tunisian adoption of this idea was very much ahead of its time, since no-fault divorce was not adopted in the US

⁵⁷ Ann Elizabeth Mayer, "Reform of Personal Status Laws in North Africa: A Problem of Islamic or Mediterranean Laws?" in *The Middle East Journal* 49.3 (1995), 433.

⁵⁸ Mayer, "Reform of Personal Status Laws," 435.

⁵⁹ Mayer, "Reform of Personal Status Laws," 434.

until 1969.⁶⁰ Moreover, French women's rights reforms were not introduced until 1965, when a 10 year set of reforms updated the legal code. These radical reforms were officially based upon new interpretations of Islam, and were not preceded by a strong feminist movement. Rather, these reforms were enacted to break the traditional power systems of tribes and the ulema in Tunisian society.⁶¹

In the 1980s and 1990s, Islamist movements became more popular in Tunisia, and some branches called to repeal or amend the changes to the personal status code.⁶² In a move to slow the rise of such groups, women's groups collaborated with the government to create even more radical reforms in 1993. Therefore, many women's organizations were staunch supporters of President Zine el-Abidine Ben Ali, who ruled from 1987 until January 2011. However, it is unclear how the 2011 revolution will affect the status of women's rights.

The French colonization of Algeria lasted from 1830 until 1962, much longer than the French presence in either Morocco or Tunisia.⁶³ The French colonizers controlled most of Algeria's land, dominated the Algerian economy, and supplanted Algerian culture with what they believed were superior French ideas. Many Algerians reacted by trying to reinforce traditional Islamic laws and customs in a religious rebellion against the French. Women were very active in the struggle for liberation against the French from 1954-1962, and they believed that their participation would lead to an improvement in the status of women after Algeria's liberation. However, in a response to the French cultural domination during colonization, the leaders of the new ruling party were culturally conservative. The 1962 constitution prohibited

⁶⁰ Mayer, "Reform of Personal Status Laws," 434.

⁶¹ Nikkie Keddie, "Tunisia," in *Women in the Middle East*, 141.

⁶² Keddie, "Tunisia," 141.

⁶³ Ruth Margolies Beitler and Angelica R. Martinez, *Women's Roles in the Middle East and North Africa*. (Santa Barbara, CA: Greenwood, 2010), 21.

sex discrimination and included women's suffrage, but the new conservative leaders discouraged women's work outside of the home and limited access to family planning measures.

In 1981, the Islamists proposed a conservative family code which prompted feminists and women's organizations to counter demonstrate. The women's attempts to liberalize the family code failed, and the national assembly passed an even more conservative version of the family code in 1984. This family code, still in use, is based on a conservative interpretation of the Maliki School of law. This interpretation does not allow women to marry without the permission of their guardians and does not give women the right to divorce or to have custody of their children.⁶⁴

In the 1980s, feminist organizations grew stronger, but so did the Islamist movement. And in April of 1989, 100,000 women protested for a more conservative society, and lobbied for more gender segregation and stronger Islamic ideals. The conservative interpretation of women's rights is partly a response to French denigration of Islam and the traditional Algerian family structure, partly due to the political influence of conservative tribal and Islamist groups, and partly due to the conservative Islamic values taught in public schools by traditional and rural teachers.⁶⁵

Women's organizations are very strong in Algeria today, and have worked to fight illiteracy and to promote education and women's participation in politics. However, the implementation of existing laws is a struggle, and many rural judges do not uphold provisions of the law which support women's rights. After Morocco reformed the *Mudawwana* in 2004,

⁶⁴ Keddie, "Algeria" in *Women in the Middle East*, 143.

⁶⁵ Keddie, "Algeria," 144.

women's rights organizations launched several campaigns, but Algeria has yet to reform its family code.

Both Tunisia and Algeria have faced problems similar to Morocco's in the process of CEDAW implementation and in changing the status of women. Mayer therefore argues that Moroccan legal reform must be considered within context of the reforms of other Mediterranean countries like Tunisia, Algeria, and France. Although the *Mudawwana* reforms of 1993 may not have been progressive enough for some Moroccan feminist activists, the French system upon which Moroccan legal code is based did not achieve these reforms until the mid-1970s.⁶⁶

Morocco and Bangladesh.

While Bangladesh may not seem similar to Morocco, they are both predominantly Muslim countries that have high illiteracy rates, a large rural population, and a strong network of NGOs committed to equality for women everywhere.⁶⁷ These similarities highlight the different methods of implementation employed by each country, and their differing results. In the 1990s, Bangladesh demonstrated that the CEDAW can be an impetus for positive and structured changes. The forces that drove Bangladesh to change many of its laws drastically and to become serious about CEDAW implementation can serve as a model for change in Morocco.

Additionally, Moroccan leaders can learn by examining the problems that Bangladesh encountered in order to modify the strategies Bangladesh employed for use and implementation in Morocco. The differences seen between the Bangladesh's two periodic reports (1993 and 1997) demonstrate a marked difference in the status of Bangladeshi women and a renewed

⁶⁶ Mayer, "Reform of Personal Status Laws," 442.

⁶⁷ Literacy rates in Bangladesh in the mid 1990s were measured at 38.9% for men and 25.5% for women. Source: Bangladesh's third periodic report via Afsharipour, "Empowering Ourselves" (159). For another comparison of Morocco and Bangladesh, see Michele Brandt and Jeffrey A. Kaplan, "The Tension between Women's Rights and Religious Rights: Reservations to CEDAW by Egypt, Bangladesh and Tunisia."

commitment to the principles espoused in the CEDAW. Although Bangladesh is far from completing its implementation of the CEDAW, an examination of the ways in which it has implemented the CEDAW can be contrasted with Morocco's approach.

Bangladesh ratified the CEDAW in 1984 and showed great disregard for the responsibilities imposed upon it by the treaty. In their second periodic report to the CEDAW, submitted in 1993, Bangladesh failed to address any of the concerns listed in the CEDAW committee's prior comments. At 13 pages, the second report was too brief, and it failed to adequately depict the status of women in Bangladesh and the measures the government had taken to address these failures.⁶⁸ The statistics used in the 1993 report were inaccurate and more than ten years out of date.⁶⁹ The second report did not provide information about the specific legal changes that had been made to improve the lives of women and failed to address discrimination against women in many key areas.

The second report demonstrated that Bangladesh did not have an accurate view of the goals and requirements of the women's convention. The report did not discuss any of the main articles of the convention, nor was there any mention of how Bangladeshi laws conformed to or violated the precepts of the convention. Additionally, the second periodic report did not mention the role of NGOs in helping the women of Bangladesh and failed to discuss Bangladesh's reservations to the convention.⁷⁰

⁶⁸ By contrast, Bangladesh's third and fourth combined periodic report of 1997 was 92 pages, and the 2004 fifth periodic report was 57 pages. (Source: CEDAW)

⁶⁹ CEDAW reporting guidelines require statistics to be obtained in the time between periodic reports. In this case, the statistics should have been from the previous four years. The statistics used in the second periodic report were from the time frame of 1974-1985.

⁷⁰ Afra Afsharipour, "Empowering Ourselves: The Role of Women's NGOs in the Enforcement of the Women's Convention," *Columbia Law Review* 99.1 (1999), 147-149.

However, between 1993 and 1997, Bangladesh changed its attitude toward the women's convention and made many fundamental changes in the arena of women's rights. In 1991 Bangladesh elected its first female Prime Minister, Khaleda Zia. She had the support of the majority of members of the Bangladeshi parliament, and Zia used her political power to focus on educational reforms. These educational reforms targeted girls by using incentives for families to send them to school and also gave incentives for girls to remain in school. Zia's focus on women's right to education helped to expand parliamentary funding for women's programs in Bangladesh.

The third periodic report reflects a more nuanced understanding of the status of women in Bangladesh, discusses the many legal changes that occurred, and addresses the critical comments of the CEDAW committee. Many of the changes began in preparation for the Beijing Fourth World Conference on Women in 1995.⁷¹ In 1993, women's NGOs in Bangladesh began their preparation with three major steps: a series of workshops on the CEDAW, held at both national and local levels; newsletters about women's rights distributed in Bangla; and a media campaign on both television and in newspapers.⁷² This multi-pronged approach helped to open a dialogue about women's rights to the general public, and to raise awareness on a local and national level about the CEDAW and the status and rights of Bangladeshi women. National-level activists began to work closely with smaller and more locally based organizations. This provided a platform for smaller groups of marginalized women in rural areas of Bangladesh to express their

⁷¹ The Beijing conference, held in 1995, presented a comprehensive platform for women's rights. The platform included twelve areas that were deemed to be critical to improving the status of women all over the world. The Beijing conference is widely considered to be a catalyst for change in the arena of women's human rights for many governments. The Beijing + 5 was a follow up conference intended to mark the progress of governments in attendance in the amelioration of the status of women. For more information on the Beijing platform and its effect on women's rights, see Mahnaz Afkhami and Erica Friedl, *Muslim Women and the Politics of Participation*.

⁷² Afsharipour, "Empowering Ourselves", 151.

needs. In this way, the dialogue incorporated the needs of women into the NGOs' and government's preparations for the Beijing conference.

The goals of the Beijing conference were closely aligned with the needs of Bangladeshi women and very similar to the goals of the CEDAW. Following the Beijing conference, the Bangladeshi government formulated a National Action Plan in order to implement the CEDAW fully, as well as to fulfill their commitments under the Beijing platform. The government put the Ministry of Women and Children's Affairs in charge of the plan and created a task force. This particular task force was particularly effective because it combined government officials, representatives from international and local NGOs, and independent women's rights activists.⁷³ Once the National Action Plan was complete, it involved almost every government ministry and the document examined the status of women and how to improve women's rights in Bangladesh from every angle.

The third periodic report was compiled by a separate report committee composed of many members of the task force.⁷⁴ Again, the Ministry of Women and Children's Affairs appointed many non-governmental groups and activists to prepare the report to ensure accurate statistics and current information taken from their experiences helping women throughout Bangladesh. The third report acknowledges the weaknesses in the arena of women's human rights in Bangladesh and presents a plan of action to further implement the convention. Regarding the accessibility of the convention to individuals, the report presents a plan to translate more materials regarding women's rights into Bangla and to disseminate this

⁷³ Afsharipour, "Empowering Ourselves," 154.

⁷⁴ Afsharipour, "Empowering Ourselves," 156.

information in readily accessible forms.⁷⁵ The report acknowledges that collaboration between NGOs, both local and international, and the government is essential to implementing and enforcing the convention. Over 18,000 NGOs are working to contribute to the socio-economic development of Bangladesh, much of which is done through micro-credit lending and other poverty alleviation programs.⁷⁶

Criticism of Bangladesh's implementation efforts generally focuses on the government's heavy reliance upon the work of NGOs. While the Bangladeshi government was involved with the creation and the implementation of the National Action Plan, much of the burden of implementation fell upon local and national NGOs. The government overestimated its ability to fund wide-reaching programs and the desire of many people to enact such swift change. While NGOs were able to implement quickly many of the proposed changes, most were equipped to affect small communities and solve local problems, and did not have the resources to create national change. However, it must be emphasized that NGOs have no official responsibility to the CEDAW, and that it is states that must fulfill their treaty obligations.

Bangladesh's relationship with the CEDAW demonstrates the importance not only of cooperation between the government and NGOs but also of grassroots action in the successful implementation of the CEDAW. Implementation is more successful when individuals feel a personal connection to the CEDAW and want to change the status of women's rights. Bangladesh successfully created these connections by awareness and sensitization campaigns that were widely available to both rural and urban populations.

⁷⁵ Previously, NGOs had disseminated information in multiple languages about women's rights, but the government did not devote enough resources to provide ample information in the proper languages. Although Bengali is the official language of Bangladesh, there are an estimated 38 different dialects and regional languages spoken in the country. Afsharipour, "Empowering Ourselves," 160.

⁷⁶ Afsharipour, "Empowering Ourselves," 161.

Since 1991, Bangladesh has had a female Prime Minister in power.⁷⁷ These women made strong commitments to changing the status of women's rights and used NGOs to help the government fulfill its obligation to CEDAW. However, in order for a government to honor fully its commitment to CEDAW, it must be willing to devote significant human and monetary resources to women's ministries and organizations and to their related projects over an extended period of time.

Morocco and Other African Countries.

It is also important to note Morocco's position in Africa. While Morocco may not seem to have much in common with many African countries, particularly those in sub-Saharan Africa, many other African nations have placed similar reservations and declarations on the CEDAW. Furthermore, the status of women in Africa is affected by many different religious views and customary practices, many of them tribal. In order to demonstrate these similarities, I will examine individual cases from a number of African nations.⁷⁸

In 1992, a woman named Unity Dow from Botswana challenged the 1984 Citizenship Act, which stated that the children of a woman married to a foreigner were not entitled to citizenship, while the children of a man married to a foreigner were. In Botswana, as in Morocco, serious liabilities are attached to the lack of citizenship. Dow, a lawyer and a single mother, claimed that the Citizenship Act violated Article 9 of the CEDAW, to which Botswana was a

⁷⁷ Between elections, Bangladesh has an interim system which appoints a moderate or neutral party to govern and oversee elections. Although the leaders during interim periods have not necessarily been women, every elected leader since 1991 has been a woman.

⁷⁸ For more information on CEDAW and African countries, see Mayra Buvinić and Geeta Rao Gupta, "Female-Headed Households and Female-Maintained Families: Are They Worth Targeting to Reduce Poverty in Developing Countries?"; "Court Upholds Stoning for Nigerian Mother"; and "Facing Death for Adultery, Nigerian Woman is Acquitted".

party. After losing two major court decisions, Dow finally won in Appeals Court. The government of Botswana granted citizenship to Dow's children and to others similarly situated.⁷⁹

South African women face many of the same challenges that Moroccan women do. South African customs are unfair to women in matters of marriage and property rights, and they prevent women from enjoying equal economic rights. As in Morocco, South African women have limited access to a formal healthcare system and do not have equal access to educational institutions.⁸⁰ These limitations prevent women from learning about international conventions like the CEDAW and from making them important to women's lives. The links between international laws, national laws, and local customs are weak, and efforts to change laws and customs do not complement each other. Tamale posits that women's movements in Africa do not use international and regional tools such as CEDAW enforcement mechanisms because they feel far removed from international law and treaties which are often predominantly composed of the laws and customs of Western countries.⁸¹

Two challenges of implementation are to make the CEDAW meaningful for women and to make women aware of their rights under the CEDAW. Particularly in a multi-lingual country like Morocco, materials about the CEDAW and about women's legal rights must be distributed in several different languages. Additionally, the high illiteracy rate in Morocco, particularly among rural women, makes it difficult to reach women through spreading booklets and leaflets. Personal contact is necessary for women to learn about their rights.

Under the CEDAW, it is the duty of citizens, their representatives, NGOs, the media, and other organizations to hold their governments accountable. The government must inform the

⁷⁹ Tamale, "Think Globally, Act Locally," 101.

⁸⁰ Ngaba, "Eliminating Discrimination," 88.

⁸¹ Tamale, "Think Globally, Act Locally," 97.

general public who is responsible for the implementation of treaties like the CEDAW. In this way, individuals will have a way through lobbying, campaigning, or demonstrations to get the government to hear their concerns. In 1995, women in Uganda used these strategies to influence the drafting of a new constitution. Delegates to the Ugandan Assembly formed a caucus composed of both women and men that supported women's rights which worked to incorporate women's rights into the new constitution. The CEDAW was the basis for the rights articulated in the Ugandan constitution and the basis for the definition of equality between genders.⁸²

Even conventions like the Banjul Charter that were created to address the state of human rights in Africa do not adequately state the case for women's human rights. The African [Banjul] Charter on Human and People's Rights, which came into force in 1996, focuses on the rights of groups of people. However, the Banjul charter does not emphasize women's rights, and specifically stresses the importance of maintaining cultural practices that are often discriminatory towards women. While not all African cultural practices are discriminatory towards women, the charter refers to the unqualified maintenance of all African cultures and traditions, which Tamale calls the keystone institutions for gender discrimination.⁸³ Nevertheless, the Banjul Charter has several different mechanisms for addressing compliance, including a procedure for individual complaints. In 2000, the CEDAW adopted a procedure to address compliance called the Optional Protocol.⁸⁴

B examining the successes and failures of CEDAW and the progress of women's rights in other states, Morocco's relationship to CEDAW implementation and legislation can be

⁸² Tamale, "Think Globally, Act Locally," 99.

⁸³ Tamale, "Think Globally, Act Locally," 98.

⁸⁴ UN, *CEDAW Optional Protocol*. The Optional Protocol is a measure to address individual complaints under the CEDAW. It will be discussed in the section entitled CEDAW's Enforcement Methods.

understood more fully. Similar countries looking to implement the convention would benefit by studying the strategies employed by these states and seeking ways to improve upon them.

III. Examining the CEDAW and Women in Morocco

To understand the current state of women's rights in Morocco, it is necessary to understand not only the history of the women's rights movement, but also the groups that have had a role in shaping this history. Their roles in shaping the state of women's rights in Morocco will be discussed in depth in later sections: this is a brief introduction to the most important players.

The King of Morocco has always played a large role in shaping women's rights. While most of this analysis will focus on Mohammed VI, the current King of Morocco, his predecessors Mohammed V and Hassan II ⁸⁵ played similarly important roles in shaping women's rights in their time. The Moroccan parliament has also helped to shape the role of women. While the King has the power to enact any law he wishes, parliamentary support can be crucial to ensure that the will of the people is expressed. The religious council plays a large part in shaping Moroccan politics, particularly with regards to the family law, or *Mudawwana*. The *Mudawwana* is based on shari'a law, and the Maliki School of interpretation, and the religious council is particularly influential in such matters.

It is important to distinguish between Moroccan feminists, women's rights activists, and women's organizations. While Moroccan feminists and NGOs may have similar goals, and sometimes collaborate, they are not perceived as a unified group of women. Additionally, Moroccan feminists are sometimes seen as members of the elite, detached from the everyday realities of Moroccan women.

⁸⁵ Respectively, the Grandfather and Father of Mohammed VI.

History of the Women's Movement in Morocco.

The modern feminist movement in Morocco dates to 1946, when the 'Akhawat Al-Safaa' (Sisters of Purity) – a part of the Moroccan Istiqlal (independence) party – wrote a document which demanded more legal rights for women. This vocal group of women was composed of middle and upper class Fassi women, all of whom had male relatives in the Istiqlal party. Their influential and mostly liberal male relatives permitted them to publish articles in the newspaper *Al- 'Alam*, owned by the Istiqlal party.⁸⁶

However, it is important to examine why these men encouraged the expression of radical feminist ideas in a conservative era, and while Morocco was still occupied by France.⁸⁷ Fatima Sadiqi, former professor of Gender Studies and director of Center for Studies and Research on Women at Université Sidi Mohamed Ben Abdallah in Fes posits that these men were 'male feminists' which is to say, men who supported feminist causes to the extent that they promoted overall societal advancement.

Male feminist views dismissed polygamy and unequal inheritance laws because these practices did not embody current ideals of a modern Islam and an enlightened European style society. While male feminists called for many radical reforms that benefited women, they were not actually concerned with the advancement of women's human rights. These ideas were solutions to modernize Morocco. As a result, women's progress in the fields of education and economic development stemmed from general social projects, and not from any specific measures aimed at improving women's quality of life. For example, women entered into the field of higher education as a way to boost their social status and to make themselves more

⁸⁶ Sadiqi, "Central Role of Family Law," 325.

⁸⁷ The French occupation of Morocco ended in 1956.

marriageable. Women entered the workforce as an unplanned consequence of national development initiatives and requirements. However, women's participation in higher education was a way to educate children. In Morocco, mothers are in charge of children's education. Through a male feminist view, educating women is a way to create more educated youth.

After achieving independence from French occupation in 1956, Morocco created its first Code of Personal Status – the *Mudawwana*. King Mohammed V created a commission to draft the new code jointly with the Minister of Justice. This committee included ten members of the Moroccan ulema, or religious community, and three figures from the religious reformist community, including Allal Al-Fassi, an important political figure. Implemented in 1957, the *Mudawwana* was a great disappointment to women's rights activists. The *Mudawwana* was based on the *Maliki* School of Islamic law, even though other legal codes at the time like the penal code and the Moroccan constitution were not. For example, laws regarding the sale of alcohol and bank interest bypassed established Islamic legal principles. However, the *Mudawwana* was firmly based in a conservative interpretation of *Maliki* laws, and the final draft of the code did not include ideas from the more liberal members of the drafting committee. This committee was comprised of men who chose to base the code on religious law, effectively removing the *Mudawwana* from the public sphere and closing the discussion to women.⁸⁸

In the 1960s and 1970s, women began to express themselves more freely in the public sphere. Journalists began to write about women's concerns, addressing health, education, child rearing, and general skills for women to be better wives and mothers. Articles about important national and international feminist figures introduced feminist ideas to the Moroccan community without directly addressing their content. Women also began to organize in progressive

⁸⁸ Sadiqi, "Central Role of Family Law," 329.

professional organizations with political affiliations, such as 'Union Progressiste des Femmes Marocaines' (Progressive Union of Moroccan Women), created in 1962. More women became involved in other political parties, such as 'Parti de l'Union Socialiste du Front Populaire' (Socialist Union of the Popular Front).

The 1980s saw the emergence of magazines created for and by women, as well as the first women's associations (NGOs). Magazines like *8 Mars* (March 8th), created in 1983, and *Kalima* (Word), created in 1986, and censored in 1988, directly addressed women's issues and preceded the creation of women's NGOs. The ADFM, or L'Association Démocratique des Femmes du Maroc (The Democratic Association of Women of Morocco) was established in the 1980s, and the UAF or L'Union de l'Action Féminine (Women's Action Union) soon followed. Smaller and more specialized organizations began working in the fields of prevention of violence against women, combatting illiteracy, and working against all forms of gender-based discrimination. The wave of NGO formation in the 1980s produced many feminist community leaders who would later become nationally recognizable political figures, including Amina Lemrini and Nouzha Skalli. Lemrini founded the ADFM and now acts as a liaison between women's groups and the Moroccan Parliament. Skalli has published several articles in English and in French about women's rights in Morocco and the *Mudawwana*.

In the 1980s, Islamism began to rise in Morocco, as it had in Algeria and Tunisia. According to Fatima Sadiqi, Islamism can be defined as a social movement or group based on the exploitation of Islam for political aims, or any such movement that tries to exercise power in

the name of religion only. It is important to note that Moroccan Islamists are not a homogenous group; they range from conservative to radical.⁸⁹

Moroccan feminists quickly noticed the ways in which Islamists targeted women and realized that they would need to incorporate Islam into their discourse. NGOs in Morocco often work with a target population of lower class or rural women, who are more likely to sympathize with Islamist discourse. Moroccan feminists were conscious of the need to incorporate Islamic precepts into their writings for two reasons: in Morocco, an Islamic discourse is necessary to communicate with the majority of women, and outside of Morocco, feminists found they must use an Islamic discourse to avoid criticism of misrepresenting their own culture.⁹⁰

In the 1990s Moroccan women's organizations grew stronger and began to work outside of the major urban centers. In 1992, the UAF⁹¹ launched a campaign on International Women's Day (March 8th) to call for equality between men and women in Morocco. The Association sent a letter to the Moroccan Parliament demanding changes in the *Mudawwana* and procured one million signatures that supported these demands.⁹² Although the Islamists were strongly opposed to these changes in the *Mudawwana*, King Hassan II created a commission of the *Ulema* to review the proposed changes and to make recommendations. In May, 1993, the king announced several changes to the *Mudawwana* including giving women more rights in divorce – but excluding changes to women's child custody right. The reforms were ultimately a disappointment to women's organizations. However, the 1993 changes represented a significant symbolic gain, because they incorporated the public into the debates about the *Mudawwana*. Until then, the *Mudawwana* was considered an untouchable, sacred, religious document. In the

⁸⁹ Sadiqi, "Central Role of Family Law," 330.

⁹⁰ Interview with Fatima Sadiqi, January 7, 2011.

⁹¹ L'Union de L'Action Féminine, a NGO which is based in Rabat.

⁹² Sadiqi, "Central Role of Family Law," 331.

process of creating these reforms, the *Mudawwana* was examined, criticized, and ultimately changed. Morocco ratified the CEDAW on June 21, 1993.

The government again proposed changes to the *Mudawwana* in 1999, and successfully changed many of the remaining discriminatory laws in 2004. The plan presented in 1999 was strongly opposed by Islamists, and was marked by protests from both feminist and Islamist activists. Ultimately, the 1999 plan failed, but in 2004 the new King Mohammed VI pushed through a radical set of reforms to the *Mudawwana* in order to advance the status of women in Morocco.⁹³

Summary.

The CEDAW is integral to defining discrimination against women all over the world. The model of discrimination that CEDAW outlines is comprehensive and notes specific areas in which women are especially susceptible. Jeremy Gunn, a professor and fellow at the Emory Center for the Study of Law and Religion, as well as the director for the Program on Freedom of Religion and Belief at the ACLU posed the question, “Is any international treaty truly effective?”⁹⁴ That is to say, international treaties espouse a certain set of ideals which may or may not be held in the culture and government of the ratifying party. Many states ratify international treaties under pressure to do so, not because they agree with the precepts of the treaty or are prepared to be responsible for upholding this set of ideals.

As an international treaty, the CEDAW is as effective as the ratifying state decides it should be. As seen in the efforts of Bangladesh and some African countries, the CEDAW can be used as a roadmap for change. However, the responsibility for implementation of the convention

⁹³ The failure of the 1999 plan and the 2004 reforms will be discussed in detail in a later section.

⁹⁴ Interview with Jeremy Gunn, December 30-31, 2010.

lies with each state, and the CEDAW does not have a very effective monitoring system.⁹⁵ The impetus for following the CEDAW's recommendations must come from within the state. In many cases, adhering to the guidelines set by the treaty requires dedication to changing both national laws and cultural norms, something which takes effort, time, and usually significant monetary support.

The CEDAW offers a platform for unlike countries to compare implementation strategies. A comparison between Morocco and Bangladesh is not apparent but the CEDAW is a way for the two countries to learn from the others failures and successes in the implementation of the treaty. The CEDAW does not force a comparison between any two countries but it allows for independent scholars and organizations to make new associations and suggestions for improvement. The CEDAW provides an international framework for discussing women's rights which can be used to compare the progress of ratifying countries. This hands-off approach is one of the first steps in empowering local actors to implement the treaty. As an international treaty, the CEDAW invites scholars and activists to make comparisons between Morocco and Bangladesh and to adopt different strategies for the application of the treaty based on the successes and failures of other ratifying parties to the CEDAW.

⁹⁵ The CEDAW has set in place a simplified version of a monitoring system to assess the progress of state's parties. The details of this system will be discussed in a later section.

THE LIVES OF UNWED MOTHERS

In Morocco, the discrimination that unwed mothers confront can be broken down into three categories: legal discrimination, poor implementation of existing laws, and societal factors. Each type of discrimination harms the lives of unwed mothers in different ways. Discrimination inherent in the law is easy to identify, and while it is most commonly seen as a problem in the court system, or in economic inequality, legal discrimination has far-reaching effects. Even after the *Mudawwana* changes there are still remaining discriminatory laws. These laws and the poor implementation of already existing laws are a point of contention with the CEDAW committee and Moroccan NGOs. Morocco submitted reports in 2003 and 2008, and the shadow reports and committee comments which correspond to these years identify offending laws and document their effects on women's lives.

The implementation of laws is harder to quantify, but it affects unwed mothers in areas such as divorce proceedings, child custody, and general matters before a judge in court. NGOs like the ADFM and Association Solidarité Féminine (ASF) work with women in court to ensure that their cases are given fair consideration.⁹⁶ As a part of their effort to record information on domestic violence and the problems women face in Morocco, the ANARUZ network compiles statistics on the poor implementation of existing laws.

Finally, societal factors like poverty, low education levels, and discriminatory attitudes constitute most powerful forms of discrimination, since they are the hardest to measure, and often go overlooked. Personal interviews with unwed mothers at ASF and the narratives from *Grossesses de la Honte* and *Miséria: Témoignages* it is possible to view the challenges that unwed

⁹⁶ The ADFM is the Association Démocratique des Femmes du Maroc – one of the first NGOs for women established in Morocco, and one of the largest. Association Solidarité Féminine or ASF was also established very early, and is the main NGO that works with unwed mothers in Morocco.

mothers face in their everyday lives. Their stories describe the effects of legal and societal changes upon the lives of individual women.

ASF is a unique NGO in Morocco because it works exclusively with unwed mothers. By examining the role that ASF plays in the lives of unwed mothers and the common problems that unwed mothers face, we can discern patterns of legal and social discrimination against unwed mothers in Morocco.

I. The Role of NGOs in the Lives of Moroccan Women

NGOs have helped to redefine women's roles in Moroccan society. By working to change government policies and to aid the implementation of the new *Mudawwana* as well as providing vocational and literacy training for women, NGOs affect women's lives in tangible and intangible ways. According to Fatima Sadiqi, NGOs in Morocco can be generally divided into two categories – those that are service-based and those that focus on political-based action. However, this classification over simplifies the boundaries between the two types of NGOs.

Many Moroccan NGOs focus on providing services for their community and are not involved with any policy-based advocacy. However, the NGOs that concentrate on changing the legal status quo in Morocco are generally much larger and do not limit their efforts to policy work. These larger NGOs combine policy and service, generally by providing domestic violence counseling and legal support for court cases which serve to advance the organization's political agenda. Organizations like the UAF and the ADFM have enough resources to provide support centers for women and to lobby for political change.

Generally, associations in smaller towns focus on providing services for their communities. One such organization is Association Chaml, based in Kénitra. Association Chaml is a part of the

ANARUZ network and is equipped to serve victims of violence, but they only counsel about 100 women per year. If women come to the center with more specialized needs or severe abuse, they are often referred to other NGOs in the ANARUZ network who are better equipped to handle the case. The organization focuses on providing literacy training in Arabic and French, family counseling and mediation services, and classes for skills that lie within the ‘cult of domesticity’.⁹⁷ The classes offered by the organization include workshops on sewing, decorative arts, baking, pastry making, and Moroccan cooking. These courses definitively lie within the realm of the cult of domesticity because the organization does not have a mechanism for the women enrolled in these workshops to sell their goods. During the association’s open house, the classes demonstrate the skills they have learned, but the center does not provide an opportunity for economic development.⁹⁸ However, the classes at Association Chaml are open to all women from the Kénitra community and are not limited to victims of violence or women who have a specific need for economic empowerment.

While NGOs like the ADFM and the UAF provide many of the same services that Association Chaml does, their focus is very different. These two NGOs are at the forefront of the struggle to promote women’s rights in Morocco and put a significant portion of their resources towards effecting change at the legal level. The UAF and the ADFM focus on lobbying political groups for change and are in charge of compiling statistics for the CEDAW shadow reports, part of their efforts to enforce the implementation of the *Mudawwana*.

⁹⁷ The cult of domesticity, as explained by Fatima Sadiqi in “The Central Role of the Family Law in the Moroccan Feminist Movement” refers to skills which enhance a woman’s ability to be a good wife and mother. These skills (nurturing skills, household management, child rearing, how to be a more effective wife and mother) were originally used in journalistic discourse to stress the development of women’s abilities while highlighting their domestic roles.

⁹⁸ This approach contrasts with that taken by Association Solidarité Féminine, which trains unwed mothers in several different fields (pastry making, cooking, beautician skills, or how to run a Moroccan-style hammam), teaches them how to run a business, and then economically empowers the women to start their own small businesses or to seek employment outside of the center.

Both NGOs sponsor widespread literacy programs and have large centers for victims of domestic violence.⁹⁹ The statistics they collect from their direct community involvement is compiled for publications like the ANARUZ network guide to statistics on domestic violence in Morocco, as well as the shadow reports for the CEDAW. Statistics collected by NGOs are often more accurate than government statistics since NGOs work with the target populations and have collected statistics over an extended period of time. Additionally, government reports often try to present statistics in a favorable light or downplay more serious issues in order to impress the CEDAW committee or other organizations that may have an impact on international funding.¹⁰⁰ NGOs are not accountable to the CEDAW committee, nor are they required to submit a shadow report, and it is in their best interests to submit accurate statistics.

Association Solidarité Féminine.

Since the organization does not do as much political lobbying, ASF is closer to a service-providing NGO than the UAF or the ADFM. However, ASF has more international clout than any other NGO in Morocco, and in 2009, its founder Aïcha Ech Channa won the Opus Prize – a faith-based humanitarian award. Even before receiving this prestigious award, ASF attracted many international donors.¹⁰¹ The organization’s work has been praised both publicly and privately by King Mohammed VI, who attended the opening of the new *Hammam* site in 2004.¹⁰² Since its foundation in 1985 in a basement in Casablanca, ASF has expanded to three

⁹⁹ The UAF has over 32 centers which support literacy training classes and both centers for violence victims provide counseling and legal services for battered women. *Interview with Fatima Maghnaoui October 30, 2009.*

¹⁰⁰ Krivenko, “Women, Islam and International Law,” 5-8.

¹⁰¹ ASF is currently about 50-60% sustainable, and receives the rest of their operating budget from private donors (mainly international) and from the INDH- the Moroccan institute for human development, which provides funding for many NGOs. Source: Paulk, Rachel, Interview with ASF. November 20, 2009.

¹⁰² While international support for ASF is overwhelming, the national perception remains decidedly negative, despite the King’s praise. Many people believe ASF is promoting extra-marital relationships, which is part of the basis for the fatwas which have targeted Aïcha Ech Channa. (Source: Opus 2009 Nominees: Aïcha Ech Channa). Public misperception of ASF’s mission has harmed their work in Morocco, but the organization works to combat

centers in the Casablanca area. At its inception, ASF filled a particular gap in the services that NGOs were providing. Ech Channa was a social worker at the Moroccan Ministry of Social Affairs and witnessed a young mother being forced to give her child up for adoption. In the 1980s, no NGOs specialized in working with unwed mothers and the overall situation of unwed mothers was much worse. In the 1980s, a young mother would have lived on the streets with her baby, and job prospects for a young illiterate mother were non-existent. The goal of ASF is to provide unwed mothers with the tools and skills necessary to raise their children.

For a woman to join the program at ASF, she must first want to raise her child. She must be between the ages of 16 and 30 (preference is given to younger mothers, since they are less equipped), and this must be her first child. ASF does not accept prostitutes into the program.¹⁰³

prejudices and stereotypes by exposure and promoting awareness, particularly among youth. The Opus Prize Foundation. "2009 Nominees: Aïcha Ech Channa." Accessed March 13, 2011.

http://www.opusprize.org/winners/09_Ech-Channa.cfm.

¹⁰³ This requirement is ostensibly for two reasons: to combat negative perceptions of unwed mothers and to keep out possible repeat offenders. Morocco has a well-deserved reputation for widespread prostitution, and prostitutes abound in both rural and urban areas. Unwed mothers are generally presumed to be prostitutes, since they have had sex outside of marriage. In this area, Morocco faces a conundrum – youth attitudes towards premarital sex are much more relaxed in recent years. Although there have been no official studies, premarital sex among young Moroccans is on the rise. (Source: USAID and Julia Beamish, "Adolescent and Youth Reproductive Health in Morocco" *Public Policy* January 2003: 9.) However, traditional attitudes have yet to change, and a bride's virginity is still highly prized. A woman who has sex before marriage is widely considered to be a prostitute, and indeed, many are.

However, ASF is careful to note that many young women are tricked into having sex before marriage, and this seems to be the case with many of the mothers at ASF. It is impossible to know whether or not women have prostituted themselves before coming to ASF, but the official policy is clear. Noting that she had sympathy for prostitutes, an official at ASF said "There are other organizations that work with them – 100% Mamans and INSAF – but we target women who have been duped, tricked into having sexual relations. Other organizations are better equipped, especially for the [STD and HIV/AIDS] testing." (Source: Paulk Interview with ASF, November 20, 2009).

ASF's prostitution policy is also to weed out possible repeat offenders. The program aims to train women vocationally and to get them out of the bars, where prostitutes are most frequently found in Morocco, so that they will not become pregnant again. (ASF found that less than 1.5% of the women they counseled in 2004-2005 were prostitutes. Although it is likely that this number is lower than the reality, the women that were being interviewed were in a safe space, in which they discussed topics more taboo than prostitution.) Prostitutes are more likely to return to their profession and become pregnant again. Additionally, given the spread of STIs and of HIV/AIDS among prostitutes in Morocco (Over 78% of prostitutes surveyed said they had very rarely or never used a condom during intercourse. Source: ADFM, *Shadow Report*, 67.), it is more likely that a prostitute would pass along diseases to her child. For more information, see Bernhard Venema and Jogien Bakker, *A Permissive Zone for Prostitution in the Middle Atlas of Morocco*; USAID and Julia Beamish, "Adolescent and Youth Reproductive Health in Morocco"; and Abdessamed Dialmy, *Jeunesse, SIDA et Islam au Maroc*.

Also, ASF only accepts women who have given birth, but pregnant women can put their names onto the waiting list. Unfortunately, ASF only has the resources to accept 50 women at a time, but the yearly number hovers between 50 and 70, depending on how many women complete the program. The waiting list can get up to 250 names. The association refers all of the women they are not able to place to other organizations in Morocco, such as INSAF, which is also located in Casablanca. ASF also meets with women who are victims of violence or who have other legal problems, and through the ANARUZ network, they are able to refer them to an NGO with the specific resources to help each woman.

Once accepted into the program, the women go to the Aïn Sebaa location, where they begin vocational training, literacy training, counseling, and basic childcare lessons. If any legal measures need to be taken or if the mother wishes to make contact with the biological father, the organization starts these processes as well. The mothers begin cooking lessons and learn how to run the restaurant that runs out of the Aïn Sebaa site. Each woman receives a monthly income from her work, supplemented by money from the organization for her to fund off-site housing and to pay for living expenses. Each site has a daycare available, and the head of the nursery teaches the new mothers how to care for their infants properly.

Every six months, the site director, social worker, psychologist, and nursery directors meet to discuss the mother's case and to evaluate her progress. Between one and two years into the allotted three year stay the mother will graduate to the second phase. She will change locations to Casablanca and according to her preference, she will receive further vocational training at the *hammam* site (learning how to give massages, treat hair, and run a salon), go to the main site for pastry training, or continue her restaurant training. Women can also choose to work

in one of the four snack stands located around Casablanca. Each mother will continue to receive counseling, literacy training, subsidized medical care, and free daycare while she works.

If the mother wishes, the association makes every effort to contact the biological father and to convince him to recognize his child legally. While the organization does not pressure the mothers to reunite with their families, they highly encourage reconciliation, since it is usually beneficial to the mother and child and strengthens her support network outside of the organization. After the three years have passed, or the mother is ready to move on, ASF helps to procure jobs and new housing. While the organization is always willing to help graduates, they encourage independence and reliance on their training from ASF.¹⁰⁴

II. Legal Discrimination

Unwed mothers face many different types of discrimination, some of which are less visible and not easily measured. However, Morocco's legal codes reveal inequality between men and women regarding divorce proceedings and custody issues, and codify situations in which unwed mothers face additional inequity. By examining Morocco's reservations and declarations to the CEDAW, it is possible to determine which laws are discriminatory toward unwed mothers.

While all of the reservations and declarations harm the status of unwed mothers in Morocco, two clauses have a particular influence on their lives. Morocco's declaration to article 9 of the CEDAW concerns the nationality law and a woman's right to pass her nationality to her child. The reservation to article 16 discriminates against women in many areas, but specifically

¹⁰⁴ Paulk, Interview with ASF, November 20, 2009; Interview with Rajaa El-Meskouri, Social Worker at ASF. January 3-5, 2011.

refers to equal alimony payments, child custody rights, and the rights of a husband and wife upon divorce.

Article 9 of the CEDAW states that women and men should have equal rights in the transfer of nationality to their offspring. Morocco placed a reservation on this section because it conflicted with the Code of Moroccan Nationality, which stated that a man could pass his Moroccan nationality to his child, but that a Moroccan woman could not. This law has severe implications for unwed mothers. In many cases, the mothers who come to ASF are unable to contact the biological father of their child or do not wish to contact him. Under this law, if an unwed mother is unable to convince the biological father of her child to officially recognize the child and extend his nationality to the infant, the child has no official nationality.

In this case, the ramifications of the Moroccan nationality law affect the child more than the mother. A child without Moroccan nationality is unable to attend public school and will not receive many of the government services to which he or she is entitled. In cases where the biological father is unavailable or unwilling to recognize his child, organizations like ASF will reach out to the mother's father – the child's grandfather. If the grandfather is willing to recognize the child, it can be granted Moroccan nationality. However, many unwed mothers are estranged from their families even before they become pregnant. Reaching out to the child's grandfather is not a guaranteed method of procuring Moroccan nationality for a child born out of wedlock.

The Moroccan Code of Nationality was amended in 2007 and now allows for mothers to transfer their nationality to their children. While the code is still discriminatory towards women, this change greatly improves the situation of unwed mothers with regards to the nationality of their children. However, Morocco has not lifted the reservation to CEDAW since this reform,

and the implementation of the new law is not foolproof. It is still much easier for the biological father or grandfather to transfer his nationality to the child than for an unwed mother to give her child her Moroccan nationality.

The reservation to article 16 may not seem as important for unwed mothers since it refers to a woman's rights upon divorce, but Morocco's laws about child custody, marital eviction, and rights of a woman and a man within marriage set a precedent for unwed mothers. Most of the women that ASF works with have never been married and became pregnant out of wedlock. However, NGOs like the ADFM and the UAF spend a lot of time in court trying to settle custody battles. According to the *Mudawwana*, the husband is automatically granted custody upon divorce, and if the husband is deemed unfit, the husband's mother is usually granted custody. The wife does not have an equal right to child custody, regardless of the circumstances of the divorce.

Even in cases of domestic violence or in marital eviction, the husband is still more likely to be granted custody.¹⁰⁵ The ramifications of these laws are relevant to unwed mothers if the biological father or his family decides to recognize the child. In this case, the biological father or his family could gain custody of the child. While unwed mothers face great legal inequality, they often face greater problems from poor implementation of existing laws and from social stigma.

III. Poor Implementation and Social Factors

Poor implementation of already existing laws affects unwed mothers in many of the same ways that it does other Moroccan women. However, the ineffective implementation of laws is

¹⁰⁵ Interview with Fatima Maghnaoui, October 30, 2009.

intertwined with other societal factors. Unwed mothers are more likely to be affected by the poor application of laws because they are already a disadvantaged group of women.

Education and Literacy.

Although Morocco has increased significantly on the Human Development Index in recent years, one factor is holding its score down: an extremely high illiteracy rate. Even though Morocco began a campaign to eradicate illiteracy by 2015 in 1999, statistics collected by the Ministry of Education and by NGOs suggest that the illiteracy rate has risen in the past 10 years.¹⁰⁶ Illiteracy disparately affects women in Morocco and rural women in particular.¹⁰⁷

Sex	Urban Illiteracy Rate	Rural Illiteracy Rate
Male	21.09%	44.95%
Female	33.86%	64.39%

Rural women are often poorer than urban women, and many factors influence their lower education levels and literacy rates. In 2000, approximately 45% of Moroccans were estimated to live in a rural area, and the majority own small farms of less than five acres of land.¹⁰⁸ Smaller farm sizes mean smaller revenues for individual families, and a bad harvest year disproportionately affects these small farms. Consequently, most families cannot afford to send all of their children to school.

When rural families are forced to choose which children to send to school, they almost always choose males. Educating men is considered to be a higher priority, but there are other causes that discourage families from educating girls. Traditionally, daughters and their virginity

¹⁰⁶ ADFM, *Shadow Report*, 43.

¹⁰⁷ This chart uses 2006 statistics from the Secretariat for Literacy and Non-formal education. Source: ADFM, *Shadow Report*, 44.

¹⁰⁸ Soumaya Naamane-Guessous, *Grossesses de la Honte* (Casablanca, MA : Editions Le Fennec 2005) 32-33.

are symbolic of the family honor which must be protected.¹⁰⁹ For any education past primary school, many rural families must send their children to larger towns, and the children may have to board with other families or in dormitories. Many rural families remain extremely traditional and do not want to entrust their daughters' honor to another family. Daughters are often entrusted with childcare, cooking, sewing, gathering water from the well, and they are very useful on the farm – they are also entrusted with gathering hay for the animals, and working in the field.¹¹⁰ Most plots of land are very small but villages are not necessarily located close together, and schools may be more than five kilometers away, over rocky terrain which further limits education for girls.¹¹¹

The inequality in schooling between boys and girls can be seen in the statistics collected by the Moroccan Ministry of Education in the ADFM's CEDAW Shadow Report. The assessment of pre-schooling rates in rural areas puts girls attendance rates at 19% between 1999 and 2000, and at 17% percent from 2003-2004, compared to an overall rate of 44% for 1999-2000 and 36% for 2003-2004.¹¹² Less than half of rural children attend preschool, but only one in five girls in rural areas is enrolled in preschool. This gender disparity is also seen in urban areas, but at a lower rate of incidence. Nationwide rates of preschool enrollment in 2005 showed that half of the children between four and six years of age were enrolled in preschool, which is close to the rural estimates. However, only 40.2% of preschool attendees were girls.¹¹³

Personal interviews with unwed mothers at ASF and testimonies published in “Grossesses de la Honte” and “Miséria: Témoignages” show that this group of women is more

¹⁰⁹ Interview with Fatima Sadiqi, January 7, 2011.

¹¹⁰ For further information on women's roles in rural Morocco, particularly in the Middle and High Atlas, see: *A Permissive Zone for Prostitution* by Bernhard Venema and Jogien Bakker.

¹¹¹ Naamane-Guessous, *Grossesses de la Honte*, 40.

¹¹² ADFM, *Shadow Report*, 42.

¹¹³ ADFM, *Shadow Report*, 41.

likely to be illiterate and to have completed less schooling than the national average.¹¹⁴ Among interviewed women, the highest level of education completed was primary school. Informant A attended school for two years before she left at the age of 8 because the school teacher would hit her: “I loved school when I was little. But when I was bad, the teacher would hit me and hit me, and she wouldn’t stop. I was so humiliated. It was hard to go back, because I knew she would hit me again. So I left. I stayed home and helped my mother.”¹¹⁵ Malika, an unwed mother from Casablanca, quit school at the age of 7 after attending for less than six months in order to take care of her younger brother. Fatna, who grew up in a rural area outside of Zagora, and Nadia, who grew up working as a maid in Berrechid, never went to school. Ghalia left school at the age of 11 because her father beat her and her sister so badly that her teachers began to ask questions. When Ghalia’s teacher asked for her parents to come to school for a meeting, her father pulled her out of school immediately.¹¹⁶ Between September 2003 and October 2004, ASF met with 590 unwed mothers for counseling. 44% of these women were illiterate, 23% had completed primary school, 26% had attended middle or high school, and only 7% had completed high

¹¹⁴ The average dropout rate was 13.8% for primary education and 19.9% in secondary education. Source: ADFM, *Shadow Report*, 42. Additionally, the UAF’s report on domestic violence against women showed that abused women are more likely to have a lower level of education than the national average. The 2008 report from the Union de L’Action Féminine details the violence perpetrated against women who come to the Nejda Center in Rabat. The Nejda Center offers counseling services and economic and legal help for battered women. From January 1st through November 25th 2008, 3,327 women came to the Nejda center for help, and even more contacted the center via telephone. The majority of women were between the ages of 18 and 45. 52% of women who came to the center were illiterate, 24% did not finish elementary school, 12% finished elementary school, 10% reached high school, and only 2% had a university level education. Along with other similar statistics collected in Morocco by the ANARUZ network as well as statistics in other countries, the data collected by the Nejda Center strongly links low levels of education and violence. This link is shown not only by the woman’s level of education, but that of the perpetrator. 15% of perpetrators were illiterate, 36% did not finish elementary school, 20% finished elementary school, 22% reached high school, and 7% had a university level education.

¹¹⁵ Interview with unwed mother. “Informant A” January 5, 2011.

¹¹⁶ Naamane-Guessous, *Grossesses de la Honte*, 7-20

school. The organization INSAF, which also works with unwed mothers, estimates that 73% of the women they counsel are illiterate.¹¹⁷

Illiteracy and low levels of education mean that these women are less likely to be employed – over 40% of unwed mothers at ASF have worked as cleaning ladies or housekeepers. As a group they are less likely than women in Morocco to have access to good healthcare and contraception options. Most have had no sexual education whatsoever, putting unwed mothers at risk for contracting STDs and HIV/AIDs, both of which are on the rise in Morocco.¹¹⁸

Since ratifying the CEDAW, Morocco has increased funding for the Ministry of Education, specifically earmarked to raise literacy rates and improve the level of girls' education. Despite a National Charter to raise preschool access for girls in rural areas, rates of preschool attendance dropped in the target years of 2000-2004. In the first five years of reforms by the Ministry of Education, dropout levels increased, and special measures to increase scholarships for girls in rural areas failed to increase attendance. In spite of the lofty educational goals that Morocco has set, the level of literacy has failed to increase, and girls are still excluded from preschool, primary school, and higher education, particularly in rural areas.

Economic Status and Job Training.

In Morocco, women in general are underrepresented in the labor force. In 2006, the High Commission for Planning released statistics of men and women's rates of employment. Nationally, 69.1% of men held jobs, while only 24.6% of women were employed. Morocco has an extremely high unemployment rate among people under 30; recent estimates put the figure at

¹¹⁷ Naamane-Guessous, *Grossesses de la Honte*, 93.

¹¹⁸ Interview with Mokhtar El-Harras. January 5, 2011. For more information, see ALCS, *In Country Monitoring of the Implementation of the Commitment Adopted at the UN General Assembly Special Session on HIV/AIDS: Morocco Case Study*.

17%, compared to 9% for the general population.¹¹⁹ As an undereducated sector of the population, unwed mothers are even less likely to be employed in stable professions.

Since the new *Mudawwana*, women do not need their husband's permission to work outside of the home. Additionally, extra government funding for microcredit lending operations directed at women has increased opportunities for women to find employment. However, the reality of women's economic activities has been marked by large fluctuations in recent years, and women's employment rates are subject to problems of legal implementation.¹²⁰ Implementation of new labor code laws can prove tricky, since hiring women is at the discretion of the employer, and there are no quotas for women in the workplace, even in government jobs. Furthermore, sexual harassment is a significant problem in the workplace, and there are no laws to protect women from harassment. The ADFM and UAF have conducted seminars on harassment in the workplace since the changes to the *Mudawwana*, but sexual harassment is difficult to prove, and no legal redress exists.¹²¹

Another issue that seems to affect unwed mothers in particular is the practice of employing female children as maids. Although there are several NGOs that work to prevent child labor, such as Oum el Banine and INSAF, there are still no laws which explicitly prohibit children working as maids in private households.¹²² Although public awareness has been raised in recent years through television programs and commercials, a large number of young girls work as maids in Morocco. In the stories that unwed mothers have shared, many recount being

¹¹⁹ ADFM, *Shadow Report*, 47-49.

¹²⁰ Since the early 1980's, the employment rate of men varied slightly between 48% and 56%, stabilizing at 69.1% in 2006. In contrast, women's employment rates oscillated wildly from 12% in 1982 to 26% in 1991, then 13% in 1994 to 24.6% in 2006. There are no clear reasons for such great fluctuations in women's employment rates, but in times of economic downturn, women are more likely to be unemployed than men. Source: ADFM, *Shadow Report*, 49.

¹²¹ Interview with Fatima Maghnaoui. October 30, 2009.

¹²² ADFM, *Shadow Report*, 49.

forced to work as child maids. In some cases, parents even sold their children into a form of forced slavery. At the age of 8, Malika was sold into child slavery by her father, who needed the money. She worked for a family who beat her, and, when she was older, the two sons of the family brutally beat and repeatedly raped her over a period of seven years. She eventually became pregnant, and the family forced her to have an abortion. Malika returned to the family as a maid, and managed to escape after becoming pregnant three more times, having an abortion each time.¹²³

When a family falls into financial distress, sending their child to another family to work as a maid or even selling her to another family may seem like an easy solution. Unwed mothers are more likely to come from a disadvantaged background, and are less likely to have opportunities for education. Of the women they counseled, ASF estimated that 38% of unwed mothers worked before the age of 15, and a total of 88% had worked to support their families by the age of 20.¹²⁴

The changes to the *Mudawwana* have opened up opportunities for women to work, however problems remain. Employers continue to discriminate against women in the hiring process and in providing equal pay and opportunities for advancement. The lack of official sexual harassment policies can deter women from working. Additionally, enforcement of equal hiring and pay for women is still incomplete. If an unwed mother is employed before she becomes pregnant, she will most likely be fired once her pregnancy becomes public.¹²⁵

Accompanying the changes to the *Mudawwana* has been the growth of microcredit lending organizations opening up some opportunities for women to work. However, the

¹²³ Naamane-Guessous, *Grossesses de la Honte*, 7-11.

¹²⁴ Naamane-Guessous, *Grossesses de la Honte*, 94.

¹²⁵ Naamane-Guessous, *Grossesses de la Honte* 118-119.

government has not publicized the availability of microcredit lending well. Moreover, microcredit lending is not accessible enough to the general population, and most women are not educated enough and do not have the support system to successfully start a business. While ASF offers support to women who wish to work with one of the 13 microcredit organizations in Morocco, smaller NGOs like Association Chaml do not have relationships with microcredit lending groups.¹²⁶ The practices described above are certainly against the CEDAW's standards for non-discrimination in the workplace, but this is a principle that Morocco has yet to implement.

Sexual Education and Healthcare Access.

Many conservative and Islamist groups believe that premarital sex is not an issue and that there is no need for sexual education or accessible contraceptives in Morocco. However, statistics collected by Soumaya Naamane-Guessous in 1984 tell a different story. According to a study of 200 women ages 15-45 living in Casablanca, over two thirds of them had experienced sexual contact before marriage, and 39% had lost their virginity prior to marrying.¹²⁷ Moreover, this is a case in which the rural areas of Morocco are not necessarily more conservative than the urban zones. Venema and Baker describe how many Berber groups in the Middle Atlas turn a blind eye to premarital sex. In these rural areas, it is common for a girl to have secret boyfriends before marriage. While these women still practice the traditional showing of hymeneal blood on the wedding night, dispensary blood is widely available for purchase.¹²⁸

While these practices may seem diametrically opposed, this sort of dichotomy is commonly found in the struggle between sexual tradition and modernity in Morocco. In the same

¹²⁶ Paulk, Interview with Faiza Amharouq. November 25, 2009.

¹²⁷ Venema and Baker, "A Permissive Zone for Prostitution," 52-53.

¹²⁸ Venema and Baker, "A Permissive Zone for Prostitution," 57-58.

study that found 39% of respondents had lost their virginity before marriage, over 90% of the same group of respondents believed that a woman's virginity is essential for marriage.¹²⁹ Moreover, abortions are illegal in Morocco, yet when many women become pregnant out of wedlock, their families or partners tell them to go to Oujda to procure an abortion.¹³⁰ While numbers are approximate, one official estimated that 300 illegal abortions are performed every day in Morocco.¹³¹

Discussing sex is taboo in Morocco, even between a mother and daughter. Regardless of the fact that most women do not advance past primary school, sexual education is almost non-existent in schools.¹³² Women learn about sex from television and films, which provide incomplete and inaccurate information, and from talking with their friends. In an interview with an unwed mother at ASF, she stated "I would never talk about sex with my mother. That's *hshouma*. I guess I talked about it with my friends once in a while. But I learned what I know from the street. Things I've heard."¹³³

In a study conducted of 360 women (180 urban and 180 rural) in 1994, 91% of them were unaware of their menstrual cycle. Only 5% of rural women and 13% of urban women could approximate the time of month (beginning, middle, end) in which their menstrual cycle occurred. None of the women surveyed could pinpoint the most fertile point of her cycle.¹³⁴ When a woman is not aware of the duration and frequency of her menstrual cycles, she is more likely to be surprised by an unplanned pregnancy, since she is unaware when her cycle is late.

¹²⁹ Venema and Baker, "A Permissive Zone for Prostitution," 52-53.

¹³⁰ Oujda is a town in the northeastern part of Morocco. Among Moroccans, this town is widely considered to be a prostitute town, and Oujda is a center for illegal abortions. Source: Naamane-Guessous, *Grossesses de la Honte*, 8-9, 111-112.

¹³¹ ADFM, *Shadow Report*, 54.

¹³² Interview with Amal Idrissi. December 30-31, 2010. For more information on sexual knowledge in Morocco, see Abdessamed Dialmy, *Moroccan Youth, Sex and Islam*.

¹³³ Interview with unwed mother. "Informant C" January 6, 2011.

¹³⁴ Naamane-Guessous, *Grossesses de la Honte*, 98-99.

While several studies have confirmed that between 93% and 99% of women can name at least one contraceptive method, they use these methods less than 60% of the time.¹³⁵ Most contraception campaigns target women, and the burden of providing contraception often falls upon the woman. Modern methods of contraception, like IUD's and the patch only account for 3% of used contraceptives, condoms account for approximately 18%, and traditional methods like herbal medicines are used 13% of the time. The pill is the most commonly used method of contraception, with a 60% occurrence rate.¹³⁶

Although the pill is widely used, many women are not aware of the proper techniques necessary for the pill to be effective. Many women only take the pill when they are sexually active, or believe that if they are infrequently sexually active, they do not risk becoming pregnant. They do not take the pill at a regularly prescribed time, or they stop taking it and believe they will still be protected. When women believe they are protected from pregnancy by the pill, they do not take into account the possibility of contracting STDs or HIV/AIDS. Organizations like Association de Lutte Contre le SIDA are very active in Morocco, but they do not have the resources to reach many rural areas, and most women are uninformed of the dangers of unprotected sex.¹³⁷

Aside from a lack of reproductive knowledge, Moroccan women do not have sufficient access to healthcare services. More than 35% of rural patients must travel more than 20 kilometers to the nearest medical facility, and 33% spend more than an hour to reach their source of medical care. The Moroccan government has increased the availability of mobile healthcare

¹³⁵ ADFM, *Shadow Report*, 53.

¹³⁶ ADFM, *Shadow Report*, 53-54. Low rates of contraceptive use put Moroccan women at a higher risk for contracting STDs. Additionally, the lack of widespread sexual knowledge makes it more likely that these diseases will be spread unknowingly to others. For more information, see Lisa Manhart, Abdessamed Dialmy, et. Al, *Sexually transmitted diseases in Morocco*.

¹³⁷ Naamane-Guessous, *Grossesses de la Honte*, 99-101.

units, and 60% of the rural population now benefits from these mobile services. However, mobile facilities are not equipped for medical emergencies and only visit a region two or three times per year.¹³⁸ Furthermore, the maternal mortality rate in rural areas is significantly higher than in urban areas due to poor delivery assistance and a shortage of midwives.¹³⁹

As disadvantaged citizens, unwed mothers are more likely to be less knowledgeable about sex, have limited access to healthcare, and to incorrectly use contraceptives. Each of these factors adds to the likelihood that an undereducated woman from a poor rural family will become an unwed mother. Since the *Mudawwana* reforms, NGOs have sponsored more sexual education classes with government funding.¹⁴⁰ However, a comprehensive plan for sexual education has yet to be unveiled, despite government promises.¹⁴¹ Conservative groups still believe that educating Morocco's youth about sex will lead to more sexual behavior before marriage. NGOs argue that they are educating an already sexually active population and that they are encouraging them to practice safe and informed sex before and after marriage.

Despite the CEDAW's insistence on fair access to contraception, abortion and other family planning related health services to all, the Moroccan government has limited their activities to issues of family planning. While women may now be aware of the existence of contraceptive methods, they remain unknowledgeable about their proper use and the consequences of unprotected sex.

Social Precariousness and Cultural Stigmatization.

¹³⁸ ADFM, *Shadow Report*, 53.

¹³⁹ 267 deaths per 100,000 live births in rural areas, compared to 186 deaths per 100,000 live births in urban centers. Source: ADFM, *Shadow Report*, 54.

¹⁴⁰ Interview with Naima Hamoumi. November 24, 2009.

¹⁴¹ Interview with Amal Idrissi. December 30-31, 2010.

“Unwed mothers do not have a place in society. They have no social status. They are nothings. Until recently, we could not talk about unwed mothers. We talked about abandoned children, and through the children, we were able to transition into a dialogue about the women who abandoned them. It is a constant challenge to make the plight of unwed mothers known, and even harder to make people accept them.”¹⁴²

Many of the problems that unwed mothers face in their everyday lives are the result of social stigma. The reason unwed mothers come to ASF is that they have nowhere else to go. Many unwed mothers have been kicked out of their home and have lived on the streets. Unwed mothers are more likely to be abused. Before most women become unwed mothers, they are already in a vulnerable position.

In an interview at ASF, a young unwed mother described her childhood. Her mother died in childbirth, and her father remarried when she was very young. Her stepmother abused her, and would hit her if she didn't do her chores properly. She would burn her with the fire poker if she was late or took too long running errands. She left home at the age of 12 and tried to find an aunt in Casablanca. She ended up working as a maid in the city. One of the sons in the family began to molest her, and when she was 17, he began to rape her regularly. She became pregnant, and when the mother of the family found out, she kicked her out of the house. A neighbor was kind enough to take her in, and brought her to ASF.¹⁴³

Saïda and Hanane, two sisters from Laqliâa, a small village outside of Agadir were repeatedly raped by their father. Their father was very strict and very religious. He stopped Saïda from going to school so that he could spend more time with her. Before she had turned six, he

¹⁴² Interview with Rajaa El-Meskouri, Social Worker at ASF. January 5-7, 2011. Author's translation from French and Arabic.

¹⁴³ Interview with unwed mother. “Informant D” January 6, 2011.

started beating her incessantly. He would hit her between the legs and on her stomach, and Saïda constantly had bruises on her legs, on her stomach. He began to rape her when she was around 13. Saïda was too afraid to tell their mother, who worked long hours. Hanane had suffered the same treatment from their father since the age of 5. When she was 15 or 16, she became pregnant. The two girls went to see a doctor, and Hanane tried to throw herself in front of a car. Their mother found out, and tried to go to the police. The authorities didn't believe her at first, until the police finally did DNA tests. The girls' father is currently serving 20 years in prison. Had the father's abuse been noticed earlier, the doctors say they would not have delivered Saïda and Hanane's children.¹⁴⁴

Malika was interviewed at the age of 26. She grew up in Casablanca and lived with her father and stepmother until she was 8 – she never knew anything about her birth mother and was never allowed to ask. Her stepmother frequently abused her by burning her with a fire poker, and she had blue bruises from the beatings she would receive if she didn't do her work properly. She only went to school for six months and quit at the age of seven to take care of her younger brother. At the age of 8, she was sold to another family to be a child maid. She escaped her stepmother's burnings, but her new family beat her more frequently.

One of the sons of the house – a 27 year old who was very religious – began to molest her at the age of 16. She thought he had deflowered her. However, when the second son, 22 years of age, began to molest her, he actually raped her, and she realized that the elder son had never penetrated her. Malika knew nothing about sex or human sexuality – nobody had ever explained it to her, and it was *hshouma* to ask about it. Soon after, both of the sons were raping her on a regular basis. When she complained, the mother of the family she worked for told her to forget

¹⁴⁴ Naamane-Guessous, *Grossesses de la Honte*, 61-66.

about it, that her sons were well raised, religious men, and that Malika was corrupting them. One day, Malika confided in the other maid working for the family that her stomach had gotten a lot bigger – the maid immediately informed the mother. The family contacted the elder son, who refused to acknowledge Malika's pregnancy. Malika tried to give up her child for adoption, but since she had no national identity card, the adoption was illegal. Finally, after spending 4 nights in the street with her newborn child, women who worked in a nearby hammam took her in and found a home for her child.

However, since she had nowhere else to turn, Malika returned to her former employers. She became pregnant three more times and aborted all of her pregnancies. At the age of 25, Malika found her biological mother, who allowed her to come and live with her in Casablanca. Malika began working for 500 Moroccan Dirhams per month and met a grocer who proposed to marry her. Malika was overjoyed. The grocer was the first man who had spoken to her with respect and given her affection, and she decided to have sex with him before they were married.

Later that week, a neighborhood man solicited her and she realized that the grocer had tricked her. In fact, the grocer was married and had his own family in the country. Malika became pregnant for a fifth time. She confided in a neighbor, who took her to ASF.¹⁴⁵

The women at ASF face discrimination and stigmatization even after coming to the organization. One unwed mother had many problems with her landlord in Casablanca. He believed she was a prostitute, as many people believe unwed mothers are, and he often tried to take advantage of her. She eventually was forced to move to a different apartment building. Her landlord is now a woman, but the neighbors gossip about her. They don't have any proof, but she

¹⁴⁵ Naamane-Guessous, *Grossesses de la Honte*, 7-11.

said, “A young girl, living alone with her baby – it’s strange, even in Casablanca.” People are going to talk.¹⁴⁶

Unwed mothers carry social stigma with them wherever they go in Morocco. They are in a socially precarious position and many unwed mothers run the risk of prostituting themselves, even if they weren’t prostitutes before they became pregnant. More than 20% of unwed mothers at ASF had been paid for sexual services at least once, even if they did not consider themselves prostitutes.¹⁴⁷ Without the vocational training that ASF provides, unwed mothers would not have many options for employment, and even more would turn to prostitution to make a living. However, the precarious situation of unwed mothers did not begin after they gave birth. Many unwed mothers grew up in vulnerable situations which ultimately contributed to their current status. More than 40% of unwed mothers are orphans (26% are orphaned by their father’s death, 7% by their mother’s, and 7% by the death of both parents).¹⁴⁸ In Morocco, a single parent household is economically unstable, and a widowed parent is more likely to keep children from attending school in order to work or stay home and help, or to sell her child to another family.

Unwed mothers have made significant legal gains since the founding of ASF in 1985, but they still face significant social stigmatization. Women’s rights in Morocco have changed drastically since the first reforms to the *Mudawwana* in 1993 and the subsequent changes of 2004. Despite declarations that all men and women are equal in the eyes of the law, unwed mothers still face overwhelming discrimination. In an interview before winning the Opus Prize, Aïcha Ech-Channa explained the discriminatory nature of social stigma towards an unwed mother: “She is shunned and faces a host of barriers. There is nothing comparable for men, and

¹⁴⁶ Interview with unwed mother. “Informant B” January 5, 2011.

¹⁴⁷ Naamane-Guessous, *Grossesses de la Honte*, 89.

¹⁴⁸ Naamane-Guessous, *Grossesses de la Honte*, 94.

yet it takes two to make a baby.”¹⁴⁹ Indeed, in the cases where ASF is able to find the biological father, most do not want to recognize their children officially. Many men want nothing to do with their offspring, whether they are already married or are single, and they are typically unable or unwilling to provide for them.¹⁵⁰

The *Mudawwana* does not mention the status of unwed mothers, and although the CEDAW aims to protect disadvantaged groups of people, there is not an easy way to change the values and attitudes of an entire society: “Attitudes are more open and there are more opportunities today. But it is still a very hard situation and there is a very long way to go.”¹⁵¹

Without a doubt, unwed mothers face several legal problems which the Moroccan government has not addressed. However, the poor application of laws can be attributed to ineffective plans of action and to discrimination on an individual level. The low literacy rate and low levels of education among women are due to both poor implementation and individual discrimination. Highly funded, highly publicized government plans have not been deployed effectively to raise literacy rates and to keep girls in school. In addition, families must prioritize the education of girls in order for these plans to be fully implemented. In order to change discriminatory attitudes towards unwed mothers, it is necessary to modify cultural norms as well as to make legal reforms. Although the *Mudawwana* reforms of 2004 have the potential to completely change the status of unwed mothers, societal views have yet to catch up to the legal changes.

Summary.

The lives of unwed mothers have improved since the ratification of CEDAW in 1993. Legal changes have greatly helped to ameliorate the status of unwed mothers, but their social standing

¹⁴⁹ Interview with Aïcha Ech-Channa.

¹⁵⁰ Naamane-Guessous, *Grossesses de la Honte*, 96-97.

¹⁵¹ Interview with Aïcha Ech-Channa.

has also improved. Unwed mothers are more visible than they once were in Moroccan culture and popular media has begun to address the problems facing unwed mothers. Programs on 2M, one of the most popular Moroccan television channels, highlight the lives of unwed mothers and their children.

While some of this improvement is directly connected to the legal reforms of the *Mudawwana* and other CEDAW inspired legislation, many of the changes in the status of unwed mothers are harder to ascribe to CEDAW. By nature, the treaty is not prescriptive and the CEDAW does not dictate how the implementation of its ideals should proceed. However, the CEDAW is meant to inspire local actors to take charge in the treaty's implementation.

In Morocco, these actors are the women's organizations that have proliferated in recent years. The ADFM and the UAF took the lead in ensuring proper implementation of the CEDAW and the eradication of all Moroccan laws that may discriminate against women. These organizations produce shadow reports and publish their own statistics to measure women's progress in Morocco. It is through these independent reports and the strength of indigenous women's organizations that the CEDAW can be successfully implemented. The treaty does not dictate how a country can measure its progress in the successful implementation of laws, but the CEDAW inspires local actors to develop their own criteria for measuring success.

DEFINING CEDAW'S ROLE IN CHANGING LAWS

Since the foundation of ASF in 1985, the Moroccan government has made important changes to the laws that discriminate against women. The full implementation of laws and social programs and eradicating social discrimination are now the biggest challenges that unwed mothers face. However, the Moroccan government has never explicitly stated that the impetus for legal reform has come from the ratification of the CEDAW in 1993. Examination of CEDAW's mechanisms of enforcement and the legal changes of 1993 and 2004 can assess the extent to which the CEDAW has influenced the changes to the *Mudawwana*.

I. CEDAW's Enforcement Methods

The CEDAW does not have a formal system to ensure the application of the treaty in ratifying countries. The committee does not have the power to sanction parties to the treaty and can only make suggestions for improvement in their comments. There are two methods of external enforcement: a system of individual complaints through the optional protocol, and state-to-state complaints and mediation. For several reasons, neither method is frequently used.

Optional Protocol.

The optional protocol was not a part of the original treaty; it came into effect on December 22, 2000. The optional protocol is a mechanism for individuals to lodge a complaint against their government for violating their legal rights or for failing to implement the treaty. Although the optional protocol aims to open the discussion of CEDAW implementation to the public and to allow for redress of individual problems, there are several fundamental problems with its implementation.

For the protocol to be employed, a woman must know what the CEDAW is, what her rights are as defined by the CEDAW, and that her rights have been violated. She must know that she has legal grounds to lodge a complaint against her government and that she has adequate proof to do so. Additionally, she must be aware of the optional protocol and understand that is a way to address her grievances.

However, the majority of Moroccan women do not know what the CEDAW is. According to Mokhtar El-Harras, a professor at Mohammed V University in Rabat who has studied the *Mudawwana* and its implementation in Morocco, most women, particularly in rural areas cannot name any of the changes to the *Mudawwana*. Women may know that the *Mudawwana* was changed, and that these changes are good for women, but most women, especially illiterate women, are not aware of their legal rights.¹⁵² Moreover, the women who are most likely to face strong discrimination, such as unwed mothers, are not financially equipped to lodge a complaint with an international organization. With the help of NGOs, it would be possible for individuals to use the optional protocol as a means of redress. NGOs have the available resources necessary to lead an individual through the process of lodging a formal complaint. Yet, Morocco has still not ratified the optional protocol, despite numerous promises from the King and the parliament since 2006.¹⁵³

State-to-State Action.

The second possible enforcement mechanism concerns actions between state parties to the treaty. According to Article 29 of the CEDAW, states can lodge formal complaints against other states for violating the precepts of the treaty and, if necessary, one party can bring another

¹⁵² Interview with Mokhtar El-Harras. January 5, 2011.

¹⁵³ “Concluding comments of the Committee” 3.

party in front of the International Court of Justice for violating the principles of international law and binding treaty obligations. This method of enforcement is likewise infrequently used. Although Sweden and Norway have lodged complaints against Morocco, stating that their reservations and declarations to the treaty effectively nullify Morocco's status as a ratifying party, these complaints have no greater implication.¹⁵⁴

Additionally, Morocco has lodged a reservation against Article 29, stating that it will not be bound by these conditions for arbitration between states. Morocco agrees to attend arbitration between two state parties but refuses to answer to any official complaints in front of the ICJ. No state has ever requested formal arbitration under Article 29, nor has a state ever brought another party in front of the ICJ for contravening the precepts of the CEDAW. Mayer posits that states most likely do not want to deal with the political ramifications of bringing another state before the ICJ for poorly enforcing the CEDAW.¹⁵⁵

The CEDAW does not give the committee the power to sanction any state party officially for not abiding by the treaty. Therefore, the most effective way for the CEDAW committee to convince a state to abide by the treaty is not through coercion or force but through less direct routes. The 2008 concluding comments of the CEDAW committee harshly reprimand the Moroccan government for its inadequate progress in ameliorating the status of women. The comments commend Morocco for the progressive reforms and steps towards creating a modern society, but counter that stereotypes are an impediment to the progress of women in Morocco.¹⁵⁶ While praising Morocco's progressive methods of reform and criticizing traditional stereotypes,

¹⁵⁴ Mayer, "Rhetorical Strategies," 109-113.

¹⁵⁵ Mayer, "Rhetorical Strategies," 112.

¹⁵⁶ "Concluding Comments of the Committee," 4.

the committee suggests alternative ways of implementing the convention such as parliamentary seat requirements that encourage women's participation in politics.

Moreover, by encouraging NGOs to write shadow reports using independently collected statistics, the CEDAW empowers Moroccans to evaluate objectively the progress of their country. Although criticism from an international committee may seem to be a harsh method of correcting Morocco's attitudes towards effective implementation, the criticisms of local NGOs may be even more powerful since they come from other Moroccans. The CEDAW committee's comments can be easily dismissed as out of touch with the Moroccan people, since the committee members are not necessarily Moroccans and do not know the details of Moroccan society. However, a severe analysis from local organizations that work with individuals is much more powerful than censure from a far-removed committee.

II. CEDAW and the *Mudawwana* Reforms

The first set of *Mudawwana* reforms were enacted on May 1, 1993 by King Hassan II, one month before Morocco ratified the CEDAW. The King changed six articles of the *Mudawwana*, giving women more rights concerning consent for marriage, rights upon divorce, and outlawed polygyny. Islamist groups and members of parliament strongly opposed these changes, so the King created a special 'Commission of 'Ulema' to oversee the changes in order to bypass his opponents. None of the commission members were women. Women's organizations considered the 1993 reforms a disappointment because they did not include many important reforms, especially regarding child custody.¹⁵⁷

¹⁵⁷ Sadiqi, "Central Role of Family Law," 331.

In 1999, the government attempted to reform the *Mudawwana* and several other legal codes, with the ‘Plan d’Intégration des Femmes dans le Développement’ (The Plan for the Integration of Women in Development). Also known as ‘The Plan’, it was a blueprint to overhaul development in Morocco and to include women in economic, social, and cultural development. ‘The Plan’ involved significant changes to many different laws, including the *Mudawwana*, penal code, and labor code but centered on sustainable economic development which included women. However, ‘The Plan’ was a colossal failure. The *Mudawwana* was finally changed in 2004 by the new King Mohammed VI. An examination of the reasons behind the failure of the 1999 Plan and the success of the 2004 reforms reveals an important aspect of the relationship between Morocco and the CEDAW.

The Failure of the Plan.

Mohamed Said Saadi, the Secretary of State for the Family, Children, and the Disabled, created the Plan in 1999. One year prior, the first socialist government had taken power in parliament. The socialist party was considered to be the original voice of political feminism in Morocco. Saadi, a former member of the Communist Party and, at the time, a member of the socialist party, was instructed to create a new development plan which specifically focused on women. ”Saadi had the support of women’s associations in the creation of this ‘Plan’, but it was really his pet project.”¹⁵⁸ The ‘Plan’ was composed of 214 points to integrate women into the development of Morocco. Eight of these points specifically mentioned changes to the family code and the rights of women. Only one of the eight points concerned polygamy.

¹⁵⁸ Interview with Fatima Sadiqi, January 7, 2011.

The points concerning changes to family law, specifically the change to outlaw polygamy, infuriated the Islamists, who came out against the ‘Plan’.¹⁵⁹ Moroccan Islamists are not a homogenous group, and they range from conservative to radical. However, in the case of the ‘Plan’ many different factions of Islamists converged in solidarity against the ‘Plan’. In March of 2000, two rallies were organized – one in Rabat supporting the plan, and one in Casablanca opposing it. The marches in Rabat were organized by women’s NGOs and Moroccan feminists, but the Casablanca marches, organized by Islamist groups, drew approximately three times more people.¹⁶⁰ The Islamists managed to mobilize more people than ever before, and their success attracted a lot of attention and ultimately killed the ‘Plan’. Saadi lost his post, and although feminists kept fighting, the next set of reforms was not created until 2004, when the King presented the new *Mudawwana*.¹⁶¹

Several factors contributed to the failure of the ‘Plan’, including Saadi’s background. His membership in the Communist Party created distrust amongst the Moroccan people. People perceived him as a revolutionary figure, trying to disturb the sanctity of the Moroccan family, and he was the subject of personal attacks.¹⁶²

Although Saadi created the ‘Plan’ himself, widespread support for the ‘Plan’ within the feminist and NGO community may have contributed to its failure. Feminist activists, not to be confused with women’s NGOs, are not well received in Morocco. Feminists are perceived to be out of touch, wealthy women who write about Moroccan women without knowing who

¹⁵⁹ It is important to remember Fatima Sadiqi’s definition of Islamism (see footnote 89). Islamism can be defined as a social movement or group based on the exploitation of Islam for political aims, or any such movement that tries to exercise power in the name of religion only. Moroccan Islamists are not a homogenous group and they hold many different opinions about and interpretations of Islam. In this case, they are grouped together because they chose to unite themselves in solidarity against Saadi’s ‘Plan’.

¹⁶⁰ Interview with Fatima Sadiqi, January 7, 2011.

¹⁶¹ Sadiqi, “Central Role of Family Law,” 331.

¹⁶² Interview with Fatima Sadiqi, January 7, 2011.

Moroccan women really are. These “armchair feminists” present papers at international conferences, write in French, rarely use Arabic, and do not work with middle and lower class Moroccan women. As Driss Rhomari, a scholar of Islamist Movements at Université Sidi Mohamed Ben Abdallah in Fes observed, “NGO work is considered to be completely separate from what feminists do. Even though the two have the same goals, are perhaps working together, the Moroccan people inherently distrust ‘feminists’.”¹⁶³

In mobilizing against the ‘Plan’, Islamists played off of the idea that feminists were out of touch with the Moroccan people. In 1999, every facet of the Islamist party combined to create an effective leadership and a successful framework: “Islamists had both a strong political presence and an active grassroots network. Their model of operation allowed everyone to have a voice, and made people feel like their concerns were being heard.”¹⁶⁴

The Islamists’ main critique of the plan was that it was an outside maneuver to destabilize the Moroccan family.¹⁶⁵ This was a reference to the international framework of the ‘Plan’. When creating the ‘Plan’, Saadi and the feminists used the CEDAW and other international treaties as a framework for change in Morocco. The ‘Plan’ stressed the importance of abiding by international conventions and did not have an explicit religious background.¹⁶⁶ A religious frame of reference is very important to Moroccan culture and laws. Although much of Moroccan law is based on French law, the *Mudawwana* is based on Islamic *Shari’a* law, and therefore is considered to have a sacred quality.¹⁶⁷ Islamists considered that using international

¹⁶³ Interview with Driss Rhomari, January 6, 2011.

¹⁶⁴ Interview with Driss Rhomari, January 6, 2011.

¹⁶⁵ Sadiqi, “Central Role of Family Law,” 331.

¹⁶⁶ Interview with Fatima Sadiqi, January 7, 2011.

¹⁶⁷ Sadiqi, “Central Role of Family Law,” 327.

treaties like the CEDAW to reform the *Mudawwana* was an offense against Islam, and they interpreted it as a move away from religious tradition.¹⁶⁸

When the King created a commission to reform the *Mudawwana* in 2003, he appointed feminists, Islamists, members of parliament, and members of the ulema to debate the changes.¹⁶⁹ The inclusion of the ulema helped the King to frame the new changes in an Islamic and Moroccan context. The changes to the *Mudawwana* were presented as concepts that Moroccan citizens already practiced in their lives but that were not integrated into the law. The changes were formulated in a manner compatible with the ulema's interpretation of Islamic law. When the King presented the new *Mudawwana* to the Moroccan people in 2004, he did so in his capacity as 'Amir al-Mu'minin' or Commander of the Faithful.¹⁷⁰

The failure of the 1999 'Plan' stemmed from the feminists' misunderstanding of the Moroccan context. According to Fatima Sadiqi, "The problem was related to the lack of connection between the elite and the population. The feminists did not understand that the masses are deeply religious, both through their through their culture."¹⁷¹ In the late 1990s, but especially after the failure of the 'Plan', Moroccan feminists became aware of the value of recognizing the importance of religion in Moroccan culture. They began to cite the Qur'an in their writings, using Islamic jurisprudence to back up their claims of women's rights, and to write more in Arabic.¹⁷²

¹⁶⁸ Interview with Driss Rhomari, January 6, 2011.

¹⁶⁹ The 2003 bombings in Casablanca, perpetrated by people affiliated with Islamist groups was a huge blow to Islamist political groups. It weakened the strength of Islamist groups in Morocco, and allowed feminists and women's NGOs to align themselves with the King against Islamist extremism. Source: Interview with Fatima Sadiqi, January 7, 2011; Sadiqi, "Central Role of Family Law," 335.

¹⁷⁰ Sadiqi, "Central Role of Family Law," 331; León Buskens, "Recent Debates on Family Law Reform in Morocco: Islamic Law as Politics in an Emerging Public Sphere." *Islamic Law and Society* 10.1 (2003): 79, 117.

¹⁷¹ Interview with Driss Rhomari, January 6, 2011.

¹⁷² Interview with Fatima Sadiqi, January 7, 2011.

Even though the 2004 reforms were more radical than those contained in the ‘Plan’, the use of a Moroccan cultural and religious set of references made the changes more easily acceptable. Feminist activists played a stronger role behind the closed doors of the commission in 2004, and allowed the King and other religious leaders to present the reforms. Rajaa El-Meskouri, the social worker at ASF, observed, “In recent years, the King has mentioned the CEDAW reservations in speeches, but there is an overall wariness towards international law – it is seen as un-Moroccan, not indigenous.”¹⁷³ The king understands the Moroccan context, and he recognizes a general wariness towards international presence in Moroccan laws, so in recent years, he has downplayed the role that international treaties and laws have in changing Moroccan laws.

Summary.

The CEDAW has no official mechanisms to force a country to abide by the treaty. The mechanisms of state-to-state mediation and individual complaints are infrequently used and ineffective. When feminists used the CEDAW as a framework for legal reform in 1999, inherent mistrust of international law caused the reforms to fail. However, the CEDAW provides a set of goals for countries to implement in ways that are compatible with their cultural values and social norms. When the King and the Parliament framed the ideas of the CEDAW in a distinctly Moroccan context, they were able to pass a set of very progressive reforms. Through indirect inspiration and official reports, the CEDAW has pushed Morocco to reform many of its discriminatory laws.

The CEDAW is not enforced in a traditional way and the CEDAW committee has no effective powers of oversight. Once again, the CEDAW is most effectively implemented and

¹⁷³ Interview with Rajaa El-Mekouri, January 5, 2011.

enforced when local actors become invested in the treaty and in improving the status of women. In Morocco, the King, the Moroccan Parliament and Moroccan feminists decided to use the CEDAW as a framework for their laws. However, as the failure of the 1999 'Plan' demonstrated, an international framework was only successful when couched in a discourse of Moroccan culture, religion and societal norms. The CEDAW does not specify proper procedures for implementing and applying the treaty. This allows states to choose the most appropriate methods to implement the treaty's goals. For Morocco, it meant that the King could introduce women's rights as a Moroccan concept, as opposed to foreign ideals imposed by the UN.

CONCLUSION

Although the CEDAW is lauded as a comprehensive women's human rights treaty that attempts to eradicate discrimination against women throughout the world, it has been criticized for being ineffective and impossible to implement. However, the CEDAW is not a how-to-guide for implementing women's equality throughout the world. The CEDAW is an international treaty that defines women's human rights and binds ratifying state parties to uphold these rights. In measuring the CEDAW's efficacy as a treaty, it is important to remember the original purpose of the document and what the treaty was meant to do. This study has examined three different ways of defining CEDAW's efficacy through three separate questions. First, does CEDAW present a model for change? Second, does the CEDAW present a standard criterion for measuring legal reforms? Third, can the CEDAW force a country to abide by the treaty and to fully implement the precepts of the convention as well as a country's newly created laws?

The CEDAW announces the goals for and principles of women's equality but does not lay out a roadmap for change. This deliberately vague model allows for many different approaches. Almost every nation state in the world is a party to this treaty, and the status of women is markedly different in each one – not only because of different laws, but also because of different cultures, values, religious traditions, and geographic locations. To provide one way of achieving these goals as a blanket method for many diverse societies would surely fail. However, the CEDAW provides an international context, a common goal for countries to rally around, and a forum for reports to be shared. It is only through the CEDAW that a comparison between Morocco and Bangladesh can be drawn. While the two countries seem quite different in their population, system of government, location, and history, Morocco and Bangladesh faced

similar CEDAW implementation problems. The CEDAW provides an international framework for comparison, when none existed before.

The treaty does not provide standards to test the extent of legal changes that have been implemented successfully, but it empowers local actors to develop their own methods. However, the ratification of CEDAW has encouraged NGOs to rally around this treaty as a promise of change. NGOs are now collecting their own data and measuring the changes that happen over time in literacy rates, access to healthcare, and in other areas. Through the work of NGOs such as ASF, we can see that the status of women has improved since the ratification of CEDAW, but that individual attitudes towards the status of women can be more detrimental than discriminatory laws.

Finally, although the CEDAW does not have the power to coerce any country to abide by the principles of the treaty, it inspires implementation through more indirect means. The concluding comments of the CEDAW committee offer harsh, but constructive criticism on the status of women in the country. Additionally, by encouraging local actors to become involved with CEDAW implementation through shadow reports, people can more effectively lobby their government for change. The CEDAW recognizes the importance of local methods of implementation and dialogue regarding women's rights. What could be described as a *laissez-faire* attitude when it comes to successful implementation is actually a strategic move that recognizes the importance of local cultures and traditions. The CEDAW does not try to dictate a universal strategy for improving women's rights. If a country is willing to use the treaty as it was intended, the CEDAW provides an overarching goal, a forum for countries to adopt new implementation methods, and it empowers local people to critique their government, legal systems, and to create lasting change in their countries.

BIBLIOGRAPHY

- Afkhami, Mahnaz ed. *Faith and Freedom: Women's Human Rights in the Muslim World*. Syracuse, NY: Syracuse University Press, 1995.
- Afkhami, Mahnaz, and Erika Friedl, eds. *Muslim Women and the Politics of Participation: Implementing the Beijing Platform*. Syracuse, NY: Syracuse University Press, 1997.
- Afsharipour, Afra. "Empowering Ourselves: The Role of Women's NGOs in the Enforcement of the Women's Convention." *Columbia Law Review* 99.1 (1999): 129-172.
- Al-Ali, Nadje Sadig and Nicola Pratt. *What Kind of Liberation? : Women and the Occupation of Iraq*. Berkeley and Los Angeles, CA: University of California Press, 2009.
- An-Na'im, Abdullahi A. "Human rights in the Arab World: A Regional Perspective." *Human Rights Quarterly* 23.3 (2001): 701-732.
- ANARUZ Network. *Les violences fondées sur le genre au Maroc*. Rabat : ADFM, 2007.
- Association Démocratique des Femmes du Maroc. *Equality Without Reservations, June 8-10, 2006, Rabat*. Rabat: ADFM, 2008.
- Association Démocratique des Femmes du Maroc. *Non-Governmental Organizations' Shadow Report to the Third and Fourth Periodic Report of the Moroccan Government*. Rabat: ADFM, 2007.
- . *Association Démocratique des Femmes du Maroc*. ADFM. Web. 29 Oct. 2009.
- Association de Lutte Contre le SIDA. "In Country Monitoring of the Implementation of the Declaration of the Commitment Adopted at the UN General Assembly Special Session on HIV/AIDS: Morocco Case Study." *ALCS* December 2005: 1-74.
- Bankole, Akinrinola, Susheela Singh and Taylor Haas. "Reasons Why Women Have Induced Abortions: Evidence from 27 Countries." *International Family Planning Perspectives* 24.3 (1998): 117-127, 152.
- Bayefsky, Anne F., Denesha Reid, and Kathryn Balmforth. "The CEDAW Convention: Its Contribution Today." *Proceedings of the Annual Meeting (American Society of International Law)* 94 (April 5-8, 2000): 197-203.
- Beitler, Ruth Margolies and Angelica R. Martinez. *Women's Roles in the Middle East and North Africa*. Santa Barbara, CA: Greenwood, 2010.
- Bordat, Stephanie Willman, Susan Schaefer Davis and Saida Kouzzi. "Women as Agents of Grassroots Change: Illustrating Micro-Empowerment in Morocco." *Journal of Middle East Women's Studies* 7.1 (2011): 90-119.
- Brandt, Michele and Jeffrey A. Kaplan. "The Tension between Women's Rights and Religious Rights: Reservations to CEDAW by Egypt, Bangladesh and Tunisia." *Journal of Law and Religion* 12.1 (1995-1996): 105-142.
- Buskens, Léon. "Recent Debates on Family Law Reform in Morocco: Islamic Law as Politics in an Emerging Public Sphere." *Islamic Law and Society* 10.1 (2003): 70-131.
- Butenschön, Nils A, Uri Davis, and Manuel Hassassian, eds. *Citizenship and the State in the Middle East: Approaches and Applications*. Syracuse, NY: Syracuse University Press, 2000.
- Buvinić, Mayra and Geeta Rao Gupta. "Female-Headed Households and Female-Maintained Families: Are They Worth Targeting to Reduce Poverty in Developing Countries?" *Economic Development and Cultural Change* 45.2 (1997): 259-280.
- Charrad, Mounira. *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco*. Berkeley and Los Angeles, CA: University of California Press, 2001.

- “Court Upholds Stoning for Nigerian Mother.” *New York Times*, Aug. 20, 2002. Accessed via Proquest.
- Daly, Sunny. “Young Women as Activists in Contemporary Egypt: Anxiety, Leadership, and the Next Generation.” *Journal of Middle East Women’s Studies* 6.2 (2010): 59-85.
- Desrués, Terry and Juana Moreno Nieto. “The Development of Gender Equality for Moroccan Women – Illusion or Reality?” *Journal of Gender Studies*. 18.1 (2009): 25-34.
- Dialmy, Abdessamed. “Moroccan Youth, Sex and Islam.” *Middle East Report* 206 (1998): 16-17.
- Dunne, Bruce. “Power and Sexuality in the Middle East.” *Middle East Report* 206 (1998): 8-11, 37.
- Ferneá, Elizabeth. “The Challenges for Middle Eastern Women in the 21st Century.” *Middle East Journal* 54.2 (2000): 185-193.
- Haddad, Yvonne Yazbeck and Barbara Freyer Stowasser, eds. *Islamic Law and the Challenges of Modernity*. Walnut Creek, CA: AltaMira Press, 2004.
- Hathaway, Oona A. “Do Human Rights Treaties Make a Difference?” *The Yale Law Journal* 111.8 (2002): 1935-2042.
- Holstein, James A. and Jaber F. Gubrium. *The Active Interview*. Newbury Park, CA: Sage Publications, 1995.
- Keddie, Nikki R. *Women in the Middle East*. Princeton, NJ: Princeton University Press, 2007.
- Maddy-Weitzman, Bruce. “Women, Islam, and the Moroccan State: The Struggle over the Personal Status Law.” *The Middle East Journal* 59.3 (2005): 393-410.
- Manhart, Lisa E., Abdessamed Dialmy, Caroline A. Ryan and Jaouad Mahjour. “Sexually transmitted diseases in Morocco: gender influences on prevention and health care seeking behavior.” *Journal of Social Science & Medicine* 50 (2000): 1369-1383.
- Mayer, Ann Elizabeth. “Clashing Human Rights Priorities: How the United States and Muslim Countries Selectively Use Provisions of International Human Rights Law.” *Satya Nilayam: Chennai Journal of Intercultural Philosophy* 44 (2006): 44-77.
- . *Islam and Human Rights: Tradition and Politics*. Boulder, CO: Westview Press, 1991.
- . “Reform of Personal Status Laws in North Africa: A Problem of Islamic or Mediterranean Laws?” *The Middle East Journal* 49.3 (1995): 432-446.
- McCracken, Grant. *The Long Interview*. Newbury Park, CA: Sage Publications, 1988.
- Mernissi, Fatima. *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society*. 2nd ed. Bloomington, IN: Indiana University Press, 1987.
- . “Obstacles to Family Planning Practice in Urban Morocco.” *Studies in Family Planning* 6.12 (1975): 418-425.
- Merry, Sally Engle. “Constructing a Global Law- Violence against Women and the Human Rights System.” *Law & Social Inquiry* 28.4 (2003): 941-977.
- Moghadam, Valentine M. and Fatima Sadiqi. “Women’s Activism and the Public Sphere: An Introduction and Overview.” *Journal of Middle East Women’s Studies* 2.2 (2006): 1-7.
- Naamane-Guessous, Soumaya and Chakib Guessous. *Grossesses de la honte*. Casablanca, Morocco : Editions Le Fennec, 2005.
- Nasir, Jamal J. *The Status of Women Under Islamic Law and Under Modern Islamic Legislation*. London: Graham & Trotman Ltd. 1990.
- Neumayer, Eric. “Do International Human Rights Treaties Improve Respect for Human Rights?” *The Journal of Conflict Resolution* 49.6 (2005): 925-953.

- Ngaba, Sindiso. "CEDAW: Eliminating Discrimination against Women" *Agenda* No. 27 (1995): 81-89.
- The Opus Prize Foundation. "2009 Nominees: Aïcha Ech Channa." Accessed March 13, 2011. http://www.opusprize.org/winners/09_Ech-Channa.cfm.
- Réseau National des Centres d'Ecoute des Femmes Victimes de Violences. *Les violences fondées sur le genre au Maroc*. Rabat : ADFM, 2007.
- Riessman, Catherine Kohler. *Narrative Analysis*. Newbury Park, CA: Sage Publications, 1993.
- Sadiqi, Fatima and Moha Ennaji. "The Feminization of Public Space: Women's Activism, The Family Law, and Social Change in Morocco." *Journal of Middle East Women's Studies* 2.2 (2006): 86-114.
- Sadiqi, Fatima. "Facing Challenges and Pioneering Feminist and Gender Studies: Women in Post-colonial and Today's Maghrib." *Journal of African and Asian Studies* 7(2008): 447-470.
- . "The Central Role of the Family Law in the Moroccan Feminist Movement." *British Journal of Middle Eastern Studies* 35.3 (2008): 325-337.
- . "The Impact of Islamization on Moroccan Feminisms." *Signs* 32.1 (2006): 32-40.
- Salime, Zakia. "The War on Terrorism: Appropriation and Subversion by Moroccan Women." *Signs* 33.1 (2007): 1-24.
- Sengupta, Somini. "Facing Death for Adultery, Nigerian Woman is Acquitted." *New York Times*, Sept. 26, 2003. Accessed via Proquest.
- Shalev, Carmel. "Rights to Sexual and Reproductive Health: The ICPD and the Convention on the Elimination of All Forms of Discrimination against Women." *Health and Human Rights* 4.2 (2000): 38-66.
- Skalli, Loubha H. "Women and Poverty in Morocco: the Many Faces of Social Exclusion." *Feminist Review* 69 (2001): 73-89.
- Steele, Fiona, Sian L. Curtis and Minja Choe. "The Impact of Family Planning Service Provision on Contraceptive-Use Dynamics in Morocco." *Studies in Family Planning* 30.1 (1999): 28-42.
- Sudduth, Jennifer. "CEDAW's Flaws: A Critical Analysis of Why CEDAW is Failing to Protect A Woman's Right to Education in Pakistan." *Journal of Law and Education* 38.4 (2009): 563-592.
- Tamale, Sylvia. "Think Globally, Act Locally: Using International Treaties for Women's Empowerment in East Africa." *Agenda* No. 50 (2001): 97-104.
- Union de L'Action Féminine. *Annual Report of the Nejda Network*. UAF. Rabat, 2008.
- United Nations. *Combined third and fourth periodic report of States Parties: Morocco*. United Nations. Web. 25 Nov. 2009.
- United Nations. *Concluding comments of the Committee on the Elimination of Discrimination against Women*. United Nations. Web. 25 Nov. 2009.
- United Nations. *Convention on the Elimination of all Forms of Discrimination Against Women*. United Nations. Web. 5 Nov. 2009.
- United Nations Development Program. *Women are Citizens too: The Laws of the State, the Lives of Women*. UNDP. Web. 30 Nov. 2009.
- USAID and Julia Beamish. "Adolescent and Youth Reproductive Health in Morocco." *Policy Project* January 2003: 1-28.
- Venema, Bernhard and Jogien Bakker. "A Permissive Zone for Prostitution in the Middle Atlas of Morocco." *Ethnology* 43.1 (2004): 51-64.

- Welch, Claude E. Jr. "Human Rights and African Women: A Comparison of Protection under Two Major Treaties." *Human Rights Quarterly* 15.3 (1993): 549-574.
- Wolcott, Harry F. *Writing up Qualitative Research*. Newbury Park, CA: Sage Publications, 1990.
- Zoglin, Katie. "Morocco's Family Code: Improving Equality for Women." *Human Rights Quarterly* 31.4 (2009): 964-984.

Interviews

- El-Harras, Mokhtar. Personal Interview in Rabat. 5 Jan. 2011.
- El-Meskouri, Rajaa. Personal Interview at Association Solidarité Féminine. 3-5 Jan. 2011.
- Gunn, Jeremy. Personal Interview in Ifrane. 30-31 Dec. 2010.
- Hamoumi, Naima. Personal Interview at Association Démocratique des Femmes du Maroc. 24 Nov. 2009.
- Idrissi, Amal. Personal Interview in Ifrane. 30-31 Dec. 2010.
- Informant A. Personal Interview at ASF with Unwed Mother. 5 Jan. 2011.
- Informant B. Personal Interview at ASF with Unwed Mother. 5 Jan. 2011.
- Informant C. Personal Interview at ASF with Unwed Mother. 6 Jan. 2011.
- Informant D. Personal Interview at ASF with Unwed Mother. 6 Jan. 2011.
- Informant E. Personal Interview at ASF with Unwed Mother. 7 Jan. 2011.
- Lamrini, Amina. Personal Interview in Rabat. 24 Nov. 2009.
- Maghnaoui, Fatima. Personal Interview in Rabat. 30 Oct. 2009.
- Ouelammou, Khadija. Personal Interview at Association Démocratique des Femmes du Maroc. 23 Nov. 2009.
- Paulk, Rachel. Personal Interview with Association Solidarité Féminine. 20 Nov. 2009.
- Paulk, Rachel. Personal Interview with "Muna" at Association Solidarité Féminine. 20 Nov. 2009.
- Paulk, Rachel. Personal Interview with Faiza Amharouq. 25 Nov. 2009.
- Rhomari, Driss. Personal Interview in Fes. 6 Jan. 2011.
- Sadiqi, Fatima. Personal Interview in Fes. 7 Jan. 2011.