



# Lifting religion-based reservations to the core international human rights conventions as a means of strengthening women's rights at the national level: A guide for women's rights groups

MEETING REPORT MARCH 2019



UNIVERSAL RIGHTS GROUP  
GENEVA

On 9th and 10th January 2019, the Universal Rights Group, with the support of the Federal Republic of Germany and the Ministry of Foreign Affairs of Tunisia, convened a regional workshop on ‘lifting religion-based reservations to the core international human rights conventions as a means of strengthening women’s rights at national level, and the role of women’s rights advocacy groups in that regard.’

The objective of the meeting was to discuss the importance of religion-based reservations to the international human rights treaties; how these relate to domestic processes of human rights reform and progress, especially for women’s rights; and the role of that women’s rights defenders from the MENA region have played in the withdrawal of such reservations.

The meeting was designed as a platform for the sharing of information, experience, and lessons learned from a number of OIC/MENA case studies (including Morocco and Tunisia where civil society has successfully pressed for national processes that have led to the lifting of religion-based reservations, especially those linked with discrimination against women.)

The workshop also looked at how those case studies might inform other processes of reform elsewhere in the region. The discussion adopted a positive, constructive, and cooperative approach to human rights change, emphasising the sharing of, and learning from, successes and good practices.

## The importance of State ratification of the international human rights treaties

- A first important point made by panellists and participants was that treaty ratification, lifting reservations, adapting national laws to comply with international human rights obligations and commitments, and reporting on progress, are all part of the same implementation-reporting cycle/process; and that the key starting point for that cycle/process is to press States to ratify CEDAW and the other core conventions (even if that is with certain reservations). Once States have ratified, they are bound by international human rights law, and have to engage with the Treaty Bodies – allowing reservations to be gradually lifted, and national laws to be gradually amended.

- Through engagement with the Treaty Bodies (and other human rights mechanisms such as UPR and Special Procedures), States receive recommendations for improved compliance. Taken together, these recommendations are incredibly valuable – forming what is, in effect, a detailed blueprint for domestic human rights reform. Eventually, changes to domestic law, in line with international commitments and recommendations, reach a point where they leave old reservations redundant/unnecessary. They can therefore be lifted. This is what happened, for example, in Tunisia and Morocco.

- Additionally, when a State becomes Party to CEDAW, even with reservations, and then begins to engage with the relevant Treaty Body, it provides wonderful ‘hooks’ for domestic civil society campaigns – a focus for national advocacy. Because the State has voluntarily ratified the convention, and has voluntarily engaged with the Treaty Body, the treaty obligations, the reservations, and the recommendations all become legitimate and agreed targets of national civil society advocacy. Some women’s rights NGOs in the MENA region have been using this strategy for decades.

- Moreover, treaty ratification also allows domestic civil society to themselves engage with the Treaty Bodies and the wider UN human rights system. For example, they can submit shadow reports on the national women’s rights situation and on government progress with implementation, and can also work with Treaty Body members, Special Procedures mandate-holders, and States in the UPR Working Group to suggest recommendations to the State.

- Overall, there was agreement that treaty ratification is a vital first step, and helps then create pressure for positive change

in a country. However, that pressure does not happen automatically – it only happens if the States’ obligations (and reservations) are used as hooks for national civil society advocacy campaigns. That is where the real value of international human rights law lies. The experiences of difference women’s rights NGOs in the MENA region support this conclusion.

## What are religion-based reservations and why is lifting them important?

- Reservations are unilateral acts (however named or framed) presented by a State when signing, ratifying, or acceding to a particular treaty, with the purpose of limiting – generally or partially – its scope. Reservations are the tangible manifestation of the ‘boundary’ that States see between international/universal norms on the one side, and local traditions and beliefs on the other. Typically, a reservation remains in place until the reserving State stops considering that such a frontier exists, i.e., until it decides that there is no longer any incompatibility between its national or local traditions, values and beliefs, and universal human rights norms.

- In this sense, a number of speakers – in line with URG’s March 2017 policy report<sup>1</sup> – pointed out that reservations

can be politically useful. They allow a State to ratify a convention even where some national stakeholders oppose certain treaty provisions. Reservations can then be lifted as societal attitudes shift, and as national laws and policies also begin to change.

- Additionally, participants explained that religion-based reservations usefully flag those societal issues/challenges that are seen – by the government or by society as a whole – as being incompatible with universal human rights norms. By flagging/identifying those issues in an objective manner, reservations allow civil society groups to develop targeted advocacy and awareness raising campaigns to shift the national debate. ‘Reservations can thus be seen as both ‘red flags’ – indicated possible risks and problems, but also ‘green flags’ – guiding domestic action to address problematic laws and practices.

- In a similar vein, reservations also act as ‘green flags’ for Treaty Bodies and other UN human rights mechanisms – allowing them to focus their dialogues with the State(s) concerned on the underlying issues and questions.

“religion-based reservations usefully flag those societal issues/challenges that are seen... as being incompatible with universal human rights norms...”





“Reservations to CEDAW can also impact on rights protected by other international treaties, such as children’s rights. When a State reserves women’s rights, the fundamental rights of their sons and daughters are also restricted.”

• Unfortunately, these religion-based reservations can also have a significant negative impact on the enjoyment of human rights, including women’s rights.

• Reservations limit a State’s responsibility to adopt national regulations, policies, and practices that are fully compliant with the universal human rights framework. This reduces the span of possibilities that individuals under those States’ jurisdictions have to claim their rights and to hold States accountable under international and national human rights systems. Additionally, the international human rights system has established a series of norms and principles to protect minorities. Reservations attack the core of that safeguard system, by disregarding, *inter alia*, the rights to equality and non-discrimination. As one human rights defender noted: ‘Many serious human rights violations against women,

especially in the Gulf region, can be found to be directly linked to religion-based reservations, and their consequences for national law and practice.’

• In practice, reservations translate into real limitations to the full enjoyment of the rights of women. A number of human rights defenders shared their

experiences defending women’s rights, and gave examples of how States have abused their powers to prevent women from promoting and defending their rights. ‘Women have the right to be free from torture, but if you advocate for the

recognition of [reserved] rights in my country, torture will almost certainly be used,’ said one.

• Reservations to CEDAW can also impact on rights protected by other international treaties, such as children’s rights. When a State reserves women’s rights, the fundamental rights of their sons and daughters are also restricted. For example, by denying women their right to nationality or to pass their citizenship on to their children, reservations also affect the offspring. During the event, a women’s rights defender explained: ‘The reservation to [the CEDAW] led to serious violations of women and children’s rights, for example: the law deprives [...] children [...] from a foreign father from receiving their mother’s nationality. These children do not have the right of residency in their mother’s land, nor benefit from higher education [or] work [...] and cannot inherit their mother’s property, and worst of all, they must leave the country by the age of eighteen.’

• Although reservations cannot be considered ‘direct causes’ of discrimination against women or of the uneven implementation of certain rules, they do contribute to perpetuating the bedrock ideas of ‘male superiority’ by, *inter alia*, maintaining the *status quo* and bringing it to the international law level.

• With this in mind, participants argued that while recognising the initial political utility of reservations – i.e. in allowing States to ratify conventions – NGOs should never accept reservations in the medium- to long-term.

• Immediately after ratification, domestic civil society should begin work on raising public awareness about the underlining issues, and pressing the government to reform necessary laws and – eventually - withdraw the relevant reservations. Helping to raise awareness also means confronting local beliefs or attitudes that are inconsistent with human rights

“Immediately after ratification, domestic civil society should begin work on raising public awareness about the underlining issues...”

norms, as well as educating the population about those inconsistencies and how to overcome them. This educational role of NGOs – in effect, shifting domestic attitudes and confronting dogma – was highlighted as critical. It was also noted that civil society is the only stakeholder group that can play this role.

• The challenge for women’s rights NGOs is that the traditions or religious beliefs that underpin the reservations, and offending national laws, are often deeply engrained in society. Change therefore means first changing mind-sets - and that takes time. NGOs from Tunisia and Morocco, where considerable progress has been made in recent years in lifting reservations, stressed that they have been working on these issues for decades. Sometimes there is no progress. But then, all of a sudden, there will be an opening (e.g. a new government, or a proclamation from the King), and at that moment civil society must seize the moment.

• A number of participants made the point that: ‘the problem is not religion itself, that must be made clear. We are not criticising religion; we are talking about human rights violations occurring in the name of religion.’

• Building on this point, participants shared their perspectives about how reservations are nearly always based on specific interpretations of religious concepts – interpretations that favour the *status quo* in the reserving State(s). There was agreement that reservations are generally rooted in specific and time-bound interpretations of particular laws and religious-related concepts, rather than in core religious tenets. Specifically, for most discussants, reservations are the reflection of outdated understandings of the idea of male authority over women. These interpretations can change without ‘distorting religion.’ Many participants explained that those campaigns that have resulted in the withdrawal of religion-based reservations, and related domestic reforms, have championed the reinterpretation of religious concepts (not the abandonment of religion), thereby challenging the *status quo* and the discriminatory practices without contradicting the fundamental precepts of Islam.

• An important point, however, was that lifting reservations is not an end in itself; it is part of an overall process of implementation. As occurs with treaty ratification, lifting reservations does not immediately remove the obstacles to the full implementation of women’s rights, but it is an important step to achieve that. In the words of one women’s rights defender: ratification without reservations ‘is not a magic bullet but [it is an effective] catalyst for deeper domestic action.’

• Lifting restrictive acts creates space and broadens the opportunities to hold a State accountable for not fulfilling its human rights obligations. Withdrawing a reservation can also level the playing field between those who have benefited from the *status quo* and the traditionally-excluded minorities; by granting the latter – at least legally - equal rights and an equal opportunity to demand the protection of those rights.

• However, as noted above, in order to generate real change across society and in law, it is vital that civil society groups use that space/use the leveled playing field to press governments (as well as other groups such as religious leaders) to remove discriminatory laws and to fully promote and protect the rights of women.

## Dialogue: The key word

• A key word identified at the workshop – for both national advocacy and for Treaty Body engagement – was ‘dialogue.’

It was noted that it does not tend to work for NGOs or Treaty Body members to simply demand that States lift reservations on the grounds that they have a negative impact on human rights (even if they do). Rather, NGOs and Treaty Body members must begin a dialogue with the government to understand the views, laws and practices that underpin the reservations, and then be open to discuss those underlying concerns. At the same time, NGOs should engage society as a whole, to confront relevant interpretations of religious doctrine – as seen through the eyes of the people – and to begin to shift mind-sets.

• As part of this ‘dialogue,’ a State’s ratification of a treaty, and the signals provided by religion-based reservations, provide

“NGOs and Treaty Body members must begin a dialogue with the government to understand the views, laws and practices that underpin the reservations...”

NGOs, in principle, with a useful roadmap for engagement with the government. For example, where governments are open to working with civil society, NGOs can provide their assessments of which laws need to change in order to eventually lift reservations. This kind of information can be extremely useful for sympathetic government officials.

- In other cases, a focus on the States' international human rights obligations and on relevant reservations, can act as the starting point for a conversation between women's rights defenders and progressive elements within national administrations. These elements can then become allies in driving through reforms and related educational campaigns, and thereby circumvent more religiously conservative parts of the system.

**“Women’s rights groups must be flexible in how they conceive and implement advocacy campaigns.”**

- These processes of domestic dialogue and reform however, have not (yet) happened in all MENA countries. The dynamics between the State, women's rights advocates, and

the ‘*status quo* defenders’ (i.e. those who wish to maintain reservations) respond to historical particularities, as well as to the specific social, economic, and political interests of these groups. Thus, national processes of dialogue have had markedly different starting points and results (see the ‘case studies’ at the end of this report) in different parts of the MENA region. During the meeting, women's rights defenders explained that their advocacy activities are defined according to the prevailing atmosphere in their home countries. ‘Reading the position of the government as well as of opposing and supporting movements in society, is challenging. Women's rights groups must be flexible in how they conceive and implement advocacy campaigns.’

## Potential civil society strategies to advance women’s rights

- There was a wide recognition that it may take many years before a State moves to lift its reservations. Although, in principle, lifting reservations is a relatively straightforward process under international law (requiring only a simple notification to the UN Secretary-General), in practice – at the domestic level – it is extremely challenging. In order for it to happen, civil society, sympathetic politicians and

civil servants, religious leaders, and lawyers, need to come together to build domestic processes of reform. And those processes must serve to shift and lock-in societal changes in attitude, as well as (and in parallel with) amending laws.

- There was consensus amongst participants that a ‘no one size fits all’ approach is the only way to proceed when defining strategies to call for, and achieve, the withdrawal of religion-based reservations. It would be a mistake to ‘treat all religion-based reservations of the MENA

region as equal, just because they have been drafted in the same way,’ explained one expert. Since each State has its own national situation and particularities – its own reality – the reasons for tabling reservations, and the difficulties involved in then lifting them – will vary significantly from country to country.

- Participants agreed that constructively challenging and then reshaping traditional interpretations of religious doctrine is an essential building block of national campaigns to lift reservations and improve women's rights. Various participants drew attention to the work, in this regard, of organisations like Musawah in redefining concepts such as *qiwamah* (a husband's authority over his wife), *wilayah* (the right and duty of male members of a family to exercise guardianship over their female relatives), *qawwamun* (protector) and *qanitat* (obedience). These concepts have emerged, in many Muslim majority States, as key pillars of family law and of societal discrimination against women. It is only through promoting dialogue and debate on these concepts, that civil society can hope, in the future, to secure changes in national law.

- Again, it is important, from the perspective of civil society groups, especially those promoting women's rights in heavily patriarchal societies, to shape advocacy campaigns that fit with, and work in, the specific national context. It is also important to emphasise that these campaigns are not challenging Islam itself (or, linked with this, are not necessarily arguing for secularism), but are rather seeking to debate and consider societal interpretations of certain tenets or precepts of Islam. This is especially the case in countries where all religious leaders and most senior government officials are men. As one activist reminded colleagues: ‘it is essential to always keep in mind that the source of discrimination is not religion itself, but rather conservative interpretations of relevant religious texts.’

**“a ‘no one size fits all’ approach is the only way to proceed when defining strategies to call for, and achieve, the withdrawal of religion-based reservations.”**



**“any process of domestic change (in law or in attitudes) must be – and be seen to be – home grown, and not imposed by the UN or wider international community. ‘It must be bottom-up and not top-down.’”**

- Building on this idea, others urged colleagues to ensure that their work does not come to be seen – or portrayed – as an effort to pitch ‘women against religion, or *vice-versa*.’ ‘Women defend religion and acknowledge that it is not religion what violates their rights, it is the male-centred interpretation of some religious precepts,’ explained one human rights defender.

- One useful way of doing so, as explained by a number of participants in the workshop, is to use examples from elsewhere in the MENA region (or in the wider OIC) to show, practically, how new interpretations of religious doctrine can take root, can inform changes in national law and practice, and can help improve society as a whole. ‘Sharing and learning from the experiences of countries with similar political, cultural, and social backgrounds, and that have managed to achieve progress in the promotion of women's rights, can inspire and guide civil society campaigns elsewhere.’

- Some participants also drew attention to the importance of confronting, in a calm and informed manner, the mistaken assumption that universal human rights standards are a ‘Western construct,’ and therefore alien to Muslim-majority societies. As one noted: ‘We must remind our fellow citizens that the Universal Declaration of Human Rights, and all the core treaties, were drafted by representatives from a wide range of countries, regions and traditions.’

- This point is linked to another important argument raised in Tunis: namely that any process of domestic change (in law or in attitudes) must be – and be seen to be – home grown, and not imposed by the UN or wider international community. ‘It must be bottom-up and not top-down.’ ‘The process is as important as the product,’ explained one person. ‘It must be as participatory and inclusive as possible.’

- Human rights education and information campaigns were identified as a particularly useful way of changing mind-sets and attitudes. These can be dedicated human rights campaigns – explaining international rights, and the negative consequences of reservations, or they can be general campaigns to improve standards of living, for example. ‘We run projects to improve the life opportunities and standard of living of women,’ said one. ‘In the context of those projects, we also share information on their rights under the Constitution and under CEDAW.’

- Another useful strategy is to ‘put a face on the rights under discussion.’ A number of civil society representatives shared positive results from campaigns that have drawn attention

**“Human rights education and information campaigns were identified as a particularly useful way of changing mind-sets and attitudes.”**



to individual women who have faced discrimination because of reservations to CEDAW/related national laws. ‘When people see a face – which could easily be their mother or sister – it tends to have more of an impact than mere words alone.’

- A number of participants also agreed that the Sustainable Development Goals (SDGs) are a powerful vehicle with which to push for the implementation of all rights. SDGs are rooted in human rights, some of which have been reserved by States in the MENA region. Nevertheless, these same States have committed to achieving the SDGs. Thus, ‘the SDGs can be an entry point to start a dialogue and push for reforms that may lead to the full implementation of women’s rights.’

- Another piece of useful advice, shared in Tunis, was that national advocacy campaigns should make the case that they are pushing for ‘win-win solutions’ – i.e. reforms that will benefit all parts of society (including men!) as well as society as a whole.’ Linked with the above point on the SDGs, women’s rights groups were urged to show that implementation of CEDAW and the lifting of reservations, also contributes to the country’s sustainable development.

- Finally, in order to build effective strategies, a number of speakers urged women’s rights defenders to ‘build national networks and coalitions.’ ‘To be successful, we must build alliances with supportive individuals in government, in religion, in the media, and in the legal sector. We cannot do it alone.’

This includes engaging with: federal government officials; local government officials; politicians; parliamentarians; NHRIs; NGOs focused on other issues; teachers; religious leaders and journalists.

- Regarding NHRIs, a number of speakers drew attention to their importance as a ‘bridge’ between government and civil society. NHRI representatives themselves, present at the Tunis meeting, also drew attention to their role in ‘translating international human rights norms into local language and words – in order to make it real and make it understandable for normal people.’

**“To be successful, we must build alliances with supportive individuals in government, in religion, in the media, and in the legal sector.”**

- Engaging with and finding allies in the judiciary has proven to be a successful strategy in some MENA countries. For example, in Tunisia, before recent reforms: ‘The personal status code denied women guardianship and custody rights for their children, based on a restrictive interpretation of Sharia law. However, in 1993 a ruling by the Supreme Court determined that the law was discriminatory and thus contrary to the Constitution and to Tunisia’s international human rights obligations. The Supreme Court therefore decided to grant women full guardianship rights during marriage and after its dissolution.’

- Regarding the press, it was noted that ‘the media can be a powerful ally.’ In some countries, women’s rights leaders have regularly appeared on television, on the radio, or in newspapers. This provides an excellent platform to explain international human rights law and the importance of lifting reservations, and to make the case for domestic reform. Another proposed strategy is to: ‘secure allies in the media, such as female journalists, who can follow this story on a regular basis.’

- The question of whether and how to engage religious leaders was the subject of some disagreement between participants at the workshop. Some argued that engaging with religious leaders, scholars and lawyers is essential if women’s rights groups are to secure shifts in societal views and prejudices. Others, however, said this can be counter-productive – it can risk energising religious leaders to block reform efforts, or even to seek the arrest of women’s rights activists. A broad conclusion to this debate was that the desirability of engaging religious groups depends on the country in question, and on the individual religious leader. ‘Reaching out to some conservative religious leaders will achieve nothing, and may even hurt the women’s rights movement. However, others are very sympathetic to our cause.’

- All participants were urged to also build networks internationally with women’s rights advocates in other countries in the MENA region, and beyond. ‘This is important in order to build and benefit from mutual support, to share advice and good practice, and to create networks for protection.’

- Another key part of any national strategy to promote women’s rights and lift reservations to CEDAW must be to engage proactively with the UN’s human rights mechanisms. These are

a key resource and tool, yet only if national actors seek to work with them. For example, women’s rights groups should submit information for the ‘other stakeholders’ reports under the UPR mechanism, and should provide ‘shadow’ information to relevant Treaty Bodies. Regarding both UPR and Treaty Bodies, it was noted that women’s rights groups, if they are organised, can even ask sympathetic States or Treaty Body members to put forward recommendations to the State-under-review urging it to lift reservations.

- Relevant Special Procedures mandates can also be urged to conduct country missions to MENA States. This can be a useful way of drawing attention to discrimination linked to treaty reservations, and of pressing the government to introduce reforms. Human rights defenders can also submit individual communications/petitions to Special Procedures.

**“Another key part of any national strategy to promote women’s rights and lift reservations to CEDAW must be to engage proactively with the UN’s human rights mechanisms.”**

# CASE STUDIES<sup>2</sup>

## Tunisia

When Tunisia ratified CEDAW in 1985, the State declared that it would not ‘take any organizational or legislative decision’<sup>3</sup> to implement eight CEDAW provisions that were considered to be contrary to the Tunisian Constitution, Personal Status Code, and Nationality Act. It also tabled a general declaration, limiting its obligation to take any measures that could contradict the Tunisian Constitution, which establishes Islam as the State’s religion.

For women’s rights defenders in Tunisia, these reservations served to ‘protect discriminatory laws, instead of allowing necessary reforms that should have followed ratification.’ ‘As a consequence of these reservations, and despite ratification of this Convention, the status of women in the family did not really change in Tunisia. Discrimination was maintained between men and women.’

Immediately after ratification therefore, women’s rights groups began to press for the lifting of all reservations to CEDAW. They continued this campaign for the next 30 years. They used the reservations – and their negative consequences for human rights – as the key ‘hook’ for their campaign.

At national level, women’s rights defenders conducted a series of seminars and educational events along with jurists, academics, and UN agencies, with the purpose of discussing the relevance of CEDAW and the impact of reservations on the enjoyment of women’s rights. These events were accompanied by a dynamic communications strategy (leaflets, posters, postcards, engagement with the media) designed to raise awareness among the general public and, eventually, to reach all levels of society – including the President and the Cabinet. In parallel, women’s rights defenders maintained a high-level of engagement with the UN human rights machinery – regularly submitting information to Treaty Bodies (CEDAW and CRC), Special Procedures and, from 2008 onwards, to the UPR.

The result of this campaign was an upwelling of public support for the lifting of reservations and for domestic reform to remove laws that discriminated against women. The campaign even secured the support of members of the general public who were otherwise disengaged from human rights concerns.

As public pressure increased, the Government agreed to look into the possibility of withdrawing Tunisia’s reservations to CEDAW (2002), and to consider the possibility of acceding the Optional Protocol to CEDAW (2008).

After the 2011 revolution, women’s rights advocates saw an opportunity to push once again for the lifting of reservations to CEDAW. They sought to link the promotion of women’s rights with the ultimate success of the democratic transition. As part of this, a rally of civil society organisations was organised in front of the Presidential Palace. With the help of supporters in the government and in the civil service (and despite a counter-campaign by religious conservatives which called for Tunisia to simply withdraw from CEDAW), the strategy worked. The Government decided to lift Tunisia’s specific reservations to CEDAW, but to maintain its general declaration. Tunisia notified the UN Secretary-General of this decision in April 2014.

The decision to lift the reservations has coincided with major advances in women’s rights; especially in the context of efforts to map and remove all remain discriminatory provisions in Tunisian law.

Notwithstanding, the general declaration remains in place, and thus, women’s rights advocates continue their campaign. Recent pronouncements from the Government give hope that the general declaration will soon be lifted.



## Morocco

In Morocco, the struggle to achieve gender equality started long before the State ratified CEDAW. For many years, women’s rights defenders had called for the reform to Morocco’s Family Code which, in the words of one defender: ‘contained highly patriarchal and discriminatory clauses.’

However, at the time it was clear that not everyone was ready for change. Moroccan society was deeply divided, between those who advocated reform to better promote and protect women’s rights, and those who opposed such reform and urged for the application of conservative interpretations of Islamic law.

Against this background, women’s rights defenders launched a grass-roots campaign to reach all levels of Moroccan society. This included extensive fieldwork with women, men and

children. While such fieldwork had previously been conducted, from this time on women’s rights groups integrated a strong ‘human rights element’ to inform women of their rights, and about CEDAW. These efforts gave women’s rights NGOs legitimacy, helped build support – including in rural

areas, and began to shift societal attitudes about women’s rights. This in turn started to influence government policy – in the 1990s, Morocco started discussing violence against women and rape as a crime (issues that had previously been invisible).

Following that important step and in response to growing claims by women, in 1993 Morocco ratified CEDAW. However, acknowledging the strong (and powerful) opposition of conservative groups, the Government decided to table 18 religion-based reservations and to delay the publication of the notice of ratification in the State’s Official Bulletin (a requirement for the treaty to become fully applicable in domestic law).

For women’s rights defenders, these reservations and the reluctance to publish the ratification tool were ‘important obstacles preventing us from demanding the full implementation of the CEDAW.’ Thus, although they continued to focus their struggle on reform of the Family Code, the conversation was broadened to include the impact of the CEDAW reservations on the rights of women, and the importance of lifting these in order to secure broad progress in women’s rights in Morocco.

Around this time, conservative groups began to fight back – launching disinformation campaigns and seeking to defame the reputation of women’s rights groups. In response, human rights defenders themselves launched an information campaign that sought to distinguish between religion and the scared on the one hand, and discriminatory interpretations of it, on the other. NGOs also stepped up their engagement with national authorities – including high-level government officials and parliamentarians.

In 2000, the influence of the women’s rights movement in Morocco reached a new high when two massive and competing protests (one for and one against reforms to the Family Code) paralysed the country. In response to these demonstrations, the Government decided (2001) to publish the CEDAW ratification notification in the Official Bulletin and to establish a Royal Commission of religious authorities and law experts to study the issue of women’s rights and propose amendments to the Family Code. The Commission presented its recommendations to reform the Family Code and other relevant domestic laws in 2003. The new Moroccan Family Code was adopted in February 2004 and incorporated many – though not all – of the changes demanded by women’s rights groups.

These changes set the groundwork for the eventual withdrawal of Morocco’s reservations to CEDAW in 2008. The official notification, however, did not reach the UN Secretary-General until 2011. Throughout this period, women’s rights defenders continued to press and to work with the State to fully accept – and implement – all the provisions of CEDAW.

In the intervening years, Morocco has made significant progress in its efforts to implement and comply with its full obligations under CEDAW. In 2018, Morocco finally adopted the law on violence against women. Notwithstanding, much more remains to be done. Changing attitudes, mind-sets and, ultimately laws and policies takes time and perseverance.

# END NOTES

1 Bařak alı and Mariana Montoya. The March of Universality. Universal Rights Group. Geneva: 2016.

2 These case studies were analysed, from a different angle, on the report by Bařak alı and Mariana Montoya. The March of Universality. Universal Rights Group. Geneva: 2016.

3 On 20 September 1985, Tunisia notified the Secretary-General of its decision to ratify the CEDAW and presented the following reservations:

1. *General declaration:*

*The Tunisian Government declares that it shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of chapter I of the Tunisian Constitution.*

2. *Reservation concerning article 9, paragraph 2:*

*The Tunisian Government expresses its reservation with regard to the provisions in article 9, paragraph 2 of the Convention, which must not conflict with the provisions of chapter VI of the Tunisian Nationality Code.*

3. *Reservation concerning article 16, paragraphs (c), (d), (f), (g) and (h):*

*The Tunisian Government considers itself not bound by article 16, paragraphs (c), (d) and (f) of the Convention and declares that paragraphs (g) and (h) of that article must not conflict with the provisions of the Personal Status Code concerning the granting of family names to children and the acquisition of property through inheritance.*

4. *Reservation concerning article 29, paragraph 1:*

*The Tunisian Government declares, in conformity with the requirements of article 29, paragraph 2 of the Convention, that it shall not be bound by the provisions of paragraph 1 of that article which specify that any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall be referred to the International Court of Justice at the request of any one of those parties.*

*The Tunisian Government considers that such disputes should be submitted for arbitration or consideration by the International Court of Justice only with the consent of all parties to the dispute.*

5. *Declaration concerning article 15, paragraph 4:*

*In accordance with the provisions of the Vienna Convention on the Law of Treaties, dated 23 May 1969, the Tunisian Government emphasizes that the requirements of article 15, paragraph 4, of the Convention on the Elimination of All forms of Discrimination against Women, and particularly that part relating to the right of women to choose their residence and domicile, must not be interpreted in a manner which conflicts with the provisions of the Personal Status Code on this subject, as set forth in chapters 23 and 61 of the Code.*

Source: United Nations Treaty Collection. Status of Treaties. Chapter IV Human Rights, 8. Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979. Status as at 21st February 2019.

This report is a summary of the discussions and interventions held during the workshop. The information contained herein is not a literal or exhaustive transcription of said meetings, nor is it intended to capture or reflect the opinion or perspective of the authors of the report, the project’s supporters or participants.

## Photo credits

Cover photo. Evgeni Zotov, Blue woman, January 8, 2011, CC BY-NC-ND 2.0

Page 4. Rafiq HMZ Follow, Two Sisters, December 21, 2007. CC BY-NC 2.0

