

KINGDOM OF MOROCCO

Ministry of Economy and Finance

Department of Financial Studies and Forecasts

Summary of 2012 Gender Report

In Morocco, the introduction of gender sensitive budgeting (GSB) is part of a comprehensive approach aimed at integrating human rights principles, as universally recognised, at the legal, institutional, and governance levels. In the budgeting reform, principles of equality, combined with specific efficiency and performance targets, have been central to the introduction of the gender approach in the overall budgeting reform. From a gender perspective, this constitutes an important tool for the evaluation of public policy and its expected impact on populations which have been initially targeted, and whose needs are clearly differentiated.

The seven Gender Reports which have documented such a process, highlight that the adoption of GSB for public finances is gathering pace and has a dual objective: influencing public policy design, and consolidating the efficiency, performance, and evaluation of such policy with regard to gender.

The 2012 Gender Report, intended to promote a gender-based evaluation of public policy underpinned by human rights, is in its approach, design, and outlook, very much on a par with the deep institutional shift which Morocco has undergone by drawing up its new constitution. Prior to that, as detailed in the 2011 Gender Report, significant progress had been made with the introduction of a transversal approach to public policy, in compliance with the principle of the indivisibility of human rights, and with the need to coordinate and integrate sector-based policies to improve their effectiveness and optimise their impact on target populations, notably in relation to gender.

The evaluation of public policy from a human rights perspective is in accord with fundamental principles that have gained international consensus regarding new approaches to human development. This evaluation thus foregrounds the study of different forms of inequality which undermine development processes, with the aim of recasting development models on a more inclusive and equalitarian basis, while remaining focused on the actual achievement of rights. The objectives and outlook of planning, policies, and development mechanisms must therefore be reconsidered so as to be made to comply with the human rights and duties enshrined in international law.

Applying such an approach to public policy and programs depends on the conversion of universal human rights norms into measurable indicators. Accountability, which requires

the conversion of the normative content of rights into quantitative indicators, is very much in keeping with the principles of result-based management adopted since 2002.

The requirement to account for the level of achievement of rights in the implementation of public policy has involved a wide range of indicators, as laid out in the methodological framework designed by the High Commissioner for Human Rights of the United Nations. These indicators are structural, procedural and result indicators all at once. Such a break down establishes a link between the commitment of governments and their acceptance of obligations arising from international human rights norms (structural indicators), the efforts made to fulfill these obligations through specific measures and programs (procedural indicators), and the results achieved (result indicators).

Great satisfaction can be drawn from the fact that this approach is very much on a par with the importance given to issues of equality, not only in the preamble of the new constitution, but also in several articles of importance which set down human rights and institutionalise the means for their implementation.

Indeed, in the preamble, which is as of now an integral part of the constitution, Morocco reaffirms its commitment to human rights as universally recognised. The new constitution has opened the way for a wider normative framework on issues of equality and rights, by recognising the preeminence of relevant conventions ratified by Morocco, over its national legislation. The new constitution has also further extended rights and individual freedoms by introducing provisions on human rights that had hitherto never been constitutionally recognised. Section II is entirely devoted to fundamental rights and freedoms, and comprises 21 articles consolidating civil, economic, social, cultural environmental and development rights.

With regard to civil and political rights, known as first generation rights, the new constitution enshrines gender equality in Article 19 which states that men and women enjoy *equal civil, political, economic, social, cultural, and environmental rights and freedoms, as laid out in the Constitution, as well as in international conventions and agreements duly ratified by the Kingdom*. As a result, the constitutional principle of equality, initially limited to the political domain, is extended from now on to economic, social, cultural, and environmental matters. The new constitution also enshrines the right to life (Article 20) and the right to security (Article 21), prohibits all forms of torture or serious and systematic human rights violations (Article 22), and protects the right to safety (Article 23) and the right to privacy (Article 24).

These fundamental rights and freedoms are supplemented with second generation rights enumerated in Article 31. These include the right to health, social security, medical care, access to modern quality education, attachment to the Moroccan identity and its fundamentals; vocational training, physical and art education, decent housing, employment, access to government jobs according to merit, access to water and a healthy environment, and to sustainable development.

Similarly, Article 34 stipulates that public authorities must design and implement policies in favor of social groups and categories with specific needs. In particular, public authorities must address and prevent the precariousness which threatens certain categories of women and mothers, children and the elderly, as well as rehabilitate and integrate the physically and mentally disabled into civil and social life, so that they may enjoy the rights and freedoms recognised for all.

Furthermore, the new constitution lays out institutional mechanisms for the implementation of the new provisions regarding gender equality. A Watchdog of Equality and the Fight against all Forms of Discrimination is to be set up, under the terms of Articles 19 and 164, notably to ensure the compliance with rights and freedoms established under Article 19, subject to prerogatives granted to the National Council for Human Rights. The Watchdog of Equality, alongside other institutions such as the Economic and Social Council or existing monitoring and evaluation units, should benefit from the Gender Report in its new approach.

The results achieved by making proper use of human-rights based studies in evaluating public policy have shown the relevance of such an approach, which has helped highlight progress made in many areas, as well as identify the challenges still undermining equal access to rights. The study has focused on three generations of rights broken down into three areas:

- Equal access to civil and political rights
- Equal access to social rights
- Enjoyment of equal economic rights

Morocco has made considerable progress in terms of equal access to civil and political rights for women and men; however, important challenges still lie ahead in the implementation of some of the reforms launched.

Morocco has subscribed to several conventions derived from the Universal Declaration of Human Rights, and made a commitment under Articles 1, 2, 7, 21, and 23 of the Declaration to ensure that all human beings are born free and equal in dignity and rights. The declaration also states in Articles 7 and 8 that all persons are equal before the law, and are entitled, without distinction, to the protection of the law. Article 21 explicitly calls upon signatory States to guarantee full and equal access to the rights of decision-making for women and men.

Similarly, Morocco has ratified the International Covenant on Civil and Political Rights (ICCPR), the first consensually binding legal instrument on the scope of these rights. Under the Covenant, state parties must gradually implement the full enjoyment of recognised rights, by making the best use of available resources and supporting any positive action taken to lessen or eradicate the conditions which cause or sustain the forms of discrimination prohibited under the Covenant.

By ratifying the Convention on the Elimination of all Forms of Discrimination against Women, Morocco has pledged to take all appropriate measures, including legislative

measures, to ensure self-fulfillment and progress for women. The equal right to justice is guaranteed under Articles 2, 9, 15, and 16 of the Convention, while Article 7 enshrines the right of women to vote and to hold public office.

In order to comply with international standards on equal access to civil and political rights, and on preserving the rights of children, new legislative texts have been adopted and others amended. These include the law on 'kafala' or adoption (2002), the family law (2004), labour laws (2003), the civil registration law (2002), the Moroccan nationality law (2007), the amendment of the penal code on the criminalisation of torture (2006), and the amendment of the penal code punishing domestic violence and sexual harassment (2003 to 2007).

All these efforts have been consecrated with the adoption of the new constitution which has enshrined, on the one hand, the principle of equality in rights, notably civil and political rights, and on the other hand, the mechanisms to monitor the implementation of such a principle.

Besides these constitutional gains, different measures have been taken to further involve women in the management of public affairs, and actively address all forms of discrimination they face.

In terms of the representation of Moroccan women within decision-making bodies, the reform of the electoral code and the introduction of a women's quota for political decision makers are a major advance toward increasing women's representation in the national political sphere. Likewise, the adoption of a new communal charter in 2008 is a significant step in extending women's access to decision making at the communal level, with the creation of the 'commission for equal opportunities'.

As to the number of women in public administrations, the feminisation rate in public administrations has increased to reach 34% in 2009. The rate of access to top positions for female civil servants has risen by 5 points to stand at 15%. To encourage the different ministry departments to take adequate measures to further integrate the gender approach in the management of human resources, the Ministry of Public Sector Modernisation has set up, in partnership with the Canadian Agency for International Development, the Inter-ministry Council Network (ICN) which focuses on gender equality, and in which the representatives of 15 departments serve.

The Ministry of Solidarity, Women, Family and Social Development drew up the Governmental Agenda for Equality (adopted by the Government Council in March 2011) with the aim of establishing gender equality as an essential component of public policies and programs, based on a participative approach and close consultation with relevant ministry departments. The agenda is a powerful tool for creating synergy between different ministry departments, taking into consideration nine priority areas.

Equal access to social rights for women and men has also been recognised by international treaties, especially the UDHR which underscores in its preamble the

necessity of ensuring that human rights are respected, recognised, and applied universally as well as effectively, notably fundamental rights such as the right to education, the right to health, the right to housing and so on... Article 25 states that every person is entitled to a standard of living adequate to guarantee their health and well-being, as well as those of their family, notably for food, clothing, shelter, medical care, and so on... Article 26 guarantees the right to free education, at least for primary education. By ratifying the International Covenant on Economic, Social, and Cultural Rights (ICESCR), Morocco has formally recognised the right of every person to a standard of living adequate for themselves and their family, including adequate food, clothing, housing, as well as to a sustained improvement in living conditions, through appropriate measures taken to implement these rights.

At the national level, as previously mentioned, the new constitution has formally endorsed the right to education, health, housing, vocational training, access to water and to a healthy environment.

It should be noted that the determinants of the social rights deemed fundamental are closely linked. For instance, access to health is largely dependent on access to education, decent housing, water, basic infrastructure, employment, and vice versa. In this respect, women's and girls' access to education has a positive impact on health matters, which results in better medical monitoring of women and children, improved eating habits, as well as a reduction in maternal and infant mortality.

Efforts made to promote schooling, especially for girls, have raised the schooling rate for girls in elementary education to 97.5% nationwide and 95.4% in rural areas. Likewise, efforts made through literacy and non-formal education have gradually reduced the illiteracy rate amongst citizens aged 10 and above to 30% in 2010.

Monitoring indicators for pregnancies and deliveries have improved significantly, while the rate of vaccinations against child diseases has gone up, resulting in a significant drop in maternal and infant mortality, with 112 deaths for 100,000 live births and 30 deaths for 1,000 live births in 2009-2010.

Access to housing is linked to the socio-economic level of households, which is also linked to income level and employment, while housing standards affect health. In Morocco, the percentage of the population living in sub-standard housing fell to 3.9% in 2010, a 5.3 point drop compared to 1994. Moreover, around 4.5%¹ of female household heads and 5.3% of male household heads live in shacks or precarious dwellings.

The provision of basic infrastructure, such as roads and efficient means of transport, helps with schooling and access to medical care, provides economic opportunities and jobs, and generally contributes to improved living standards. In this regard, the evaluation of the socio-economic impact of Phase II of the National Rural Roadways Program (2005-2012), conducted by the Ministry of Equipment and Transport, has shown a drop in transport costs (17% for passengers and 52% for goods), an increase in schooling rates,

¹ Source: Survey on household living standards, HCP 2007.

especially for girls (55% with the program against 33% without it), an increase in medical centre visit rates (74% more visits with the program), in all the regions surveyed². The program has also contributed to rising incomes and household spending (9% and 15% respectively).

As to equal access to economic rights, Article 23 of the UDHR states that every person is entitled to employment in fair and decent conditions, and to protection against unemployment. Every person is entitled, without discrimination, to equal pay for equal work, and to fair and decent wages, supplemented if need be by other social security means, ensuring that they and their family can live in accordance with human dignity,

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) guarantees that women and men enjoy economic rights. The Covenant recognises the right of every person to work in fair and good conditions, to join any association or group, to pursue trade union activities, as well as the right to social security.

The Covenant focuses on the most vulnerable social categories and underscores equality between women and men in terms of pay and access to employment, as well as the measures designed to promote access of young people to employment.

By ratifying the CEDAW and lifting all reservations on April 8th 2011, Morocco has committed to guaranteeing equality in access to employment and to economic activities (Articles 11, 13, and 14).

The new constitution stipulates under Article 31 that the state, public bodies, and territorial authorities must mobilise all available means to facilitate equal access to all citizens so that they may enjoy their full rights to vocational training, employment, and government support in their search for employment or self-employment, and to sustainable development. Moreover, Article 35³ enshrines the right to property and economic freedom, as well as free and fair competition which guarantees citizens' free access to investment and entrepreneurship.

In terms of employment, the percentage of women in the working population does not exceed 26.7%, and those employed women are generally involved in low-status and precarious economic sectors. The professional category of 'farm and fishery workers' accounts for a large part of female employment (49.9%), against 17.1% amongst men.

² Souss-Massa Draa, Tadla-Azilal, Greater Casablanca, Doukkala-Abda, Fez-Boulemane, Gharb-Chrarda-Beni Hssen, Meknes-Tafilalet, Eastern Morocco, Rabat-Sale-Zemmour-Zaers, Chaouia-Ouardigha.

³ Article 35 of the Constitution states that "the right to property is guaranteed. The law can restrict the extent and the exercise of the right to own property, if it is required for the economic and social development of the nation. The expropriation of property can only be ordered under the circumstances and procedures prescribed by law. The state guarantees the freedom of enterprise and free and fair competition. It implements sustainable development, designed to consolidate social justice and preserve the nation's natural resources as well as the rights of future generations. The state guarantees equal opportunities for all and provides special protection to disadvantaged social categories.

The increase in the number of businesses created by women, which rose, according to the Moroccan Association of Women Business Executives, from 1953 in 2005 to 4036 businesses in 2009, should be underlined. The sectors most invested by businesswomen include the service industry with 48%, trade with 32%, followed by industry, especially the textile industry.

Between 2010 and 2012, the social economy sector has implemented a strategy which takes into account gender, with specific initiatives designed to give opportunities to women to engage in income-generating activities that will empower them in terms of lifestyle and decision-making within their immediate environment.

Similarly, around 8,000 women joined cooperatives between 2006 and 2010, bringing the number up to 22,500 women in 2010. Action has been taken in favour of cooperative businesses, notably with the launch of the MOUFARAKA program in 2011, designed to support newly-created cooperatives by helping them with business strategy, development planning, and management training.

Despite their significant involvement in productive sectors, such as farming, fishery, industry, especially textile, trade, and other activities, women are still faced with many constraints generally due to limited access to well-paid jobs, to vocational training schemes, to loans, and to land. Moreover, the low representation of women within information networks and bodies responsible for the management of economic affairs, prevents them from making a fuller contribution to their country's economic development.