

## Testimony of Katie Zoglin – Human Rights in Morocco

June 17, 2010

Chairman Wolf, Members of the Commission, thank you for calling this important hearing today and for inviting Freedom House to testify.

For nearly 40 years, Freedom House has been producing reports such as *Freedom in the World*, *Freedom of the Press*, and others that analyze the state of human rights in every country around the world, including Morocco. In March of this year, Freedom House released a special report on *Women's Rights in the Middle East and North Africa*, which takes a close look at the progress and challenges regarding the status of women's rights throughout the Middle East, including Morocco, during the past five years. I will focus my remarks on the human rights situation in Morocco in general, as well as the case of women in particular. As such, I ask that the chapters on Morocco from *Freedom in the World 2010* and the 2010 *Women's Rights Survey* be included in the record.

### Civil and Political Rights

In Freedom House's 2010 report on *Freedom in the World*, Morocco is currently ranked as "partly free," though it scored at a lower level this year compared to last year, in part due to increased crackdowns on free expression. Morocco is officially a constitutional monarchy but in reality most power is held by the king and his close advisers. The monarch can dissolve Parliament, rule by decree, and dismiss or appoint cabinet members. The King sets national and foreign policy, commands the armed forces, presides over the judicial system, and is also the "commander of the faithful" under the Constitution.

Given the concentration of power in the King, the country's fragmented political parties are generally unable to assert themselves. And despite government rhetoric on combating widespread corruption, it remains a structural problem, both in public life and in the business world. Morocco was ranked 89 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index. In addition, the judiciary is widely perceived as lacking independence.

In recent years, the authorities have stepped up repression of the country's vigorous independent press, using a restrictive press law and an array of economic and other, more subtle mechanisms to punish critical journalists. It is prohibited to criticize the monarchy, Islam, or territorial integrity (meaning the Western Sahara). As one example, in February this year, the leading independent newsmagazine, *Le Journal Hebdomadaire* was shut down, after it had been hit with heavy fines in a defamation case. The government has also cracked down on other printed media, such as *Akhbar al-Youm* and *al-Michaal*. Some French papers have been confiscated by authorities.

The state dominates the broadcast media, but residents have access to foreign satellite television channels. The authorities occasionally block websites and internet platforms, while bloggers and other internet users are sometimes arrested and sentenced for posting content that offends the monarchy. In fact, one blogger was sentenced to six months in prison after he helped organize a week-long blogging strike to protect restrictions on free expression. In that strike, bloggers posted a picture of a coffin marked "Freedom of Express" and stopped writing online

during a “week of mourning.” Self-censorship is widespread, given the heavy fines and prison sentences that have been imposed.

### Women’s Rights in Morocco

Women in Morocco fare better than most of their counterparts in the region in terms of their political rights and civil liberties. Morocco was ranked second in Freedom House’s analysis entitled *Women’s Rights in the Middle East and North Africa*, coming after Tunisia. Moroccan authorities have a more progressive view on gender equality than leaders in many Arab countries. Nonetheless, the region remains the worst in the world in terms of respect for women’s rights and women continue to face a great deal of discrimination at the societal level.

#### *Freedom of Expression/Association:*

Article 9 of the Constitution guarantees freedom of opinion, freedom of expression in all its forms, freedom of assembly, and freedom to join any political organization. In practice, demonstrations that directly challenge the government frequently draw crackdowns from the security forces. Nonetheless, women’s rights activists, who generally have maintained good relations with the state, are able to hold rallies.

#### *Legal Rights*

Morocco has made significant achievements in the last decade in terms of women’s legal rights. The women’s movement in Morocco has been active since the 1950s. In 2004, reforms to the personal status code, known as the Moudawana, were enacted and Morocco now has what is considered to be one of the most progressive personal status codes in the Arab World. While it has granted women more rights than ever before, it continues to include some discriminatory provisions, such as in inheritance rights. In addition, the Moudawana has not been fully implemented, because many judges are not always applying its provisions and many citizens are not familiar with the provisions in the Moudawana.

Some of the positive reforms including raising the minimum legal age of marriage to 18 for both men and women. It provides for shared parental authority and equal rights and responsibilities for men and women within the family. Additionally, it now requires men to obtain a judge’s approval and prove financial means before taking another wife and affords women equal rights to divorce.

Women may now travel without a guardian’s approval, are leading business ventures, advancing to higher levels of education in greater numbers, and are better able to negotiate their marriage rights. A new nationality law enables Moroccan women married to noncitizen men to pass their nationality to their children if certain conditions are met. However, the only children eligible for citizenship under this provision are those of a Moroccan woman and a Muslim noncitizen man who married in accordance with the Moudawana. In practical terms, Moroccan women married to non-Muslim men and those married outside of the country and its laws are excluded by the code.

Limited progress has been made in protecting women from domestic violence. For example, there have been some efforts to increase public awareness about domestic violence. In addition, there are some shelters and counseling centers, particular in urban areas. However, spousal rape is not a crime, nor is there a specific provision in the criminal code that addresses domestic violence. Police are hesitant to become involved in domestic violence cases and there are social

pressures that dissuade women from reporting or complaining about family violence. Services are less available for women in rural areas.

#### *Political and Other Participation of Women:*

Women continue to make gains politically, and a 12 percent quota was implemented for the June 2009 local elections, substantially increasing female political representation on this level. There are few women at high levels in the government.

Women's rights groups and individual activists have collaborated with the government to improve the rights of all women, but true equality remains a distant goal. The literacy rate for women and girls is quite low, a little above 40%; that of men and boys is better, but still low, near 60 per cent. The low literacy rate has an impact on women's full participation in economic life in Morocco.

#### *Freedom of Worship for Women:*

While freedom of worship is guaranteed by Article 6 of the Constitution Moroccan law does allow Muslims to convert to other religions. Under Article 39 of the family law, Muslim women may not marry non-Muslims, while Muslim men may marry women of Christian or Jewish faith.

Women are allowed to pray in mosques, lead women-only prayers, and practice their religious rites freely. They have been steadily increasing their religious freedom in recent years. In May 2006, the first cohort of female *murchidat*, or Islamic guides, graduated from a government-backed program and were empowered to perform all of the same functions as male imams except leading the Friday prayers. The program was part of the government's drive to promote a more tolerant version of Islam. As previously noted, the press law criminalizes criticism of Islam.

#### Conclusion

Morocco follows a trend that we have seen in recent years in the Middle East whereby women's rights have made steady improvements, while freedoms on the whole have declined. Morocco and the entire MENA region still lag far behind much of the rest of the world in terms of both women's rights and overall human rights.