



الجمعية الديمقراطية لنساء المغرب
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Association Démocratique des Femmes du Maroc

ONG dotée du statut consultatif auprès du conseil Économique et social des Nations Unies
هيئة استشارية معتمدة لدى المجلس الاقتصادي والاجتماعي للأمم المتحدة

Statement

For a family legislation that guarantees equal rights, and justice in situations and cases

"Association Démocratique des Femmes du Maroc" welcomed the statement of the Royal Court with great optimism. It considers that the directives contained in the royal letter to launch the process of consultation for the reform of the Family Code meet the expectations of women and human rights' movement, in terms of the nature of the practical supervision, the role of coordination and the guarantee for the participation of the civil society, specialists and researchers. The statement adheres fully to the Speech of the Throne of July 30, 2022, in which the King stressed the importance of women's participation in development, and called for the non-violation of their rights, and for the operationalization of constitutional institutions, especially the Authority for Parity and the Fight against all Forms of Discrimination and the Advisory Council on Family and Childhood.

This royal speech was followed by a societal debate on the urgency and necessity of initiating the Family Code reform process, which takes into account the economic development and social transformations that Morocco has undergone during the nearly two decades of the implementation of the Family Code. It invokes the presence of women

in decision-making positions and their contribution to economic development alongside men through their paid and unpaid work and through the payment of taxes, and the partial or full responsibility that they bear within their families, which is not considered by the discriminatory provisions of the current Family Code. The law contributed to perpetuating the inferior status of women and girls, such as in the case of overlooking shared responsibility within the family, child marriage, legal guardianship, transfer of family wealth, etc. The recommendations made by women and human rights' movement also include the search for radical solutions to eliminate the negative effects of the gaps that accompanied the implementation of the Family Code. However, this debate did not provoke the expected interaction and dynamism from the part of the government.

Therefore, in order to ensure equal rights, and justice in all situations and cases, “Association Démocratique des Femmes du Maroc” submits to the committee in charge of drafting the new Family Code the following entry points and foundations of the expected reform:

- Harmonize the form and content of the Family Code with the spirit, principles and provisions of the Constitution;
- Invoke the value of equality enshrined in the Constitution and ratified in Morocco's obligations to the international community;
- Break with the founding concepts of male authority in the relationship between men and women in private life embodied in “wardship” or “kiwama”, which contradicts the rule of shared responsibility;
- Curb the perpetuation of the patriarchal structure in the relationship between men and women diffused in a number of

messages on the division of roles throughout the provisions of the family code

- Consider the harmonization of the national laws and their compliance with the international instruments;
- Take into account the various economic, social and cultural developments that the Moroccan families have gone through;
- Delete Article 400, which entitles the judiciary to refer to the Maliki doctrine in order to fill any legal gap;
- Ensure in the family legislation women's economic autonomy regardless of their family status.

While appreciating the launch of the Family Code review process, “Association Démocratique des Femmes du Maroc” calls on all concerned parties to fully engage in this structuring reform process, and support a draft law that will make equality a founding value for a deep, comprehensive, and radical reform. It stresses once again the need to adopt an effective participatory approach that integrates, as stipulated in the 2011 Constitution, all the components of the civil society. Civil society organizations demonstrated concretely during the recent earthquake in Al-Hawz region its important role alongside state institutions, in alleviating the sufferings of citizens and adapting measures and procedures to the reality, needs and aspirations of citizens, at all levels.

Association Démocratique des Femmes du Maroc

October 3rd, 2023