

## Concept note

### For the Seminar on Sexual and Gender-Based Violence

#### Context:

Violence against women is classified as a violation of human rights, because it not only deprives them of their right to a decent life but prevents them from enjoying rights and freedoms. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was developed as an international legal instrument aimed at eliminating all forms of discrimination against women with practical recommendations. Ratifying states committed to aligning their national laws with it, and it represents a reference for states to achieve equality between male and female citizens in rights, duties and without reservations;

The conventions, resolutions and recommendations of the UN General Assembly, the Human Rights Council and the Security council underline the due diligence of the state in the prevention and protection against all forms of sexual and gender-based violence. This includes providing security for the survivors and accompanying them, punishing the perpetrators of violence, enacting laws which criminalise violence, and promoting gender equality, while taking care to develop integrated, gender-suitable public policies.

In the same context, the foreword of the 2011 constitution affirmed 'the protection and promotion of human rights and international humanitarian law systems, and contribution to their development, taking into account the universal character of these rights and their indivisibility; the prohibition and elimination of all forms of discrimination on the basis of sex, colour, belief, culture, social or regional affiliation, language, disability or personal status, whatever it may be; the prohibition and elimination of violence regardless of its source or where it takes place, in public or private (article 22), and the establishment of equality in civil, political, economic, social and cultural rights (article 19), (men and women shall enjoy, on an equal footing, the civil, political, economic, social, cultural and environmental rights and freedoms contained in this part of the constitution, and in its other provisions, as well as in international conventions and charters as ratified by Morocco, all within the scope of the constitution's provisions and the principles of the Kingdom and its laws.)

The State seeks to achieve the principle of equality between men and women. To this end, a body for equality and combatting all forms of discrimination has been established.

On the other hand, the Moroccan State ratified the Convention on the Elimination of All Forms of Discrimination against Women, while maintaining some substantive reservations.

Associations of the women's rights movement have contributed as a powerful and influential force, through establishing counselling centres for women victims of violence; establishing national and international advocacy campaigns to bring about gender equality; lifting all reservations to the CEDAW; crystallizing the proposals which have concerned all areas of legislation, and mechanisms, programmes and plans to bring VaW out of silence and into legislation and politics. From the private to the public debate, this has led successive governments to take action on the subject, introduce some amendments to certain laws, or eliminate some discriminatory provisions. Despite their shortcomings, these developments are considered an important gain because they enabled women to enjoy some rights in several areas. Progress has been made in enhancing women's human rights through legal system reform work over the last decade, through the amendment of the Labour Code in 2003, the change of the Personal Status Law by issuing the Family Code in 2004, the change of some of the requirements of the Nationality Law in 2007, the Collective Charter in 2008, the electoral code in 2009 and the Labour Law.

However, Morocco's international obligations related to human and women's rights have not been fulfilled, since other regressive laws were issued which raised discontent from the women's rights movement, most notably the new law 103.13 on combatting all forms of violence against women. This law does not reflect the aspirations of the women's, rights and democracy movement and frames the fight against VaW by resorting to punishment without automatically eliminating violence. Moreover, the law lacks a preamble specifying its purpose and objectives, and retains the same traditional criminalization and punishment based on a moral approach instead of a universal approach to human rights generally, and women's rights in particular.

Despite all the measures taken, any structural change in women's situation has not been achieved since laws and public policies have not kept up, as expected, with Morocco's international and national obligations regarding women's rights. Most notably, they have not taken into consideration the development of society and women's contribution to this development. Research conducted by the High Commissioner for Planning in 2009 highlighted that of 9.5 million women between the ages of 18 and 64, approximately 6 million women (63%) experienced some form of violence during the 11 months preceding the survey. Of these, 3.7 million (55%) suffered from violence within marital life.

In this context, mixed with gains, setbacks and challenges in combating VaW, the EuroMed Rights' Gender Working Group, which will hold its annual meeting in Morocco, is organizing a seminar on the occasion of the International Day for the Elimination of Violence against Women, "the 25<sup>th</sup> November," on the theme of "Combating violence against women in a Moroccan and Euro-Mediterranean perspective"

**The General Objective:**

To raise the issues of gender-based and sexual violence from which women suffer, discuss the challenges which prevent curbing the prevalence of this violence, and to consider establishing a common platform to strengthen joint action with all those involved in the fight against VaW.

**Aims of the meeting:**

- Getting acquainted with the reality of sexual and gender-based violence
- Exchange Moroccan and Euro-Mediterranean experiences in combating VaW
- Present recommendations
- Discuss the establishment of a mechanism for coordination and joint action, and for monitoring and evaluation

**Agenda:**

<p><u>First Session:</u> Government measures and procedures for combating VaW</p>	<ul style="list-style-type: none"> <li>• Ministry of Justice (10 min)</li> <li>• Ministry of Solidarity, Women, Family and Social Development (10 min)</li> </ul>
<p><u>Second Session:</u> Monitoring the reality of VaW and discrimination against women through data and reports</p>	<ul style="list-style-type: none"> <li>• National Council for Human Rights (10 min)</li> <li>• Economic, Social and Environmental Council (10 min)</li> <li>• High Commissioner for Planning (10 min)</li> <li>• Institution of the Kingdom's Mediator (Institution du Médiateur du Royaume)</li> </ul>

<p><u>Third Session:</u> comments from ‘feminist’ civil society organisations, including a brief outline of their work on the law on VaW, the Penal code and Family Code and their participation in national and regional coalitions and campaigns on combating VaW and promoting the Istanbul Convention.</p>	<ul style="list-style-type: none"> <li>• Women’s Labour Union</li> <li>• Federation of the Democratic League of Women (FLDF)</li> <li>• Moroccan Association for Women’s Rights</li> <li>• Moroccan Association for Combating VaW</li> <li>• Democratic Association of Moroccan Women (ADFM)</li> </ul>
<p>Discussion</p>	
<p><u>Fourth Session:</u> presentation of Euro-Mediterranean experiences</p>	<ul style="list-style-type: none"> <li>• Tunisia’s experience</li> <li>• Women Against Violence Europe (WaVE) – Step Up! campaign for supporting survivors of VaW</li> <li>• Arab Model Law on eliminating VaW</li> </ul>
<p>Discussion</p>	
<p><u>Fifth Session:</u> Establishing a common platform, with the aim of:</p> <ul style="list-style-type: none"> <li>• Strengthening the campaign promoting the Istanbul Convention and combating VaW launched by EuroMed Rights in 2016</li> <li>• Continuing advocacy on the Istanbul Convention</li> <li>• Creating a mechanism for advocacy, monitoring and evaluation</li> </ul>	