

WOMEN'S REPRODUCTIVE RIGHTS AND ABORTION IN MOROCCO

REGULATORY REFORMS SHOULD NOT MISS THE BIGGER PICTURE

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Cover photo: Demonstrators gather during International Women's Day in Rabat, Morocco, on March 8, 2023. The middle, French-language placard reads "Voluntary termination of pregnancy = right to life." [Photo by Abu Adem Muhammed/Anadolu Agency via Getty Images.](#)

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Photo above: Two women walk out of a hospital in Sidi Ifni, Morocco. Photo by Geography Photos/Universal Images Group via Getty Images.

SUMMARY & KEY POINTS

SUMMARY

In Morocco, abortion is criminalized except to safeguard a woman's life and health. But the current legal framework, inherited from the French Protectorate (1912-56), no longer properly reflects the social reality of contemporary Morocco, where more than 200,000 clandestine abortions are carried out every year. In 2015, a consultative commission appointed by King Mohammed VI proposed widening the legal parameters for pregnancy termination to include rape, incest, and fetal impairment. Yet the commission rejected progressive Islamic jurisprudence that would have authorized abortion in the first trimester of pregnancy, and it failed to address the existing constraints for Moroccan women to access the procedure. Due to political inertia, Penal Code amendments that would have loosened the country's strict abortion laws have stalled in the parliament for nearly seven years and successive governments failed to integrate the issue into a fully-fledged reproductive framework including other entangled and pressing issues such as contraception and sexual education. The recent death of a 14-year-old girl following a botched "back alley" abortion at the house of her abuser is the latest reminder of the need to better protect women's reproductive rights in the North African country. This tragedy should also push the authorities to address the socio-legal drivers behind unwanted pregnancies — such as unduly light punishments for sexual crimes, systemic discrimination against single mothers, and the exploitation of underage girls working as house servants — and recognize these factors as critical impediments to women's reproductive rights.

KEY POINTS

The following study recommends that Moroccan authorities:

- Create a comprehensive reproductive framework that would liberalize abortion on request for the first trimester of pregnancy,
- Eliminate all bureaucratic and practical obstacles to access it,
- Expand sexual education curricula, and
- Generalize contraception availability among men and women.

In line with the Moroccan social context, the authorities can reduce the recurrence of unwanted pregnancies, the prevalence of abortion, and abortion recidivism by:

- Imposing tougher punishments for sexual crimes,
- Repealing all discriminatory legislation targeting single mothers and children born out of wedlock, as well as
- Tightening the legislation against the trafficking of underage female domestic workers, so-called "little maids" — the most vulnerable group in terms of single motherhood — and stepping up the law's enforcement.

WOMEN'S REPRODUCTIVE RIGHTS AND ABORTION IN MOROCCO

Introduction

The United States Supreme Court's overturning late last year of *Roe v. Wade*, the 1973 landmark decision that upheld abortion as a constitutional right, rekindled the heated debate over access to the procedure in the U.S. In Morocco, where the abortion debate has surfaced on and off for years, the gruesome [death](#), on Sept. 6, 2022, of a teenage rape victim, 14-year-old “Meriem,” in the aftermath of a botched clandestine abortion carried out in the house of her abuser, has been [driving](#) renewed calls for regulatory reforms. Right away, the feminist collective Moroccan Outlaws [kicked off](#) a virtual mourning campaign, asking netizens to use the hashtag #Meriem and share messages of solidarity in tribute to the victim. And on Oct. 27, the group Spring of Dignity, a coalition of more than 20 feminist non-governmental organizations (NGOs), [urged](#) the parliament to unblock stalled reforms to abortion rights in the event of rape, incest, and fetal impairment and repeal the ban on the voluntary termination of a pregnancy from the Moroccan Penal Code.

The United Nations Human Rights Office of the High Commissioner (OHCHR) [defines](#) reproductive rights as a subset composite of human rights entitling all couples and individuals to decide freely and autonomously the numbers, spacing, and timing of their children, and to have the adequate information and means to do so. For Human Rights Watch, women's reproductive rights [include](#) prenatal services, safe childbirth, contraception and access to free and safe abortion. Against this backdrop, circumscribing abortion rights to strict conditions without addressing the bureaucratic and practical hurdles to accessing the procedure even in those limited cases — as is currently the case in Moroccan legislation, which permits abortion only to save the life or preserve the health of the mother — hinders women from effectively exercising their reproductive freedom. While there is an abundance of literature on the harms of abortion criminalization and the

overriding need for reform in Morocco, local activists and journalists have paid scarce attention to the link between the right to voluntary termination of a pregnancy and the broader reproductive framework. The legalization of abortion on request would represent a [paramount but incomplete leap](#) toward upgrading women's reproductive health if it is not combined with improved access to comprehensive sexual education, modern contraception, decent healthcare facilities, and so on. This report thus aims to highlight the urgency of decriminalizing self-managed abortion for the first trimester of pregnancy in Morocco, in parallel with other health reforms, such as expanding sexual education curricula and boosting access to contraception among men and women, among others.

In line with the Moroccan social context, the occurrence of unwanted pregnancies and the resort to abortion cannot solely be explained by the paucity of information on sexual education, unprotected sexual intercourse, or inadequacies in family planning techniques. The Meriem case reminds us that rape is still a major cause of unwanted pregnancies, including among underage girls, and a strong impediment to women's reproductive rights in Morocco. Births resulting from unwanted pregnancies are also prevalent as a consequence of child marriage — [19,926 requests were issued in Moroccan courts in 2020](#) — or marital rape, which is not criminalized by legislation. Finally, many unwanted pregnancies are borne by unmarried single mothers, who are then often shunned and discriminated against by society and an outdated legal code. In Morocco, unwed single mothers can be charged for premarital sex, and their children are denied paternal filiation, cutting them off from access to legal benefits, such as receiving the family name of their father, being entitled to an inheritance from him, or obtaining a pension later in life. The most vulnerable group in Morocco to becoming single mothers are underage female domestic workers (“little maids”), who still suffer from the lack of enforcement of national child labor laws and the absence of an efficient legal framework that can reinstate them in the education system.



Photo above: An AMLAC demonstration near the parliament in Rabat, Morocco, on June 25, 2019, to protest against Article 453 of the Morocco Penal punishing the voluntary termination of pregnancy. Photo by Photo by AFP via Getty Images.

The following study argues that spearheading adequate legal reforms, such as a tougher punishment on sexual crimes, striking down discriminatory legislation targeting single mothers and their children, and tightening the legislation on little maids and its enforcement, will be crucial to limit the recurrence of unwanted pregnancies and improve the protection of women’s reproductive rights in the kingdom. As noted by the OHCHR, reproductive rights [should be free](#) from discrimination, coercion, and violence to allow individuals to make appropriate decision about their reproductive life and its outcomes.

Between Legal Framework and Social Reality

Article 453 of the Moroccan Penal Code currently [prohibits](#) abortion except when the mother’s health is at risk and only with the authorization of a physician and the spouse. In all other cases, women could face prison sentences and fines.

Doctors or surgeons practicing or attempting an abortion procedure also face prison sentences and are [at risk](#) of being removed from the medical list. Article 455 even specifies prison sentences for those who promote abortion. Established in 2008, the Moroccan Association for the Fight Against Clandestine Abortions (AMLAC) has been calling for legalized abortion to combat maternal morbidity and mortality. Drawing on the [World Health Organization’s \(WHO\) definition](#) of health as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,” AMLAC’s president, Dr. Chafik Chraïbi, contends that Article 453, which enshrines the primacy of women’s health, should therefore [provide](#) for legal and safe abortion in all circumstances.

AMLAC estimates that [600 to 800 clandestine abortions](#) are performed daily in the kingdom. Women without financial means are likely to resort to clandestine abortions by unlicensed or unqualified doctors or self-induced procedures involving [traditional and at times hazardous methods](#), including

herbal concoctions (*ghelay*), overmedication, or self-mutilation. It is [estimated](#) that as many as 19 plants with dubious abortifacient properties are regularly used for clandestine abortion purposes in traditional Moroccan pharmacology. Some of these methods can put women's health at risk by triggering depression, infections, bleeding, infertility, and even death. According to the Moroccan Family Planning Association (AMPF), 13% of maternal mortality in the country [is attributed](#) to clandestine abortions. Women have also used medication like Misoprostol (locally known as Arthrotec), an antiulcer drug with abortive effects. Misoprostol was [withdrawn](#) from local pharmacies in 2018 but remains accessible on the black market for up to [\\$240](#) per tablet without a prescription, user's guide, or pharmaceutical controls. Moreover, medicalized abortions have become a profitable business for some unscrupulous gynecologists who exploit the distress of women and can rake in profits of up to [\\$3,000](#) per procedure in certain cases, about 10 times the monthly minimum wage in Morocco.

In addition to unsafe abortion practices, another wrenching choice that women with no recourse to abortion often face is abandoning their newborns. In 2018, the late women's rights advocate and founder of the Association Solidarité Féminine (Female Solidarity Association), Aicha Chenna, [claimed](#) that 50,000 Moroccan children are abandoned annually. This staggering number amounts to 24 newborns deserted every day, sometimes quite literally thrown in dustbins. Women confronted with such a quandary are predominantly unmarried single mothers without access to safe abortions and fearing not only possible prosecution for premarital sex but also social stigma and shame. Despite the alarming rate of infant abandonment and neonaticide, Moroccan hospitals offer no mechanism that would allow women to turn over their newborns to be found and cared for without disclosing their identity. Similarly, the legislation does not acknowledge confidential birth, which would allow women to anonymously deliver a child for sponsorship (*kafala*) — adoption with filiation is illegal in Morocco — without facing potential punishment for premarital sex.

Abortion Rights Activism in the Kingdom

Despite stringent legislation and political coercion, feminist and human rights activists have seized many opportunities

to push for abortion rights. In 2015, following an appearance on a [French TV program](#) during which he advocated for decriminalizing abortion, Dr. Chraibi was [dismissed](#) from his position as the head of the department of obstetrics and gynecology at a state maternity hospital in Rabat, a role he had held for 30 years. His sacking precipitated a ferocious debate among civil society activists and politicians, which peaked when Dr. Chraibi was shortly reinstated following a direct intervention from King Mohammed VI. Since ascending to the throne in 1999, the king has been a [trailblazer](#) on notable reforms in favor of gender equality, including the 2004 landmark Personal Status Reform (*mudawana*), which bequeathed to Moroccan women rights to self-guardianship, divorce, and child custody, among others. Progressive politicians, including Nouzha Skalli from the Party of Progress and Socialism (PPS) and Khadija Rouissi, a member of the Authenticity and Modernity Party (PAM), have pleaded for the creation of an effective national health plan that would legalize abortion and provide improved access to contraception and sexual health education in schools. Health Minister Houcine el-Ouardi, of PPS, [favored](#) extending abortion rights in the event of the mother's mental illness but rejected legalizing free access to the procedure for the first trimester of pregnancy, which would have matched the law in neighboring Tunisia. For his part, the president of the Oujda Ulema Council, Sheikh Mustapha Benhamza, cautioned against [calls](#) for abortion in case of fetal malformation, while Sheikh Mohamed Fizazi, a notorious Salafist, [called](#) the procedure a "crime." The sociologist Abdelssamad Dialmy [challenged](#) Sheikh Benhamza's stance by noting that many different interpretations of Islamic jurisprudence exist regarding abortion and that numerous opinions go against the strict prohibition laid down by the Maliki rite of jurisprudence in Sunni Islam — the dominant school in Morocco.

Responding to public sentiment in favor of more liberalized legislation on abortion access, the king [instructed](#) the ministers of justice and of Islamic affairs, together with the National Human Rights Council, to propose reforms following a broad consultation with NGOs and political and religious stakeholders. In May 2015, a consultative commission proposed [widening](#) the legal parameters for pregnancy termination to include rape, incest, danger to the mother's health, and fetal impairment. This was a narrow victory for staunch activists like Dr. Chraibi, who pointed out that

these factors account for only [10%](#) of clandestine abortions performed in Morocco. In 2016, the government [approved](#) draft law 10-16, incorporating the abortion reform in a general overhaul of the Penal Code that also [encompasses](#) *inter alia* tougher punishments and refined definitions for enforced disappearance or migrant smuggling. Since then, the bill has stalled in the parliament, the reasons for which are unclear. Dr. Chraïbi has [accused](#) the former Islamist government of purposefully thwarting the enactment of the law. For Transparency Morocco, passage of the penal code reform bill stalled because of a clause addressing the [illicit enrichment of public officials](#), which is technically still not a crime in the kingdom. On Nov. 8, 2021, Abdelattif Ouahbi, the minister of justice of the newly elected progressive National Rally of Independents (RNI) party, [withdrew](#) draft law 10-16 to refine the Penal Code reform to cover new crimes such as [cyberstalking](#), with [expected delivery](#) in April 2023 before submission to the [General Secretariat of the Government](#) and then to [the parliament](#). While the minister claimed that the new draft law will finally [bring about long-awaited abortion reforms](#), it will not decriminalize the voluntary termination of pregnancies, dampening further the hopes of activists. Similarly, it is impossible to know whether parliamentary debates on the new text and its ratification will drag on for another seven years. The ongoing legislative gridlock reflects the lack of political willingness to genuinely prioritize women's reproductive rights.

In 2019, Hajar Raissouni, an investigative reporter for the independent Moroccan newspaper *Akhbar al-Youm*, was [arrested and sentenced to one year in prison](#) on suspicion of having sexual intercourse outside of marriage and allegedly receiving an abortion. This verdict [sparked deep controversy](#) and reignited the long-standing debate in Morocco on abortion and the right to privacy. In solidarity, figures from the Moroccan academic elite, like novelist Leïla Slimani and filmmaker Sonia Terrab, [signed](#) an online manifesto protesting the laws criminalizing extramarital sex and abortion, which gathered more than [15,000 signatures](#). On Oct. 16, 2019, King Mohammed VI [issued](#) a royal pardon for Raissouni, her fiancé, and all medical staff involved in the case. This measure was quickly followed by a memorandum [published](#) by Morocco's National Human Rights Council urging the decriminalization of premarital sex, homosexuality, proselytism, and abortion. This bid was vigorously rejected by the Islamist Justice and Development Party (PJD) and most conservatives within Morocco.

Islam, the French Protectorate, and the Criminalization of Abortion

Following the aforementioned tragic demise, in September 2022, of 14-year-old Meriem after a backstreet abortion, the Moroccan political scene has witnessed growing [disagreement](#) among Islamists on the extension of abortion rights. Whereas former PJD Prime Minister Abdelilah Benkirane [blasted](#) calls for legalizing abortion — proclaiming that pregnant women “must bear responsibility” — his successor, Saad Eddine el-Othmani, [berated](#) the incumbent liberal government for failing to extend abortion rights to *force majeure* cases such as rape or incest. Beyond political considerations and populist discourse, the debate implicitly illustrates the fact that Islam is a diverse religion that offers various interpretations when it comes to the issue of abortion.

The Qur'an, the primary source of Islamic bioethics, does not directly address induced abortion (*ijhad*), leaving room for scholars to debate the subject. Some Muslim religious authorities argue that abortion [interferes](#) with the will of God (*qadar*) and his divine predestination for the soul to be born. However, others deliberate the permissibility of abortion in terms of [the point of ensoulment](#) or the moment God breathes the soul into the fetus. The Qur'anic text consecrates the sanctity of the soul (*ruh*) and professes that “slaying a soul unless it be [in punishment] for murder or for spreading mischief on earth shall be as slaying all mankind” (Qur'an verse 5:32). The Qur'an also holds a stringent position against infanticide — the live burial of newborn girls was a widespread practice in pre-Islamic Arabia — and adamantly enjoins the believer not to “kill children out of fear of poverty” (Qur'an verse 17:31).

With this in mind, the Qur'anic embryology also distinguishes four development stages for intrauterine life: the fusion of male and female gametes (*nutfa*), the transformation of the fertilized egg into a clinging blood-like clot (*alaqa*), the transition into an embryonic “chewed-like” clump of flesh (*mudgha*), and another creation (*khalqan akhar*) (Qur'an verses 23:12-14). Though all starting from the principle that the Qur'an draws a distinction between the body and the soul, Muslim scholars and exegetes hold [different interpretations](#) on the moment of ensoulment. Most progressive interpretations [argue](#) that removing the fetus

“The ongoing legislative gridlock reflects the lack of political willingness to genuinely prioritize women’s reproductive rights.”

before ensoulment cannot be deemed infanticide, because it is still a soulless vessel.

Sunni Islam has four main schools of jurisprudence (*madhahib*) — Maliki, Hanafi, Shafi’i, and Hanbali — with each of them proposing [distinct interpretations](#) on when the fetus achieves ensoulment as well as on the permissibility of abortion. The 1971 Rabat Conference on Islam and Family [acknowledged](#) that religious stances on abortion may vary. The Maliki school of jurisprudence, the predominant school in Morocco, [holds](#) that ensoulment occurs at inception or at the moment when the womb retains semen. Thus, with the exception of therapeutic abortion to safeguard the expectant mother’s life, the majority of Maliki scholars strictly prohibit abortion at any stage of the pregnancy, even in circumstances of rape and incest. However, in 2015, the consultative commission on abortion mandated by King Mohammed VI broke with the Maliki rite when it echoed public opinion to recommend extending abortion rights to cases of rape, incest, or fetal impairment.

Like Morocco, Tunisia is predominantly influenced by Maliki jurisprudence, yet former President Habib Bourguiba [decided to follow](#) the Hanbali school to legalize abortion during the first trimester of pregnancy. For Hanbali jurists, ensoulment [takes place](#) after the nutfa stage, evaluated at 40 days of pregnancy (6-7 weeks), and so they permit abortion before this period. Despite intense division on the subject, most Shafi’i scholars would also [allow](#) abortion during the nutfa stage. Finally, while considering abortion as disapproved (*makruh*) not forbidden (*haram*), several scholars from the Hanafi school of thought uphold that the point of ensoulment occurs after 120 days of pregnancy (17 weeks), and so they [authorize abortion before this threshold](#). In 2004, Morocco notably referred to the more progressive Hanafi doctrine to craft its new Family Code (*mudawana*). Despite abortion being one of the most acute public health issues in Morocco, the commission on abortion did not recommend drawing on more progressive jurisprudence to liberalize the procedure during the first trimester of pregnancy.

The Maliki school of jurisprudence has the strictest posture on abortion. Yet it does not explicitly prescribe sanctions such as imprisonment or fines against women resorting to the procedure, physicians offering this service, or people advocating for abortion rights — like the types of penalties written into the Moroccan Penal Code. From time immemorial, Moroccan women have relied on midwives (*qabla*) and traditional herbal pharmacology to induce abortion; yet prior to the 20th century and the rising influence of European laws, no archives indicate that charging women with having an abortion was a common judicial practice in the country.

The impetus to make abortion prohibited under the law and punishable was first instilled by the French Protectorate rather than Maliki religious authorities. In 1913, colonial authorities [promulgated](#) the extension of the French judicial system and laws to Morocco. At the time, Sultan Moulay Yusuf issued a *dahir* (decree) [endorsing](#) the enforcement of the 1810 Napoleonic Penal Code, outlawing abortion in the kingdom and threatening women and doctors with imprisonment. This strict law was not inspired by Islam but rather by the Catholic Church, which still [considers](#) the procedure as a mortal sin tantamount to murder. A similar pattern was observable in other parts of the Muslim world. In 1858, the Ottoman Caliphate [promulgated](#) its French-inspired penal code, criminalizing abortion across the empire.

Following independence, Morocco approved a new penal code that brought French and Maliki legislation together and extended the permissibility of abortion only to cases when it would preserve the mother’s health. In line with these elements, while the Islamic school of jurisprudence predominant in Morocco declares (though not unambiguously) abortion as haram in the first trimester of pregnancy, it appears that the penal sanction arising therefrom is a subsequent outcome of the French Protectorate, not the Islamic faith. Repealing its outdated anti-abortion laws would enable the kingdom to catch up with the mores and concerns of today’s society, considering that

more than [200,000 clandestine abortions](#) are carried out in Morocco every year. To fully stamp out such dangerous procedures, Morocco will have to spearhead adequate health and legal reforms that would address abortion along with other intertwined and pressing issues like sexual education, contraception, and single motherhood.

Key Recommendations and Possible Reforms

Health reforms: Building a comprehensive reproductive framework

In addition to liberalizing abortion on request for the first trimester of pregnancy, Morocco should create a comprehensive reproductive framework that would eliminate all bureaucratic and practical obstacles to accessing the procedure, expand sexual education curricula in Moroccan schools, and boost the use of contraception among both men and women.

Removing financial barriers to abortion. It is estimated that illegal abortions in Moroccan clinics cost [between \\$400 and \\$3,000](#), a steep price for most women in Morocco, where the average monthly wage is [\\$385](#) and only [20.9%](#) of women are in the workforce. In the case of extra-marital pregnancies, women from lower-class circumstances could potentially expose themselves to violence when attempting to collect the necessary funds. Fixing reasonable prices or making the service free of charge in public hospitals would allow women to safely access abortions and prevent gynecologists from unduly profiting from the procedure.

Improving gynecology practice and procedure transparency. The Moroccan legislature should require gynecologists to inform women of different types of abortion procedures and their [potential risks and side effects](#), including [psychological](#) ones. The decision to have an abortion rests with women, and gynecologists should not compel women to sign off on an abortion against their will, a problem that also crops up regarding other medical procedures. In some Moroccan private clinics, women are denied natural childbirth and are [compelled](#) to accept a Cesarean section without their consent or a valid medical reason.

Expanding sexual education and family planning curricula.

Moroccan schools already provide rudimentary sexual education, limited to subjects such as the menstrual cycle or the stages of pregnancy. However, crucial topics such as unintended pregnancy, family planning, consent, and HIV or sexually transmitted disease (STD) prevention are neglected by official curricula, leaving students with little knowledge on how to protect themselves and be responsible for their own bodies. Since 2005, Morocco has been a signatory member of the Covenant on the Rights of the Child in Islam (CRII), which [prescribes](#) that sexual education should inculcate children approaching puberty to “distinguish between the lawful and unlawful.” As Rachid Benharrouse from Mohamed V University [points out](#), the kingdom adheres to “abstinence-only sexual education, which is considered halal and Islamic” and “[teaches that] sex is forbidden out of wedlock.” Benharrouse also stresses that this abstinence-only scheme failed to preclude unlawful phenomena such as premarital pregnancies or child abandonment from occurring. This moralizing and doctrinal paradigm also fails to take into consideration the perspective of young Moroccans on sexuality. A survey conducted by the Ministry of Education and the HEM Business School in Casablanca found that [61.1% of Moroccan students are in favor of sexual education in high schools](#).

The Moroccan state should continuously train biology and health instructors to provide expanded sexual education. Schools should also be mandated to convene seminars and meetings with parents to advance the importance of teaching this subject to their children. Due to poor education on this question, many parents are unable to approach teaching their children all facets of sexuality and sexual health.

Increasing and promoting access to contraception among men and women. In Morocco, few if any official websites or television channels highlight the importance of contraception in preventing unintended pregnancies or STD transmission. Only [67% of women aged 15-49](#) or their partners use contraception in the kingdom. These numbers are very low, given that the country, with a total population of around 37 million, has around [75,000 sex workers](#) and approximately [20,000 citizens living with AIDS](#), and an estimated [40.2% of its unmarried youth](#) engage in premarital sexual activities. While contraceptives are widely available in Moroccan pharmacies, public health centers, and NGO clinics, unmarried individuals might not feel comfortable or safe accessing

these venues. Numerous studies have shown that in the long run, contraception significantly reduces women’s demand for abortions, safe and unsafe alike. In Kazakhstan, another predominately Muslim country where abortion on demand is legal, [contraception prevalence rose by 50% in the 1990s, reducing the recourse to abortion by the same amount.](#) Similarly, in Turkey, where many women would previously resort to repeated abortion to regulate their fertility, the state [developed](#) a post-abortion family planning program three decades ago to encourage more regular use of contraception among women, which consequently decreased abortion rates and abortion recidivism.

The majority of Moroccan women who ask for birth control options are generally prescribed to take hormonal contraceptives or use an intrauterine device (IUD) implant. Yet, other modern and effective methods [are available](#) in pharmacies, such as the birth control patch, the birth control implant, the vaginal ring, or the female condom. The Moroccan-

European Group of Experts on Contraception (GEMEC) has [called](#) for training more physicians on contraception prescription since many still habitually recommend hormonal contraceptives, which might come with dangerous side effects, such as thrombosis in certain categories of women. Even more worrying is the fact that many Moroccans turn to contraceptive self-medication without a medical prescription, which can result in dire consequences for their health and might actually not stop an unintended pregnancy. Hence, Moroccan authorities should underscore the wise and responsible use of contraceptives.

Although many contraceptives are available in Morocco, local authorities should also raise awareness about emergency contraception, such as the so-called morning-after pill, which stops the occurrence of a pregnancy after unprotected sexual intercourse. Emergency contraception exists in Moroccan pharmacies, but its use remains limited due to a general lack of knowledge and awareness about it. Moreover, it is crucial



Photo above: A picture taken from a protest in solidarity with journalist Hajar Raissouni in Rabat, Morocco on September 9, 2019. Protestors carry placards reading “my body, my freedom” and “no to the criminalization of consensual relationships between adults.” [Photo by FADEL SENNA/ AFP via Getty Images.](#)

to stress that contraception is not only a matter for women. The Moroccan Association of Family Planning [estimates](#) that approximately 50% of young men in Morocco do not systematically use a condom during sexual intercourse, even though this is the most effective form of contraceptive that additionally protects against STDs, including syphilis, vaginal herpes, and AIDS.

Improving abortion access and family planning in rural areas.

Even the most progressive legislation will fall short if it does not provide a clear and realistic framework to make maternal healthcare and abortion accessible in rural areas. For too long, the Moroccan countryside has been marginalized by the state, thus suffering from a dearth of childbirth infrastructure. Despite a [75% decrease](#) between 1992 and 2017, the maternal mortality rate [was 111.1 per 100,000 births in rural areas compared to 44.6 per 100,000 births in urban areas](#). In 2011, a survey conducted by the Ministry of Health revealed that [91.6% of urban women received a prenatal consultation during their last pregnancy, compared to 62.7% in rural areas](#). [A shortage of medical staff](#) and [the lack of dispensaries and maternal clinics](#) are among the many factors that make safe abortion inaccessible in the countryside. Moreover, the scarcity of decent medical facilities makes basic medical goods such as emergency contraception or even pregnancy tests unavailable for rural women, hindering them from properly planning their pregnancies. Authorities should implement a national framework on family planning, contraception, and abortion in rural areas, with increases in the number of medical staff and improvements to local health infrastructure taken up as a top national priority. For the time being, Morocco should charter medical caravans to increase rural women's access to contraceptive and abortifacient drugs as well as allow professional healthcare providers to perform curettage abortions.

Legal reforms: Addressing the social drivers behind the recourse to abortion in Morocco

In line with Morocco's social context, other ways to reduce the prevalence of abortion and abortion recidivism must include

tougher punishment of sexual crimes, ending discriminatory legislation targeting single mothers and children out of wedlock, as well as tightening and improving the enforcement of legislation banning the trafficking of underage girls working as house servants — so-called “little maids.”

Adopting tougher punishment of sexual crimes. Legalizing abortion in the case of rape should be complemented by tougher legislation against sexual crimes as well as the criminalization of marital rape, which is not currently punishable by the Moroccan Penal Code. Article 486 defines rape as the “act by which a man has sexual relations with a woman against her will” but does not define the various types of sexual assaults and generically mentions women, failing to specifically acknowledge and protect raped wives or men. Enacted in February 2018, Law n°103-13 [establishes](#) a framework for fighting violence against women, but it falls short of criminalizing marital rape. As noted by Human Rights Watch, this law also [has no provisions](#) for providing support to women in distress, such as assistance and services for survivors; does not define domestic violence in line with the United Nations' recommendations; and fails to ensure immediate protection from their abuser. Similarly, Moroccan police stations lack spaces to receive victims of domestic violence, and police officers are not trained to process and respond to women's complaints. Sometimes women [wait](#) up to 20 days to receive a medical certificate, delaying the possibility for abortion in the first trimester of pregnancy. This situation is further exacerbated by the fact that women still need spousal agreement for an abortion in case of health problems. In Morocco, many female victims of rape might be [jailed](#) for sexual relations outside of wedlock or adultery if unable to support their complaint with evidence. Physicians also [refuse](#) to provide medical certificates for sexual abuse without official instructions from a prosecutor. In 2018 alone, there were [12,239 prosecutions for sexual relations outside of marriage and only 1,008 for rape and 129 for sexual harassment in public spaces](#), indicating that numerous Moroccan judges prioritize policing the “morality” of women over protecting their physical and mental well-being.

“There are approximately 220,000 Moroccan single mothers, and more than 50,000 children are born to single Moroccan mothers every year, amounting to around 13.4% of all births in the country.”

Working to ensure women's health is concomitant with ending spousal consent for abortion. Pursuant to Article 453 of the Moroccan Penal Code, women need their husbands to sign off on abortion requests for health reasons, even in cases of domestic violence or marital rape. This archaic clause only exists in [11 countries](#) and puts women under men's tutelage. On a more practical level, this painstaking prerequisite delays the abortion procedure and does not capture a reality wherein thousands of Moroccan women seeking abortion procedures are not married and do not have a husband who can give consent. For Amnesty International, this lack of protection of patient confidentiality is [an infringement](#) on their right to privacy. It is also a violation of the 1979 U.N. Convention on the Elimination of All Forms of Discrimination Against Women, signed by Morocco.

Moreover, the tragedy of Meriem, the teenager who died from the consequences of a back-alley abortion performed in the house of her abuser, is a grim reminder of the reality of juvenile molestation in Morocco and a wake-up call to better protect children's rights and well-being. In 2019, Moroccan judicial bodies counted [6,172 cases](#) of sexual assault against children. In 2020, the parliamentary grouping of the PPS introduced a bill aimed at increasing penalties provided by the Penal Code to between 30 years in prison and a life sentence, a proposition rebuffed by the former Islamist government. Despite the 2004 Family Code setting the marital age at 18, [Article 20](#) grants the judiciary the right to issue special derogations for child marriage. More than [13,000 waivers](#) for child marriage were issued in 2020, to say nothing of customary marriages sealed by the simple reading of the Qur'an Surat *Al-Fatiha*, a practice not recognized by Moroccan authorities. Child marriage can have harrowing consequences for the victim, such as [risks of depression, obstetric fistula, and maternal mortality](#).

The Moroccan government must urgently repeal Article 20 of the Family Code and work on a law guaranteeing psychological support and school reintegration for the victims along with a clause for high-priority abortion. This law should include severe penalties for religious matchmakers, family, husbands, and judges who participate in marrying minor girls. The state should actively work on awareness campaigns about the negative effects of child marriage, especially in rural areas where the practice is widespread. Moreover, the Family Code should define marriage as a partnership of full equality and choice by mutual agreement between a man and a woman. By this logic,

forced marriages must be criminalized and all future arranged marriages nullified if they were entered into without the explicit approval of both parties.

Repealing all discriminatory legislation targeting single mothers and children out of wedlock. There are approximately [220,000 Moroccan single mothers](#), and more than [50,000 children](#) are born to single Moroccan mothers every year, amounting to around [13.4%](#) of all births in the country, a significantly higher percentage than in non-Muslim countries where premarital sex is not criminalized, such as [Greece \(9.4%\), Israel \(7%\), Japan \(2%\), and South Korea \(2%\)](#). Due to harsh legislation and social stigma, civil society associations like Solidarité Féminine [say](#) that hundreds of thousands of single mothers every year attempt to have a clandestine abortion or abandon their infant at birth. In Morocco, paternal natural filiation doesn't exist; natural filiation can only unite the so-called "illegitimate" child with his or her mother. In this context, marriage is a crucial prerequisite to establish paternal filiation (*nasab*), allowing a "legitimate" child to take the family name of his or her father, receive a pension, and inherit from him, among other legal benefits. The 2004 Family Code [only recognizes](#) paternity outside of marriage when the pregnancy inadvertently occurs during the period of engagement (*choubha*), which is generally celebrated between the future husband's and wife's families. In such circumstances, to corroborate their engagement to the father, women have to adduce supportive documentation, such as photos, videos, or sworn statements by families or neighbors.

In Morocco, engagements between families tend to be very unofficial and intimate, making it all the more difficult for women to furnish tangible supporting evidence. Moreover, the legislation does not capture [the cultural and regional diversity of Moroccan engagement](#), which might range from a simple reading of Surat *Al-Fatiha*, ululation (*zgharite*), a sheep sacrifice (*dbiha*), or an exchange of verbal promises or presents between families.

Beyond marital considerations, clearing men of their moral and material responsibilities vis-à-vis their children is an overt violation of Article 19 of the 2011 Constitution, which [enshrines](#) equality between men and women. Discrimination against children out of wedlock is also an obvious violation of Article 32, which "ensures equal legal protection and equal social and moral consideration for all children, regardless of



Photo above: The late president of the Moroccan Association Solidarité Féminine (Female Solidarity Association) Aicha Chenna during the presentation on her book *A haute voix* in Casablanca on June 11, 2014. Photo by FADEL SENNA/AFP via Getty Images.

their family situation,” and a blatant infringement of the U.N. Convention on the Rights of Children, of which Morocco is a signatory member.

In January 2017, in an unprecedented first, a family court in Tangier relied on a DNA test to entitle a girl to parental filiation vis-à-vis her biological father, who had refused to acknowledge her. The judge, Mohamed Zerda, [justified](#) his verdict by invoking the supreme interest of the child, protected by Article 32 of the 2011 Constitution and the 1993 Convention on the Rights of the Child signed by Morocco. The verdict [recognized](#) that parental filiation (*bounouwa*) can unite a child born outside of marriage to his or her biological father and sentenced the father in the case to pay [\\$10,000 in compensation](#) to the mother. However, it fell short of granting the child paternal filiation (*nasab*) rights such as the right to inherit from her biological father, receive his name, or benefit from a pension, as the mother demanded. Unsatisfied, the father took his case to an appeals court, which overturned the previous judgment and [ruled](#) that the child is “illegitimate” and could benefit from neither paternal filiation nor parental filiation,

despite unequivocal DNA proof, a decision later endorsed by the court of cassation in 2021. The court of cassation [argued](#) that “the girl does not deserve any compensation, because she is the result of an illegal act, in which her mother took part” and stressed that Article 32 of the Constitution defines family as “founded on the bounds of marriage as the basic unit of society.” This regressive judgment, which ignores the responsibility of the father and bluntly categorizes hundreds of thousands of Moroccan children as “illegal,” was [inspired](#) by an 11th century exegesis by the Andalusian scholar Ibn Hazm, arguing that a child resulting from a sexual relationship outside of marriage has no connection with his or her progenitor but is bound to the birth mother.

The president of the Democratic Association of Moroccan Women (ADFM), Amina Lotfi, [deemed](#) the judgment “unconstitutional,” noting that the Constitution protects the supreme interest of all children, regardless of their family situation. For sociologist Soumaya Naamane Guessous, the judgement has no Qur’anic basis, as the holy book [enjoins](#) believers to call adopted children “by the names of their

fathers” and treat those whose father’s name is unknown as “fellow believers and close associates” (Qur’an verse 33:5). By refusing to recognize natural filiation and the efficacy of DNA paternity testing, Moroccan legislation substitutes tradition for biology. At the same time, it inadvertently leaves the practice of incest in a gray area. Asserting that a girl born out of wedlock is not biologically tied to her father implies that the two individuals would be free to later marry, have sexual intercourse, and even conceive children together, without such an interaction being considered incest. Moreover, the idea that marriage is an indisputable prerequisite for a father’s paternity over his children is a flawed argument, as it is possible for children born within a marriage to be the result of an extramarital relationship.

In early November 2022, Morocco’s Justice Minister Abdellatif Ouahbi pledged to work on drafting a new law that would [hold fathers responsible](#) for supporting their biological children born outside of marriage for 21 years. The minister explained that this law would be enforced based on the results of a DNA paternity test. The Ministry of Justice should, therefore, facilitate access to DNA testing procedures equally for both married and unmarried women. This law should also work to shorten the delay period for paternity test results. Indeed, only a judge can order a DNA test if the man refuses to acknowledge his child — and judges very rarely are willing to step in in such cases. The women themselves have to pay [\\$350](#) for the procedure, which is almost equivalent to the average monthly income in Morocco. The state should work to subsidize this service or establish a reduced price for unwed single mothers. If paternity is acknowledged, judges should oblige the proven father to reimburse the complainant. Similarly, it should clearly sanction the falsification of paternity tests to prevent spurious accusations and help real victims to better assert their rights.

In the last several decades, the Moroccan legislature has granted some key rights to single mothers, such as child custody, the legal representation of the child, and the right to transmit her nationality and inheritance to the child. However, single mothers and their children are not considered “families” by the current legal definition, and the legislation still refuses to acknowledge them as equal citizens, turning them into societal and statistical pariahs. For about 20 years, single mothers have been able to bestow their family name onto their children. This is a worthy — albeit insufficient — measure, as single mothers are still denied a family record booklet, an

elementary right that [only Moroccan men](#) recorded on the civil registry are entitled to, while wives and legal guardians can only hold certified copies. Without this document, single mothers are unable to prove the existence of family ties with their children and might have custody denied. All Moroccan citizens, whether men or women, should have access to a family record booklet and be recognized as equal guardians (*wali al amr*) of their children. While single mothers are represented in vital records, they face painstaking bureaucratic obstacles. Morocco establishes [a statutory deadline of 30 days](#) to report a birth and requires appearing before a judge if the deadline is exceeded. This strict regulation is a hassle for thousands of single mothers who might conceal their pregnancies from their family and might face poorly trained government officials (*muqaddem*) unable or unwilling to help them register their children. Without an identity for their children, single mothers will be unable to register their children for school, along with other basic services that every citizen should be able to access.

Despite some breakthroughs at the administrative level, Moroccan authorities have done little to address social discrimination against single mothers. The authorities should reflect on a full-fledged comprehensive bill that would criminalize all types of discrimination against single mothers and their children. An anti-housing discrimination law should allow single mothers to prosecute real estate agencies, hotels, landlords, or family members that deny them housing on the basis of their situation. A law forbidding employment discrimination would be helpful to tackle harassment in the workplace and allow single mothers and citizens born out of wedlock to sue their employers and colleagues if faced with prejudice or hate speech. A similar anti-discrimination law for the healthcare sphere would be meaningful to ensure that single mothers and their children are not harassed, blackmailed, mistreated or denied service by healthcare providers. Combatting hate speech can also be carried out by banning official and private broadcasters from encouraging discrimination and using derogatory terms such as “prostitutes” or “children of fornication” (*wlad al haram*) against single mothers and children born out of wedlock.

For the time being, assistance to single mothers and their children comes mainly from the civil society space. Founded in 1986 by former women’s rights activist Aicha Chenna, associations like Solidarité Féminine have been

providing psychological and financial support as well as professional training to Moroccan single mothers. Developing complementary state-funded training programs would be an additional tool to enable single mothers to develop professional skills and better integrate into the job market. Working to provide financial aid for single mothers is also crucial as their average standard of living is very low compared to that of married couples.

Tightening the legislation on the trafficking of “little maids” and its enforcement. In Morocco, [45%](#) of single mothers were recruited as “little maids” in their childhood. In 2010, the NGO Collective for the Eradication of the Work of Little Maids estimated that [between 60,000 and 80,000 girls](#) under 15 years old were being exploited as domestic workers in Morocco. These juvenile maids generally come from impoverished rural areas and, to help financially support their families, are entrusted to upper- and middle-class urban employers. In the Moroccan countryside, unemployment, lack of education, widespread acceptance of child labor, and a misogynist culture prioritizing boys’ education are some of the countless factors that contribute to the practice. Trafficked in many parts of the country, their recruitment process is carried out by networks of intermediaries (known colloquially as *smasriya*) who pledge wealth and prosperity to the girls’ parents and a bright future for their offspring. In reality, little maids are often [abandoned](#) to ruthless employers and suffer from verbal, physical, and sexual abuse, while in many cases being denied proper education, food, and medical care. In 2011, in the coastal city of El Jadida, an 11-year-old maid was [tortured to death](#) by her employer.

Morocco has a panoply of legislative texts [criminalizing](#) child labor: Law n°4.00, in particular, consecrates the obligation of basic education for children of both sexes who are at least 6 years old, while Law n°24.03 criminalizes the sale of children, forced child labor, sexual harassment, and the exploitation of children in pornography. On Oct. 2, 2018, the Moroccan parliament passed [Bill 19-12](#) on domestic work, aimed at regulating the relationship between domestics and their employers and prohibiting the employment of children under 16. Rothna Begum, a researcher at Human Rights Watch, has [called on](#) Moroccan authorities to “put in place an effective system to ensure compliance with the law.” Indeed, the law fails to mention the training of labor inspectors, the possibility of visiting employers’ homes, or interviewing domestic workers

about their working conditions. Finally, the law provides few guidelines on actual enforcement.

Law n°19-12 also fails to create a framework and allocate a budget for accommodating little maids in the education system and providing for their psychological support. The lack of enforcement of the laws protecting little maids, along with their poor access to sexual education and contraception, puts them at higher risk for unwanted pregnancies and single motherhood. The National Institute for Solidarity With Women in Distress (*Institut national de solidarité avec les femmes en détresse*, or INSAF), which has been working with little maids for more than two decades, initiated a pilot project to reintegrate them in Chichaoua, one of the poorest and most marginalized regions in Morocco. Thanks to its efforts, the association was able to [bring](#) nearly 300 victims back to school while providing for education fees, clothing, and symbolic aid to their parents. The state should similarly urgently invest in the reintegration of juvenile domestic workers. Such an intervention will not only prevent thousands of these young girls from becoming single mothers, but it will also allow them to become an economic asset for the development of the entire country, which is keen to rise on the world stage.

Conclusion

Last year’s appalling death of 14-year-old Meriem following a clandestine abortion gone wrong has once again reignited the heated debate over abortion in the Kingdom of Morocco, where political inertia had frozen reform initiatives on this issue for nearly seven years. Morocco’s current legal framework, inherited from the French Protectorate, no longer applies to a reality where thousands of desperate women from all segments of society are forced to put their lives in jeopardy to terminate their pregnancies every year. The 2015 consultative commission on abortion inaccurately presented religion as the main impediment to allowing abortion on request, omitting the fact that Islam’s stance on the topic varies and that more progressive jurisprudence toward abortion also exists.

Despite long-running mobilization from civil society, health care workers, and progressive politicians, successive Moroccan governments to date have failed to address this tragedy as a public health issue and to efficiently protect women’s reproductive rights. In January 2023, another woman [perished](#)

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because of a secret botched abortion near Agadir. This new tragedy demonstrates that hundreds and maybe even thousands of additional Meriems are destined to die in squalid conditions, unless the authorities take action to adopt and institute key reforms.

Legislation that limits abortion rights to strict conditions without addressing the practical and bureaucratic obstacles to access will prove ineffective at preventing hundreds of thousands of Moroccan women and health workers from taking part in the procedure in clandestine or unsafe conditions. Morocco can no longer avoid adopting a broader reproductive framework that would liberalize abortion on request for the first trimester of pregnancy and allow women to properly plan their pregnancies through extended sexual education and increased access to contraception for both sexes. Preventing backstreet abortions and child abandonment will require the kingdom to impose tougher punishment on sexual crimes like marital rape and repeal all discriminatory laws targeting single mothers and children born out of wedlock by working inter alia to recognize natural filiation and tie all fathers to their children regardless of their situation. It is no longer possible to deem Moroccan children born outside of marriage as “illegal” knowing that their proportion has grown steadily. Finally, ending the phenomenon of little maids and enforcing laws criminalizing child labor will be crucial to reducing the proportion of single mothers.

The onus is on the government to ensure constructive legal rights for all Moroccan women in order to reach full gender equality, as was consecrated in the 2011 Constitution. As King Mohammed VI [said](#) in a speech to the nation last year: “The question here is not about giving women unwarranted privileges; rather, it is about giving them their legal and legitimate rights. Today, in Morocco, women cannot be deprived of their rights.”



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