

# Reforming Marriage Contract Procedures to Promote Women's Human Rights

Thematic Working Group Recommendations  
from Morocco and Algeria



Partners for Justice

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# Reforming Marriage Contract Procedures to Promote Women's Human Rights

## Thematic Working Group Recommendations from Morocco and Algeria

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### INTRODUCTION

Both the Moroccan and Algerian Family Codes explicitly reaffirm the contractual nature of marriage,<sup>1</sup> and provide that spouses may stipulate negotiated clauses into their marriage contract.<sup>2</sup> The laws give specific examples of conditions protective of women's rights that may be included in the marriage contract, including personal rights such as a monogamy clause (Morocco and Algeria), *isma* - the delegation to the wife of the husband's right to repudiation (Morocco), and the wife's right to work (Algeria). These provisions allow future spouses to stipulate any mutually agreed-upon clauses into the marriage contract, provided they don't contradict the inherent nature of marriage.<sup>3</sup> Violation of a clause is considered breach of contract for which the wronged spouse may seek a remedy, including compensation and divorce.<sup>4</sup> In addition, laws provide that spouses may draw up a separate property agreement on their financial rights, including the management, ownership and division of assets acquired during marriage.<sup>5</sup>

Since 2007, Global Rights Maghreb has collaborated with local NGOs to implement a civil society initiative to promote women's human and legal rights through strategic use of the marriage contract. This multi-year project empowers individual women at the grassroots level to stipulate rights-protective clauses into their marriage contracts, and promotes the use and enforcement of detailed marriage contracts by legal professionals and public actors responsible for drawing up such contracts. The multifaceted program includes consultations and legal rights education with women across diverse communities, participatory legal research, and awareness-raising and advocacy with local public actors and legal professionals.

During the first phase of this initiative,<sup>6</sup> Global Rights and its local partners worked at the grassroots level to educate and mobilize women around using the marriage contract as a tool for promoting their rights. Activities included a series of Community Consultations (an informal type of focus group discussion) with women from diverse regions across Morocco, Algeria and Tunisia. During these Consultations, women identified numerous personal, family, social and administrative obstacles to negotiating rights-protective clauses into the marriage contract.<sup>7</sup>

Global Rights and its local partners are currently focusing on administrative and procedural obstacles to women in the Maghreb taking advantage of this opportunity. From May – December 2010, Global

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<sup>1</sup> Algerian Family Code, Articles 4, 7, 9, 10, 13, 19, 53(9); Moroccan Family Code, Articles 4, 10(1), 11, 12, 57(3), 63. An unofficial English language translation of the Moroccan Family Code is available at [www.globalrights.org](http://www.globalrights.org)

<sup>2</sup> Algerian Family Code, Article 19; Moroccan Family Code, Articles 47, 48.

<sup>3</sup> Moroccan Family Code, Articles 47, 48; Algerian Family Code, Articles 19, 32.

<sup>4</sup> Moroccan Family Code, Articles 98, 99; Algerian Family Code, Article 52.

<sup>5</sup> Article 49 of the Moroccan Family Code and Article 37 of the Algerian Family Code allow spouses to conclude a separate marital property agreement. Under traditional Islamic law, and in all national legislations in the Maghreb, the general rule is that of separate property, which deprives women from sharing her husband's income and any property acquired by him, or registered under his name, even when she contributed to development of family assets through her work in the home.

<sup>6</sup> Conducted from 2007 – 2009.

<sup>7</sup> *Conditions, not Conflict: Promoting Women's Rights in the Maghreb through Strategic Use of the Marriage Contract* (Global Rights, 2008).

Rights and eight partner NGOs in Morocco<sup>8</sup> and Algeria<sup>9</sup> conducted action research on the marriage contract as a tool to promote women's personal and financial rights in marriage. Through focused individual interviews, survey questionnaires, and roundtables, we examined the knowledge, opinions, experiences, and practices with marriage contract procedures among public actors and legal professionals. Teams also conducted archival research at local court and city hall registries to collect qualitative and quantitative data on marriage contracts, specifically gathering information on the content and frequency of stipulated clauses in marriage contracts and separate property agreements, through review of selected marriage registers.<sup>10</sup>

By identifying administrative challenges to and opportunities for using the marriage contract to promote women's rights, the action research results are intended to serve as a useful tool for future reform to laws and procedures governing marriage in the Maghreb.

Following completion of the action research, Global Rights then collaborated with partners in Morocco and Algeria to organize local Thematic Working Groups on the marriage contract in their communities. Facilitated by the local NGOs, Working Groups were comprised of diverse public actors and legal professionals involved in the marriage contract process. On the basis of information and findings from the action research, working group members collectively drafted concrete recommendations for reforms to current marriage contract laws, procedures, and practices to facilitate protection and promotion of women's rights. This report presents the Working Group Conclusions and Recommendations to be used by local NGOs as an advocacy tool for law reform.

## **THEMATIC WORKING GROUP METHODOLOGY AND LOGISTICS**

### **I. THEMATIC WORKING GROUP FRAMEWORK**

Global Rights collaborated with eight partner NGOs in Morocco<sup>11</sup> and Algeria<sup>12</sup> from January – August 2011 to set up and conduct Thematic Working Groups on the marriage contract in their respective communities. Participants in the TWGs included diverse persons charged with the marriage contract process in the two countries, including local lawyers, notaries, judges, civil status officers, *adoul*, court staff and NGO representatives.

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<sup>8</sup> Association Amal pour la femme et le développement (El Hajeb), Association el Amane pour le développement de la femme (Marrakech), Association Tawaza pour le plaidoyer de la femme (Martil), Association des jeunes avocats (Khemisset), and Association Tafoukt Souss pour le développement de la femme (Agadir).

<sup>9</sup> Association Culturelle Amusnaw (Tizi Ouzou), Association Sociale Espoir (Tlemcen), and Association El Hayat pour les Sages Femmes (Skikda).

<sup>10</sup> *Promoting Women's Human Rights in Morocco, Algeria and Tunisia through Strategic Use of the Marriage Contract: Researching and Documenting the Use of Marriage Contracts among Local Authorities* (Global Rights, December 2011). This action research is available on-line in English, French and Arabic at [www.globalrights.org](http://www.globalrights.org).

<sup>11</sup> Association Amal pour la femme et le développement (El Hajeb), Association el Amane pour le développement de la femme (Marrakech), Association Tawaza pour le plaidoyer de la femme (Martil), Association des jeunes avocats (Khemisset), and Association Tafoukt Souss pour le développement de la femme (Agadir).

<sup>12</sup> Association Culturelle Amusnaw (Tizi Ouzou), Association Sociale Espoir (Tlemcen), and Association El Hayat pour les Sages Femmes (Skikda).

**In Morocco**, future spouses must first create a file and seek judicial authorization at the Family Court Clerk's office.<sup>13</sup> The actual marriage contract is drawn up by two *adoul* (religious notaries) acting in their capacity as public officials and not as representatives of a religious authority. Moroccan Family Code Article 49, paragraph 3 requires the *adoul* to inform the two parties of their right to conclude a separate property contract. Marriage contracts are usually written up during the wedding ceremony at one of the spouse's homes and are generally brief, limited to basic personal data on the spouses and administrative information.<sup>14</sup> The *wali* – or marital tutor, usually a male relative, who signs the marriage contract on behalf of the bride – is optional. The marriage contract must then be certified by the Family Court judge and registered.

**In Algeria** marriage contracts may be drawn up either by a Civil Status Officer at the municipality<sup>15</sup> or by a private notary.<sup>16</sup> Contracts prepared by notaries are not considered official and do not produce any legal effects until registered at the municipality. Algerian law does not require Civil Status Officers or notaries to inform the two spouses of their legal rights to stipulate additional clauses in their marriage contract or draw up a separate property agreement. The presence of the bride's *wali* is mandatory. Civil Status Officers are still limited to using the marriage contract models originally set out in the 1970 Civil Status Code, which do not allow them to add any negotiated clauses into the contract. In contrast, notaries are not restricted to these pre-established forms.

The objectives of the Thematic Working Groups were to:

- Draft concrete recommendations for changes to current marriage contract laws, administrative procedures, and practices in order to protect and promote women's rights;
- Consult with a large number of multi-sectorial public actors and legal professionals from diverse locations across the country, to produce reforms that would benefit from their experiences and effectively address their realities, concerns, and professional challenges;
- Sensitize diverse public actors and legal professionals to women's rights issues and enhance their knowledge of comparative marriage contract procedures from other countries, especially as concerns best practices for promoting women's rights;
- Encourage greater commitment to and participation in reform initiatives to promote women's legal and human rights by public actors and legal professionals.

To guide the TWGs, Global Rights elaborated and distributed to the partner NGOs:<sup>17</sup>

- A detailed *Framework for analysis and discussion of marriage contract laws, procedures and practices*, with in-depth questions to consider related to persons responsible, different steps of the process, places where the steps take place, and the timing and duration of each step and the entire process (French and Arabic);
- Arabic language synthesis in Word document and Power Point Presentation formats of the results of the Moroccan, Algerian and Tunisian marriage contract action research completed in December 2010;

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<sup>13</sup> Family Code Article 65 lists the paperwork to be filed.

<sup>14</sup> The list of items to be included in the marriage contract is defined in Article 67, which includes "any conditions agreed upon by both parties."

<sup>15</sup> Civil Status Code Article 1 designates the Municipal Assembly Presidents and Vice Presidents, or the heads of diplomatic and consular offices abroad, as Civil Status Officers. However, Article 2 of the Code allows the Municipal Assembly President to delegate his Civil Status Officer functions to a municipal civil servant or other permanent civil servant over 21 years old.

<sup>16</sup> He/she must have a university degree in law and then complete an internship at a notary's office.

<sup>17</sup> These are available at Global Rights.

- A 3-page detailed framework and guidelines for the logistics, structures and methodologies for establishing the TWGs and conducting the meetings (Arabic and French).

The local partner NGOs conducted ongoing, regular meetings of the Thematic Working Groups in their respective communities. As part of the different steps of the TWGs' work, participants:

- Analyzed the results of the action research completed in December 2010, *Promoting Women's Human Rights in Morocco, Algeria and Tunisia through Strategic Use of the Marriage Contract: Researching and Documenting the Use of Marriage Contracts among Local Authorities*;
- Reviewed current laws, procedures and practices on the marriage contract in their country/community;
- Repeated the Global Rights' December 2010 Maghreb regional training workshop on comparative marriage contract laws and procedures from other countries;
- Identified challenges and obstacles of an administrative and procedural nature to stipulating rights protective clauses and concluding separate property agreements, based on those they encounter in their daily work;
- Developed a list of solutions to the identified challenges and obstacles, and proposed concrete reforms to marriage contract laws, administrative procedures, and practices in order to protect and promote women's rights.

## II. CONDUCTING THE THEMATIC WORKING GROUPS

In order to set up and implement the Thematic Working Groups in their respective communities, partner NGOs reached out to diverse local stakeholders to invite them to participate, as well as to make contacts with additional potential TWG members.

### 1. Strategies to Form TWGs

Previous contacts and relationships established during the previous stage of this project conducting action research among local public actors facilitated the creation of the TWGs; many prior respondents from the action research enthusiastically agreed to participate in this phase. Partner NGOs used a diversity of strategies to conduct outreach to and integrate different stakeholders into the Thematic Working Groups:

- For lawyers, coordinating with lawyer's associations, using personal relations, making phone calls, and including lawyers already providing pro bono services to the NGO;
- For *adoul*, coordination with the Regional *Adoul* Councils, contact through phone calls, and on-site visits to Family Affairs Court copying services to meet with directly;
- For judges, went through lawyers as intermediaries;
- For civil status officers, went through lawyers, personal relations, and friends as intermediaries;
- Some respondents required official correspondence and written invitations from the NGOs in order to agree to be contacted and to participate;
- In addition, one local partner NGO in Morocco went to the courthouse and interviewed future couples preparing their marriage application file about their experiences.

## 2. Challenges to Forming TWGs

NGOs described many administrative and logistical challenges to setting up and conducting the Thematic Working Groups, including:

- Difficulties convincing some stakeholders - who personally thought that including conditions into the marriage contract was a bad idea - to participate;
- The busy schedules, high workloads, and numerous commitments of relevant actors, especially during the high marriage season;
- Public sector strikes and national holidays that occurred during the project implementation period;
- The lack of commitment by some members of the working groups to attend meetings regularly and contribute to group work;
- The traditional, patriarchal mindset, lack of human rights culture, and limited interest in the topic by some *adoul* in particular;
- Administrative hurdles to participation, including the need for approval from the bureaucratic hierarchy such as the *Adoul's* Council or the National Justice Ministry;
- Some categories of professionals, namely the *adoul* and lawyers, agreed to meet collectively at NGO offices, while others such as judges and court clerks were more frequently only willing and able to meet for individual interviews at their respective workplaces.

## 3. TWG Implementation

In total, the eight partner NGOs held 409 group and individual working group meetings with 444 public actors and legal professionals from 38 cities, towns and rural villages across Morocco and Algeria. The below charts detail the Thematic Working Group implementation.



**Summary Table 1 - Thematic Working Group meetings and interviews with public actors and other professionals involved in the conclusion of marriage contracts in Morocco**

Coordinating Partner NGOs	TWG Participants	Place of Work		Role in marriage contract conclusion process	Meeting Dates	Number of participants	Number of meetings	Observations
Association El Amane pour le développement de la femme (Marrakech)		Judges	Marrakech Family Court	Issue marriage authorization after verifying the authenticity of documents submitted in application and compliance with all legal requirements.	July 4, 2011	2	2 meetings	It was difficult to organize meetings with judges, hence the necessity to resort to personal relationships to obtain these two meetings.
		<i>Adoul</i>	Marrakech Family Court  Marrakech Regional <i>Adoul</i> Council	<ul style="list-style-type: none"> <li>- Inform the couple about documents required for the marriage application</li> <li>- Submit the marriage application to the judge</li> <li>- Notify the couple of Family Code Article 49</li> <li>-Draft the marriage contract</li> <li>- Register the marriage contract at the appropriate court office</li> </ul>	June 17-24 July 4-5-6, 2011	19	12 meetings	Sought assistance of <i>adoul</i> who had previously participated in the program in order to facilitate meetings with other <i>adoul</i> .

	Scribes	Marrakech Family Court	- Register marriage contracts in court registers - Number, classify and archive registers - Issue a new copy of marriage contract in case of loss	June 3 July 6, 2011	3	1 meeting	Sought assistance of scribes who had previously partnered with the NGO in this program.
	Lawyers	Marrakech First Instance Court	Provide legal advice on drafting a detailed marriage contract with stipulated clauses or a separate marital property agreement	May 13-20 June 4-5-6, 2011	25	17 meetings	The NGO's other programs integrating lawyers ensured easy communication with them.
	Civil Status Officers	Marrakech Registry offices	Register marriage contracts and record a summary in the civil status register.	July 4, 2011	2	2 meetings	The NGO's other programs integrating civil status officers ensured easy communication with them.
	Ministry of Justice Civil Servants	Marrakech First Instance Court and Family Court	Implement court procedures	May 20, June 3, July 4, 2011	10	3 meetings	The NGO's other programs integrating Ministry of Justice Civil Servants ensured easy communication with them.

	Other court staff	Marrakech First Instance Court		July 5, 2011	1	1 meeting	The NGO's other programs integrating court staff insured easy communication with them.
<b>Association Tafoukt Sous pour le développement de la femme (Agadir)</b>	Judges	Inezgane First Instance Court	Issue marriage authorization after verifying the authenticity of documents submitted in application and compliance with all legal requirements.	June 13-15, 2011	1	2 meetings	
	<i>Adoul</i>	Private <i>adoul</i> offices in Sidi Ifni, Tiznit, Inezgane, Dchira, and Agadir	<ul style="list-style-type: none"> <li>- Inform the couple about documents required for the marriage application</li> <li>- Submit the marriage application to the judge</li> <li>- Notify the couple of Family Code Article 49</li> <li>-Draft the marriage contract</li> <li>- Register the marriage contract at the appropriate court office</li> </ul>	May 9-12-16-24 June 6-9-14-20-22-28-29 July 4-6-7-8 August 15-16, 2011	22	18 meetings	Many <i>adoul</i> refused to participate in the research on the grounds that they would first need to obtain authorization from the judge or from their hierarchy.
	Scribes	Inezgane First Instance Court	<ul style="list-style-type: none"> <li>- Register marriage contracts in court registers</li> <li>- Number, classify and archive registers</li> <li>- Issue a new copy of</li> </ul>	July 7-8-14-15, 2011	2	4 meetings	

			marriage contract in case of loss				
	Lawyers	Private law offices in Agadir, Sidi Ifni, Tiznit, Dchira, and Al Jihadiya	Provide legal advice on drafting a detailed marriage contract with stipulated clauses or a separate marital property agreement	May 9-10-11-12, 2011	13	13 meetings	
	Civil Status Officers and their deputies	Agadir Registry offices	Register marriage contracts and record a summary in the civil status register.	June 9-10-16-17, 2011	4 (including one woman)	6 meetings	
	Social workers	Social workers' offices at the Agadir and Inezgane First instance Courts		June 9-10 July 8-14, 2011	2	5 meetings	
	Sworn Translators	Translators' offices in Agadir	They work on marriage contracts for mixed marriages (bi-national couples)	July 14, 2011	2	2 meetings	
<b>Association des jeunes avocats (Khemisset)</b>	Judges	Khemisset First Instance Court	Issue marriage authorization after verifying the authenticity of documents submitted in application and compliance with all legal requirements.	June 15-20-27, 2011	2	3 meetings	Exchange of official letters with the relevant

	<i>Adoul</i>	<i>Adoul</i> offices in Khemisset, Tiflet, Oulmes, and Tiddas	<ul style="list-style-type: none"> <li>- Inform the couple about documents required for the marriage application</li> <li>- Submit the marriage application to the judge</li> <li>- Notify the couple of Family Code Article 49</li> <li>-Draft the marriage contract</li> <li>- Register the marriage contract at the appropriate court office</li> </ul>	May 5-18-23-25, June 7-9-29, July 5-12, and August 2-23-25, 2011	20	12 meetings	administrative authorities and personal contacts were used to obtain meetings.
	Scribes	Khemisset First Instance Court	<ul style="list-style-type: none"> <li>- Register marriage contracts in court registers</li> <li>- Number, classify and archive registers</li> <li>- Issue a new copy of marriage contract in case of loss</li> </ul>	July 4-14, 2011	4 (all women)	4 meetings	
	Civil Status Officers and their deputies	Registry offices in Khemisset, Tiflet, and Oulmes	Register marriage contracts and record a summary in the civil status register.	June 12-13, July 19-26 and August 3-10, 2011	10	6 meetings	
	Other court staff	Khemisset First Instance Court	Implement court procedures	August 22-23, 2011	3	4 meetings	
<b>Association Tawaza pour le plaidoyer de la femme (Martil)</b>	Judges	Tetouan Family Court	Issue marriage authorization after verifying the	May 16 and June 20, 2011	2	2 meetings	It was difficult to work with judges because of

			authenticity of documents submitted in application and compliance with all legal requirements.				administrative formalities.
	<i>Adoul</i>	Private offices of <i>adoul</i> Scribes' offices Tetouan Family Court NGO offices	- Inform the couple about documents required for the marriage application - Submit the marriage application to the judge - Notify the couple of Family Code Article 49 -Draft the marriage contract - Register the marriage contract at the appropriate court office	April 14-28 May 10-26 June 6-15-29 July 4-7, 2011	21	9 meetings	Worked mainly with the <i>adoul</i> who had previously participated in the program.
	Scribes	Tetouan Family Court	- Register marriage contracts in court registers - Number, classify and archive registers - Issue a new copy of marriage contract in case of loss	May 16, June 27, 2011	8	2 meetings	Held group meetings with scribes.
	Lawyers	Tetouan Family Court Lawyers' private offices in Tetouan and Chefchaouen	Provide legal advice on drafting a detailed marriage contract with stipulated clauses or a separate marital property agreement	April 19-27, May 3-11, June 15-21, July 7, and August 3-16, 2011.	18	13 meetings	Sought assistance from volunteer lawyers who work with the association and to personal contacts/relations

		NGO offices					in order to organize group meetings and interviews with lawyers.
	Civil Status Officers and their deputies	Civil status offices in Martil, Mdiq, and Tetouan NGO offices	Register marriage contracts and record a summary in the civil status register.	May 10-19, June 8-15-21, and July 7, 2011	4	6 meetings	Held individual interviews and group meetings with Civil Status Officers and their deputies.
<b>Association Amal pour la femme et le développement (El Hajeb)</b>	Judges	Meknes Family Court El Hajeb Resident Judge office Azrou First Instance Court	Issue marriage authorization after verifying the authenticity of documents submitted in application and compliance with all legal requirements.	March 10-23, June 28-29-30 July 1, 4 and 7, 2011	3	8 meetings	It was difficult to work with judges because of administrative formalities.
	<i>Adoul</i>	<i>Adoul</i> offices in Meknes, El Hajeb and Azrou Meknes Family Court NGO offices	- Inform the couple about documents required for the marriage application - Submit the marriage application to the judge - Notify the couple of Family Code Article 49 -Draft the marriage contract - Register the marriage contract at the appropriate court office	February 11, March 15-22, April 14, May 5-17-19-24, June 2-7-8-16-24, July 5-6-11-20, and August 23-25, 2011	24	19 meetings	Held individual interviews and group meetings with the <i>adoul</i> .

	Scribes	El Hajeb Meknes	<ul style="list-style-type: none"> <li>- Register marriage contracts in court registers</li> <li>- Number, classify and archive registers</li> <li>- Issue a new copy of marriage contract in case of loss</li> </ul>	February 11-17, April 14, May 24, 2011	7	4 meetings	Held individual interviews and group meetings with the scribes, as well as included them in some meetings with <i>adoul</i> and lawyers.
	Lawyers	Lawyers' private offices in El Hajeb, Azrou, Meknes, and Fez NGO offices in El Hajeb Meknes Family Court Meknes Court of First Instance Meknes Court of Appeals El Hajeb Resident Judge office	Provide legal advice on drafting a detailed marriage contract with stipulated clauses or a separate marital property agreement	Group Meetings: February 15, April 14, May 24, June 24, July 22, 2011 Individual meetings during all the period extending from February to August 2011	24	44 meetings - 6 group meetings and 38 individual meetings	Held individual interviews and group meetings with the lawyers, as well as the organization of a joint group meeting with <i>adoul</i> , Civil Status Officers and scribes.
	Civil Status Officers	El Hajeb Meknes	Register marriage contracts and record a summary in the civil status register.	February 11 and June 24, 2011	3	3 meetings	



	Court Registry office	El Hajeb Meknes	Implement court procedures	June 6 and July 22, 2011	2	2 meetings	
<b>Total for Morocco</b>					<b>263</b>	<b>229</b>	

**Summary Table 2 - Thematic Working Group meetings and interviews with public actors and other professionals involved in the conclusion of marriage contracts in Algeria**

Coordinating Partner NGOs	TWG Participants	Place of Work	Meeting Dates	Number of participants	Number of meetings	Observations
Association culturelle Amusnaw (Tizi Ouzou)	Civil Status Officers and other civil servants	Arbâa Nath Iraithen Prefecture	June 5, 2011	1 Civil Status Officer  6 civil servants	8 meetings	
		Tizi Ouzou Prefecture	June 14, 2011			
		Illilten Prefecture	June 21, 2011			
		Irdjen Prefecture	June 28, 2011			
	Lawyers and jurists	Tizi Ouzou Court	June 11-14-15	6 lawyers 2 jurists	12	Helped organize meetings with judges, public prosecutors and other lawyers.
Elected Members of Commune Popular Assembly (APC), Wilaya Popular Assembly (APW) and National Popular Assembly (APN)	Tizi Ouzou Prefecture Illilten Prefecture Irdjen Prefecture	June 11-18-25 July 8, 2011	3 elected representatives	18		

	Associations	Tizi Ouzou Azeffoun Tirourda Makoua L'Arbâa Nath Irathen Alger Oran	June 30, July 16-26-29, 2011	46 representatives of diverse associations	50 meetings	Helped organize meetings with elected representatives and civil servants.
<b>Association Sociale Espoir (Tlemcen)</b>	Prosecutor	Tlemcen Court	All of the meetings were held on June 4, 18, 26, and July 10 and 24, 2011	5	1 meeting	
	Judges	Tlemcen and Maghnia Courts		7	2 meetings	
	Civil Status Officers	City Halls		5	4 meetings	
	Mayors	Tlemcen, Maghnia, Sebdou		6	1 meeting	
	Staff of the Wilaya Popular Assembly (APW) Council	Tlemcen Mansoura Chetouan		12	8 meetings	
	City Hall Secretary General	Tlemcen		2	1 meeting	
	Lawyers	Tlemcen Bar		3	1 meeting	
		Nedroma Association		2	1 meeting	
Ghazaouet Association		3	1 meeting			

	University professors	Tlemcen Law School		5	3 meetings	
	Notaries	Tlemcen		4	1 meeting	
	Local elected representatives	Wilaya Popular Assembly		14	1 meeting	
<b>Association El-Hayet des Sages-femmes (Skikda)</b>	Judges	Skikda Court	All the meetings were held on June 4-9-13-18-23-27, 2011 and July 2-7-11-16 25, 2011	2	2 meetings	
	Notaries	Skikda Azzaba Koulou		8	8 meetings	
	Lawyers	Private law offices		20 (12 lawyers and 8 lawyers- in-training)	20 meetings	
	Civil Status Officers	City Hall		4	4 meetings	
	City Hall Presidents	Skikda Hammadi Krouma Bouchtata El Hadaik		4	7 meetings	
	Court Officers	Skikda and Azaba		3	5 meetings	
	President of Wilaya Assembly	Skikda		1	4 meetings	
	Representatives of 3 political parties	Skikda		3	5 meetings	
	Associations	Skikda Azaba El Harrouch Koulou		4	12 meetings	
<b>Total for Algeria</b>				<b>181</b>	<b>180</b>	

### III. IMPACT OF HOLDING THE THEMATIC WORKING GROUPS

In addition to the substantive goal of drafting concrete recommendations for reforms to laws, procedures and practices related to the marriage contract, the mere fact of organizing and participating in the Thematic Working Groups also had several human rights capacity building and advocacy objectives. These focused on enhancing collaboration between NGOs and local public officials, and mobilizing the latter in support of women's human rights. TWG members also started implementing in practice on an individual basis the recommendations they made for reforms to procedures.

NGOs reported on indicators of progress from the TWGs, including:

#### 1. Impact on the public actors and legal professionals participating in the TWGs:

- Improved members' knowledge of international conventions related to women's rights, marriage laws and procedures;
- Heightened awareness and appreciation for women's human rights;
- Provided a good opportunity to raise awareness of all persons involved in marriage contracts of the importance of including protective conditions. TWG members admitted that they themselves had previously been unaware of the issue, but now that they have taken part in the TWGs, they realize that they need to shift from merely notifying couples about the possibility of including protective conditions to actually urging them to include such clauses in the contract. Participants, including *adoul*, now try harder to counsel future couples, explain the relevant provisions of the Family Code related to the marriage contract, and underscore the importance of incorporating protective conditions— something which they now consider part of their role, responsibility and competence;
- At the beginning of the TWGs, certain members of the group opposed propositions by others, but at the end everyone understood and adhered to the importance of stipulating rights protective clauses into the marriage contract;
- Created a sense of ownership of and contribution to the final TWG report recommendations;
- Introduced them to local NGOs and integrated them into the NGOs' work;
- Echoes of TWGs reached a number of other officials who are now willing to work with local NGOs to promote women's rights;
- Improved their capacities to work collectively and coordinate; the TWGs created a venue for different categories of people involved in marriage contracts to meet and discuss their daily problems and try to find solutions collectively and set the stage for future collaboration;
- Women beneficiaries of the local partner NGOs report that they can now request and obtain improved service from the local authorities involved in the TWGs, including the in the way court clerks and judges deal with women;
- Improved reception of future spouses by *adoul*, through efforts made to help them meet in privacy and discuss their marriage contract in advance of the wedding ceremony;
- The participation of woman copyists in the TWGs had a positive impact on women who seek copies of their marriage contracts at the courts. Once the copyists were persuaded of the necessity of promoting women's rights, NGOs noticed that the woman copyists started to create adequate conditions for women to secure the aforementioned copies without much difficulty.

## 2. Impact on the Partner NGOs Implementing the TWGs:

- Widened their circle of allies, in particular of supportive court clerks and copyists;
- Expanded their outreach and attracted new categories of people, from different additional towns in their regions;
- Enhanced their channels of communication with local authorities;
- Secured the participation of a number of legal professionals in other activities organized by the NGOs;
- Fostered relationships with officials in charge of drawing up marriage contracts, allowing them to direct future brides to *adoul* participants in the TWGs for advice and concrete assistance;
- Created local committees comprised of lawyers, *adoul*, civil status officers, and association members in follow-up to the TWGs to serve as a permanent structure for legal advice, monitoring and advocacy on the marriage contract in their communities;
- NGO members expanded their knowledge of marriage contracts and procedures, which will help them in legal rights education sessions as well as in individual counseling and support they give to women in their communities. "This information is of special value because it is not merely legal information but rather facts gleaned from a rewarding fieldwork experience."

### ***Selected Quotes from Partner NGOs in Morocco***

One *adoul* recounted that he was highly impressed by the personality of a young lady who came to his office, along with her fiancé, to conclude a marriage contract. The young lady refused to let anyone accompany her and put three important conditions: first, that her future husband abstain from considering polygamy; that she live independently and separately from any relatives; and that she be allowed to work. As for the dowry, she simply asked for one "symbolic" Dirham. The *adoul* said that after the couple left, he sat down to meditate the wisdom of the young lady and the essence of the conditions she set. He soon concluded that she was perfectly right, for her conditions stem from a genuine desire to lay solid foundations for a wholesome family unit. Why should many men then view courageous women who set conditions as authoritarian or arrogant ladies?

One *adoul's* secretary, with whom we have been working since last year, says that that she strives to make available some adequate space for the two parties to discuss certain issues of interest to them. Thus whenever a couple-to-be comes to the office at a time when the *adoul* are busy, "I avail myself of the opportunity to let the parties discuss the contents of the contract before it is approved and signed." Then, smilingly, she added that she endeavors to sensitize young ladies about the importance of incorporating protective conditions the best she can.

One of the positive influences of our work may readily be seen in the impacts it has had on women groups we work with. One day, I was listening to a group of women talking about the marriage of one of their daughters. One of them asked whether the bride had concluded the contract or not and whether the contract was, at least, modern. Then she warned the engaged women against "distorted" marriage contracts like their own! When I asked her whether there existed modern contracts and traditional one, she replied that such contracts existed, adding that a modern contract was one which covered all aspects of marital life and comprised conditions which enabled women to have good matrimonial life. As for our traditional contracts, they are so wanting and wholly inadequate; they simply contain my name and my husband's and some particulars about a scant dowry!

One of the stories worth sharing occurred with thematic working groups. In the course of a meeting which gathered together *adoul*, civil status officers, a copyist, and several lawyers, discussion focused on the issue of *Wilaya* (guardianship). Most of the people attending were in favor of optional attendance of the (bride's) guardian during marriage, bearing in mind the problems with which young women were confronted in the past (under the old regime). In the course of discussion, one *adoul* who was in favor of the mandatory presence of the guardian during the conclusion of the marriage contract stated that the new system, which offers the possibility of options, is not right and fit because it has prompted many young ladies to disobey their parents and/or guardians. At this point, this *adoul* had a heated exchange with another *adoul* who was of a different opinion. Finally, the latter managed to convince the former, by way of concrete examples drawn from reality that guardians could, and in fact, did make hasty and ill-conceived decisions, causing misery to many young ladies who then ended up in the streets, altogether. Guardianship was thus no guarantee for solid and viable marriages.

Upon setting up the work-teams and holding the first meetings with their members in order to explain the sought-after goals of the research, team-members expressed their readiness to work towards making it a success. At the level of the practical implementation of legal provisions, some *adoul* have started to play their role in awareness-raising and in explaining the provisions of the Family Code, especially the contents and aims of Articles 47, 48, and 49. There has also been some improvement at the level of reception of would-be spouses. The latter can now meet in privacy which affords them the possibility of discussing the conditions which they may want to include in the contract freely and spontaneously. According to the testimony of one *adoul*, and after the provisions contained in the aforesaid articles had been explained in simple terms, some future couples accepted the idea of negotiating and accepting the conditions which they wished to incorporate in the marriage contract.

## CHALLENGES AND OBSTACLES TO STIPULATING RIGHTS-PROTECTIVE CLAUSES IN THE MARRIAGE CONTRACT IN MOROCCO

Thematic Working Group participants identified numerous challenges and obstacles to women stipulating clauses into their marriage contract and to drawing up a separate property agreement. They were asked to specifically focus on challenges and obstacles of a **procedural nature** that they encounter in their daily work related to marriage contracts. Previous action research had analyzed personal, social and familial obstacles to rights protective conditions and property agreements.<sup>18</sup> In these discussions in this phase of the project, TWG members worked to examine current **administrative policies and practices** that prevent women from using the marriage contract as a tool to protect their rights. Elements include the persons charged with and present during the wedding ceremony, the place marriage contracts are concluded, the timing of the process, the paperwork, and different steps in the process.

### I. MARRIAGE PROCEDURES

#### 1. Place the Marriage Contract is Signed

- Marriage contracts are frequently drawn up at one of the future spouses' home, which makes it difficult for *adoul* to follow legal procedures accurately and inform women of their rights.

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<sup>18</sup> *Conditions, not Conflict: Promoting Women's Rights in the Maghreb through Strategic Use of the Marriage Contract* (Global Rights, 2008).

- While marriage contracts may also be drawn up at an *adoul's* office, these are frequently old and not spacious enough - oftentimes spouses cannot even find chairs to sit on. The *adoul's* office usually has a working area for him and his assistant and a waiting area for other couples and people who accompany them, which does not offer the necessary privacy for discussions between *adoul* and the future spouses. This turns the conclusion of the marriage contract into a routine administrative procedure.
- Not all people wishing to marry, especially in rural areas, have access to an *adoul's* office.

## 2. Persons Present at Signing of Marriage Contract

- The festive atmosphere of the wedding ceremony held at one of the future spouses' home frequently involves the presence of large numbers of relatives, neighbors, caterers, musicians, beauticians, and others.
- Family members often even accompany the future spouses to the *adoul's* office, making it difficult for them to freely discuss marriage contract conditions.
- Future husbands would object to the *adoul* meeting privately with the future bride to discuss marriage contract conditions.
- The bride's presence is not necessary for most of the stages of the marriage contract preparation, so she can be absent for all but the contract signing stage.
- Brides are very often overshadowed by and passive in the presence of their father and given the excessive intervention of family members. There is usually tumult during the marriage contract process and pressure to sign it quickly without paying any attention to its contents.

## 3. Timing

- The first stage of the marriage process – gathering and preparing the numerous administrative documents required to prepare the file to petition for authorization to marry – is onerous and time consuming. Future spouses must make frequent, and often times in vain, trips to a number of offices and administrative authorities to obtain the necessary certificates and paperwork. Once the paperwork is gathered, couples make a lot of back and forth between the *adoul's* office and the Family Affairs Court to get the authorization to marry from the authenticating magistrate, an authorization which can also take a long time to obtain. In rural areas this process requires travel to larger towns. The paperwork itself is not necessarily complicated; rather it is the red tape, long waiting lines, bureaucracy and nepotism prevalent in public administration that makes the process so long, tiresome and complex that many couples get discouraged and others take vacation just to complete the paperwork.

In spite of the fact that the paperwork necessary to the conclusion of marriage contracts is neither complicated nor substantial, the people whom we have interview all said that illiteracy, ignorance, the prevalence of red-tape and some negative practices on the part of the authorities –especially in remote communities—make the process of securing the paperwork a particularly difficult process. Not only are people asked to make frequent vain trips to sundry administrations, but they are asked to pay bribes to get their documents. Moreover, in busy marriage seasons, we notice long lines of people patiently waiting in hospitals for formal medical certificates. Similarly, district administrations teem with people looking to obtain administrative certificates especially during the marriage season (summer), which coincides with the return of Moroccan expatriates to their homes for vacations. As these people also need to prepare various documents, they head towards the same local district administrations. A third category of people that further fills the throngs of service-seekers during the same season is new high-school diploma earners who travel to the same administrations to have their diplomas certified or to obtain other documents. To crown it all, all of these people have to compete for service which is offered by few staff from the same booth! – *An association in Morocco*



- In contrast to this long preparatory process, the tight schedule for and hasty completion of the actual signing of the marriage contract itself means that there is inadequate time for *adoul* to provide sufficient explanations to future spouses. Local officials often sign contracts quickly without taking the time necessary to duly inform spouses about their rights.

#### 4. Costs

- When citizens from rural areas and smaller towns have to go to a larger town where a court is located in order to complete the administrative processes, this travel increases the costs of concluding a marriage contract.
- Administrative services during the marriage application and authentication process are fee-based, and out of the range of affordability for some categories of the population.
- The traditional and more popular marriage ceremony where the *adoul* travels to a private home to draw up the contract is more expensive than if the couple goes to the *adoul's* offices to conclude the contract.
- In addition to the official fees, corruption in public administrations and bribery necessary to obtain paperwork can increase the cost of getting married.

#### 5. Administrative Paperwork

- The widely used marriage contract model is quite short and cursory, with uniform wording that allows for no specificities tailored to the parties' circumstances or their wishes. Since the *adoul* generally only change the name of the parties in the standard framework, the conclusion of the marriage contract becomes a mindless, automatic operation which is constantly repeated.
- Future couples are not provided with any written information or documents prior to the drafting of the marriage contract, except for the application form for authorization to conclude a marriage contract, handed out by the clerk's office at the Family Affairs' Court.

## II. HUMAN RESOURCES

Thematic Working Group Members also identified factors related to professional status, working conditions, resources, and professional development – of themselves and others – that prevents local actors from providing adequate public services related to the marriage contract.

#### 1. Professional Status

- Some *adoul* say that the fees they are paid for their services do not include family awareness-raising responsibilities.
- Scribes lack legal recognition of their work, and have no insurance, retirement, or official status.
- Competitiveness among *adoul* for business and a priority placed on financial gain rather than on concerns for the rights-based content of the marriage contract means that many *adoul* prefer to draw up as many contracts as possible to maximize their fees rather than take the time to explain legal provisions and terms that can be negotiated for inclusion in the marriage contract. In addition, *adoul* who focus more on purchase and sales contracts consider marriage contracts as less lucrative.

#### 2. Knowledge

- Absence of knowledge of the laws among authorities charged with applying them, lack of understanding and assimilation of Family Code provisions on spouses' rights, the possibility to stipulate clauses into the marriage contract, and the opportunity to draw up a separate property agreement.

- Lack of training in modern archiving, documentation and register-keeping methods makes works haphazard and disorganized.

### 3. Staffing

- The second stage of the process – application for authorization to conclude a marriage - at the Family Court can take weeks or more, especially during high marriage season when there are a large number of applications to process.
- There is an insufficient number of authenticating magistrates for the public they serve and the amount of applications for marriage filed with them by a large number of *adoul*.
- Magistrates are responsible for large geographic districts that lack family affairs divisions in smaller judicial centers.
- Authenticating magistrates have a difficult time reviewing contracts in-depth, especially with no additional human resources support during high marriage season.

### 4. Infrastructure

- Court personnel, especially clerks and copyists, describe the lack of computer equipment and systems that could unify procedures and speed up the marriage process.
- The handwritten and oftentimes illegible nature of much of the paperwork makes processing and copying marriage contracts painstaking.
- Court personnel say that the archaic nature of work, namely the disorganization and the lack of a numbering or classification system for records, impacts negatively on services offered to citizens.
- Court clerks say that their offices are unsuitable – their small size and noise from court business in general prevents them from receiving citizens properly.
- Court hallways are quite crowded with people who have traveled a long way and waited a long time for their turn with the authenticating magistrate.

### 5. Attitudes

- *Adoul* draw up a diversity of contracts and are often not inclined to exert efforts to adapt and tailor a marriage contract to the specificities of each couple.
- *Adoul* frequently have conservative and traditional mentalities, are not convinced of women's human rights themselves, and frequently believe that marriage contract conditions are not worthy of interest.
- Civil servants at times lack courtesy and respect in their treatment of citizens seeking public services, and at times even observed yelling at them.
- The recurring absence of civil servants from their place of work makes it difficult for citizens trying to procure the necessary administrative documents.

### 6. Role and Duties

- Authenticating magistrates describe the difficulty they have verifying whether or not the *adoul* have in reality fulfilled their legal obligations to explain the law to future spouses.
- Authenticating magistrates limit themselves to merely verifying that the formalities surrounding the marriage contract are completed, and do not engage in any serious discussions with *adoul* on how to deal with the laws or use them in the marriage contract to promote women's rights.
- Magistrates have a heavy and diverse workload, as they are charged not only with checking the validity of marriage contracts, but also must review and rule on cases, respond to complaints, and write and issue decisions, etc.

### III. LAWS

- Current laws do not effectively compel *adoul* to notify future spouses about the possibility to stipulate clauses into the marriage contract or conclude a separate property agreement. There are no penalties for failing to inform future spouses about these legal options.
- Marriage contract clauses and separate property agreements are optional, rather than binding, which does not encourage or facilitate their use by couples or authorities.
- The lack of a standard, mandatory model marriage contract form with clauses or detailed formulations for separate property agreements means that there are no concrete or practical models to encourage or facilitate their use by couples or authorities.
- Family Code Article 49 on marital property is unclear and vague, in particular as concerns the definition of housework as contributing to the development of family assets, the determination of the wife's share of assets acquired during marriage, and the burden created by the use of general rules of evidence to prove her contribution.

### IV. GENERAL PUBLIC

Other obstacles and challenges which seriously impede the enhancement of women's rights include the absence of any role played by magistrates and *adoul* in the process of raising the awareness of people concerning the Family Code. No debates and no studies are engaged either by magistrates or *adoul*. When discussions of pertinent issues take place, it is usually related to the practical implementation of the legal texts. Besides, the discussions are usually private and are not organized in forums that are open to women and to the general public. In sum, the judiciary in this town and region at least is introverted and barely in the service of the citizens. Genuine judicial service ought not to be mere mottos adorning the front parts of court-buildings, but rather an open and forthcoming service. Magistrates, too, should remember that veneration and awe are earned not by introversion and aloofness from the citizens, but rather by means of devotion to public service, communication, and full contribution to public awareness-raising efforts. – *An association in Morocco*

- *Adoul* say that future spouses and their families are unaware of their respective rights and obligations, are illiterate, and are not receptive to legal advice.
- *Adoul* abstain from explaining at length the laws related to marriage contracts for fear of causing disputes between spouses and/or their families and jeopardizing the future marriage.
- Magistrates and *adoul* play a very limited if any role in public awareness-raising about the Family Code.

**IN ALGERIA**, Thematic Working Group participants identified similar obstacles to stipulating rights-protective clauses into the marriage contract and to concluding a separate property agreement, albeit within the context of their specific laws and procedures. TWG reports specifically note the slowness of administrative procedures and steps to prepare a marriage authorization file, the tense relationships between citizens and civil servants, and difficulties citizens have to obtain administrative papers. They likewise describe the insufficient time during the wedding ceremony at city hall to draw up a contract with detailed clauses; there are too many marriages occurring at the same time and a large number of relatives, friends and others present. Local officials charged with drawing up marriage contracts often have conservative and traditional mind sets and do not themselves support women's rights. Civil status officers do not notify spouses of the legal provisions that they can stipulate clauses, and no legal provisions compel them to do so. Finally, the fees charged by notaries are unaffordable for many future couples, yet at the same time some notaries refuse to draw up marriage contracts, saying that they are not lucrative enough.

## RECOMMENDATIONS FOR REFORMS TO CURRENT MARRIAGE CONTRACT PROCEDURES AND PRACTICES IN MOROCCO

Thematic Working Group participants then went on to draft recommendations for reforms to current procedures and practices that would promote women stipulating clauses into their marriage contract and drawing up a separate property agreement. TWGs were asked to specifically focus on developing a list of solutions of a **procedural nature** that would address the challenges and obstacles identified in the previous section. Prior phases of this initiative developed and established ongoing programs of grassroots level awareness-raising to address personal, social and familial obstacles to rights protective conditions and property agreements. In these discussions for this phase of the project, TWG members worked to draft a list of concrete proposals for reforms to **administrative policies and practices** related to elements including the persons charged with and present during the wedding ceremony, the place marriage contracts are concluded, the timing of the process, the paperwork, and different steps in the process.

### I. MARRIAGE PROCEDURES

1. Place the Marriage Contract is Signed
  - Ensure appropriate places for drawing up marriage contracts. Facilities should provide future spouses with the privacy, comfort and best possible conditions necessary to discuss their rights and obligations and agree to the contract terms. The *adoul's* offices should be the exclusive venue for drafting marriage contracts, rather than in private homes. These offices should have enough space and privacy for couples to speak freely with the relevant authorities in depth.
  - Spouses need “one-stop” shops for the entire process from gathering paperwork to the approval and authentication of the application, to spare them the need to go from administration to administration, wasting time waiting for service and eliminating the red tape.
2. Persons Present at Signing of Marriage Contract
  - Future spouses need to have private discussions about their marriage contract without their families present.
3. Timing
  - The time necessary for completing the administrative formalities – the gathering of paperwork and authorization – should be reduced and simplified.
  - On the other hand, more time should be allowed for the spouses to be adequately informed about and discuss their marriage contract amongst themselves and with the relevant public actors.
4. Costs
  - Costs for drawing up marriage contract should be made reasonable and accessible to couples based on their financial circumstances. Fees paid to copyists to obtain copies of marriage contracts should likewise be reduced.

## 5. Administrative Paperwork

- The Justice Ministry should issue a model marriage contract in a standard form with all requisite information and provisions, especially specific rights-protective clauses, to avoid any differences in formulations that can result in a loss of women's rights.
- At the same time, the marriage contract models should be flexible and diverse enough to be adapted to individual couples' specific circumstances.
- The Justice Ministry should issue specific templates of appended property agreements providing clear formulas to select establishing how assets will be managed, shared and divided among spouses in the event of a divorce, to be completed by spouses in advance of the wedding. This would also allow *adoul* to raise future couples' awareness, explain different provisions, and discuss the property agreement in a way that does not embarrass either the future spouses or their families. Appending the model to the marriage contract would facilitate the *adoul's* legal obligation not only to notify the couples about legal provisions, but explain a material document appended to the contract and intended to facilitate the discussion and negotiation process.

## II. HUMAN RESOURCES

### 1. Knowledge

- Training should be provided for staff in all services charged with any of the tasks related to the conclusion of the marriage contract. Such training needs to include information on the laws, women's rights, international human rights conventions, marriage contract drafting language and procedures, and communication skills to explain clauses to spouses. In addition, court clerks should receive training in computing and archiving.

### 2. Staffing

- Sufficient staff need to be placed in all services charged with any of the tasks related to the conclusion of the marriage contract. This was a particular concern of authenticating magistrates, court clerks and copyists, given the number of files to be processed as compared with the limited number of staff.

### 3. Infrastructure

- Special community based divisions should be created and established, with qualified staff charged with providing information and advice to future spouses to explain the marriage contract and the Family Code, and provide marriage contract models.
- Provide all services charged with tasks related to the marriage contract with modern and technically advanced equipment, notably computer systems.
- Increase proximity of local administrations and authorities to the population, increase remote people's accessibility to public services, for example through traveling services and offices that can deliver administrative documents to citizens, rather than citizens wasting time traveling between urban and rural offices and administrations.

### 4. Attitudes

- Repress all forms of corruption in the public services providing administrative documents for citizens.

### 5. Role and Duties

- Spouses should be informed of their respective rights during special sessions prior to the actual conclusion of the marriage contract with a relevant public authority/civil servant or other person fulfilling the role of legal matrimonial counselor.

### III. LAWS

- Create oversight structure and systems for ensuring that *adoul* fulfill their legal obligations to notify future spouses about their rights. Some TWG members felt that magistrates should intervene to ensure that *adoul* are implementing the Family Code, notably article 47, 48 and 49, by making on site visits to *adoul* offices, rather than just checking formalities and signing marriage contracts.
- *Adoul* should be made liable to fines for failing to accomplish their notification duties.
- Make it compulsory by law for spouses to conclude a detailed marriage contract, in order to avoid any embarrassment for them or the *adoul*.
- Ban the marriage of minors altogether.
- Provide for deterring penalties in case of non observance or failure to observe any conditions in the marriage contract, to avoid the current choice women find themselves in the event of non respect of the marriage contract, which is either accept the husband's violation of the contract or seek divorce.
- Amend Family Code article 49 on marital property to
  - Make it legally mandatory for couples to determine at the time of marriage the manner by which they choose to manage and dispose of their property;
  - Make it mandatory for the *adoul* to exhort future spouses to specify the marital property regime;
  - Make it easier for women to prove their participation in the accumulation of wealth and property during marriage in order to overcome the current difficulties they encounter to establish the high burden of proof of their contributions;
  - Dispense with judge's discretionary powers to assess contributions and decide division of assets to better unify the application of relevant texts by the courts;
  - Clearly state that housework is considered a contribution to the development of household assets.

### IV. GENERAL PUBLIC

- Conduct large scale public awareness raising on the importance of marriage contracts and how they can be used to protect women's rights, using methods including the media, radio and TV programs.
- Include information on marriage contracts in school education, especially at the high school and university levels.
- Integrate the Ministry of Islamic affairs into efforts to demonstrate that historically marriage contracts and women's rights were part of Islamic society and law.

Thematic Working Group participants in Algeria made similar proposals for reforms to marriage contract procedures in their context. These included a particular emphasis on (a) specialized training for all persons charged with tasks related to the conclusion of the marriage contract; (b) mandatory notification of future spouses by local authorities of their legal rights to stipulate clauses into the marriage contract and conclude a separate property agreement; (c) marriages should be concluded at public administrations only; (d) reduction of overall time necessary for the marriage process; (e) private informational meetings, held prior to the actual wedding ceremony, with supporting documentation provided for future spouses and relevant public authority charged with being a legal matrimonial counselor; and (f) establishment of a standard, model marriage contract form with detailed clauses.

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