

# MOROCCO

## CEDAW

### **RESERVATIONS AND DECLARATIONS**

*(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)*

#### Declarations:

##### 1. With regard to article 2:

The Government of the Kingdom of Morocco express its readiness to apply the provisions of this article provided that:

- They are without prejudice to the constitutional requirement that regulate the rules of succession to the throne of the Kingdom of Morocco;
- They do not conflict with the provisions of the Islamic Shariah. It should be noted that certain of the provisions contained in the Moroccan Code of Personal Status according women rights that differ from the rights conferred on men may not be infringed upon or abrogated because they derive primarily from the Islamic Shariah, which strives, among its other objectives, to strike a balance between the spouses in order to preserve the coherence of family life.

##### 2. With regard to article 15, paragraph 4:

The Government of the Kingdom of Morocco declares that it can only be bound by the provisions of this paragraph, in particular those relating to the right of women to choose their residence and domicile, to the extent that they are not incompatible with articles 34 and 36 of the Moroccan Code of Personal Status.

#### Reservation:

...

##### 3. With regard to article 29:

The Government of the Kingdom of Morocco does not consider itself bound by the first paragraph of this article, which provides 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, at the request of one of them, be submitted to arbitration.

The Government of the Kingdom of Morocco is of the view that any dispute of this kind can only be referred to arbitration by agreement of all the parties to the dispute.

## Note

On 8 April 2011, the Secretary-General received notification from the Government of the Kingdom of Morocco that it decided to withdraw the reservations made upon accession in respect of articles 9 (2) and 16 of the Convention.

The reservations to articles 9 (2) and 16 of the Convention read as follows:

With regard to article 9, paragraph 2:

The Government of the Kingdom of Morocco makes a reservation with regard to this article in view of the fact that the Law of Moroccan Nationality permits a child to bear the nationality of its mother only in the cases where it is born to an unknown father, regardless of place of birth, or to a stateless father, when born in Morocco, and it does so in order to guarantee to each child its right to a nationality. Further, a child born in Morocco of a Moroccan mother and a foreign father may acquire the nationality of its mother by declaring, within two years of reaching the age of majority, its desire to acquire that nationality, provided that, on making such declaration, its customary and regular residence is in Morocco.

With regard to article 16:

The Government of the Kingdom of Morocco makes a reservation with regard to the provisions of this article, particularly those relating to the equality of men and women, in respect of rights and responsibilities on entry into and at dissolution of marriage. Equality of this kind is considered incompatible with the Islamic Shariah, which guarantees to each of the spouses rights and responsibilities within a framework of equilibrium and complementary in order to preserve the sacred bond of matrimony.

The provisions of the Islamic Shariah oblige the husband to provide a nuptial gift upon marriage and to support his family, while the wife is not required by law to support the family.

Further, at dissolution of marriage, the husband is obliged to pay maintenance. In contrast, the wife enjoys complete freedom of disposition of her property during the marriage and upon its dissolution without supervision by the husband, the husband having no jurisdiction over his wife's property.

For these reasons, the Islamic Shariah confers the right of divorce on a woman only by decision of a Shariah judge.

*(Note 72, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)*

## **OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS**

**Netherlands**, 14 July 1994

The Government of the Kingdom of the Netherlands considers that the declarations made by India regarding article 5 (a) and article 16, paragraph 1, of the Convention are reservations incompatible with the object and purpose of the Convention (article 28, paragraph 2).

The Government of the Kingdom of the Netherlands considers that the declarations made by India regarding article 16, paragraph 2, of the Convention is a reservation incompatible with the object and purpose of the Convention (article 28, para. 2),

The Government of the Kingdom of the Netherlands considers that the declaration made by Morocco expressing the readiness of Morocco to apply the provisions of article 2 provided that they do not conflict with the provisions of the Islamic Shariah, is a reservation incompatible with the object and purpose of the Convention (article 28, paragraph 2).

The Government of the Kingdom of the Netherlands considers that the declaration made by Morocco regarding article 15, paragraph 4, of the Convention is a reservation incompatible with the object and purpose of the Convention (article 28, paragraph 2).

The Government of the Kingdom of the Netherlands considers that the reservations made by Morocco regarding article 9, paragraph 2, and article 16 of the Convention are reservations incompatible with the object and purpose of the Convention (article 28, paragraph 2).

The Government of the Kingdom of the Netherlands considers that the reservations made by the Maldives [...]. The Government of the Kingdom of the Netherlands considers the said reservations incompatible with the object and purpose of the Convention.

The Government of the Kingdom of the Netherlands objects to the above-mentioned declarations and reservations.

These objections shall not preclude the entry into force of the Convention as between India, Morocco, the Maldives and the Kingdom of the Netherlands.