



Concept Note

Women's Access to Justice in the Maghreb: Case Study of Morocco

In-person Forum

June 20-22nd, 2022; Rabat, Morocco

Mohamed V University, Rabat Kingdom of Morocco

Context Overview

The Challenge: Strengthening Women's Access to Justice: Maghreb Countries post-COVID

Navigating everyday justice problems is a complex process. This is particularly true for women, who often face unique social and institutional barriers to accessing justice and finding suitable solutions to their legal problems due to gender discrimination, social stigmas, lack of knowledge of their rights, as well as economic and educational disadvantages.¹ These barriers have been exacerbated even further with the ongoing COVID pandemic, over the last two years.

In the MENA region, access to civil justice is a growing concern, that has been exacerbated further during the COVID emergency crisis, with reduced freedom of movement of women, increased justice gap due to digitalization of the justice system, lagging legal aid, long delays of court cases, and steep resurgence of violence against women as well as other long-standing **demand-driven** barriers, related to employment, housing, education, health, and family life; as well as **supply-driven** relating to the availability of legal education, legal aid, and administration of justice. Civil justice is particularly relevant to understanding women's interactions with legal systems. One persisting issues is that: **the legal system** has to be enhanced to provide remedies that are preventative, timely, non-discriminatory, adequate, and deterring.

¹ Turquet, Laura. Progress of the World's Women 2011-2012: In Pursuit of Justice, (New York: UN Women, 2011), 52-55.

Generally, understanding women’s legal needs and experiences accessing justice provides vital insights for informing policies that address the everyday problems and justice barriers they face. Ensuring equal access to justice fosters both economic development and inclusive growth, and is a crucial component of promoting sustainable development.

Strengthening access to justice across the sub-region requires a collaborative approach of a variety of actors. It is, particularly, essential to enhance the capability of civil society organizations to promote equitable enforcement of a strong and fair legal framework.

At the Maghreb sub-regional level, access to justice and its interface with women’s rights is an area that requires more attention in the context of Maghreb countries. This project will support efforts to enhance the scholarship and capacity building around improving accessibility and delivery to justice through a legal empowerment approach.

Within one demographics in particular, there is great potential to advance civil society’s role in enhancing access to justice: engaging women will revitalize the role of civil society and enhance the ability of these often-marginalized groups to effectively participate in decision-making and the development of rule of law. **Protecting the rights of women and empowering them to be active community leaders is key to fostering robust rule of law.** In the United Nations Development Program Arab Human Development Reports, gender inequality was identified as one of the main obstacles to development in the region. In many MENA countries, the rights of women are restricted, if not in law, in practice. More than men, women are also unaware of their rights or the services available to them because of a lack of interaction with state institutions. Although significant advances in social indicators such as political participation and legal rights have been recorded over the past years, the gender gap remains one of the most prominent challenges for the region.

Case of Morocco: The Moroccan Constitution guarantees access to justice to every person in ‘defense of their rights and of their interests protected by the law’.² This includes all juridical acts of an individual nature as long as they are brought within the proper jurisdiction.³ The Constitution further defines access to justice to include due-process guarantees, ensuring an equitable process in a reasonable amount of time to all people.⁴ The judicial process is designed to be independent from legislative or political pressure, rendering decisions according to impartial application of the law to the facts at hand.⁵ Despite the admirable structure, goals, and ideals of justice within the Constitution, in practice courts have faced a myriad of obstacles in administering justice and these barriers are exacerbated when it comes to women due to other social and patriarchal practices.

² Morocco Const., 2011. Art. 118.

³ *Id.*

⁴ *Id.* Art. 120.

⁵ *Id.* Art. 108-110.

The Forum will support the empowerment of women leaders from the legal field from Maghreb countries to take a leading role in civil society development by ensuring that they are aware of their rights and capable of advocating and realizing greater legal protection for women, including through cross-country and cross-disciplinary exchanges throughout the workshop.

Date, Location, Format

Three-day workshop in-person in June 2022 in Rabat, Morocco at Mohamed V University.

Overarching Objectives

The workshop will cultivate connections between over 50 sub-regional women leaders from CSOs, ultimately resulting in the creation and implementation of tangible “action plans” to enhance women’s access to justice in the sub-region. We will execute a comprehensive post-conference strategy that will center around launching and maintaining an **online community of practice** at the Maghreb sub-regional level to continue to exchange experiences, and knowledge sharing on solutions to deliver friendly user justice. Also, the project will request country Briefs’ submissions from participants on challenges and good practices in addressing women’s rights through access to civil justice (e.g. family law) to be featured in a special edition of Mohamed V University Faculty of Law Journal in coordination with CNDH.

It is important to examine the common obstacles to women’s access to justice in the broader sub-region to present a holistic view of the intersectionality of legal, political, and socio-economic trends and their effects on women’s access to justice. In particular, focusing on the Maghreb countries, rather than the wider MENA region, offers a useful and sharper comparison. The shared and interrelated histories and political trends of the Maghreb states, as well as their similar sociopolitical and economic structures, form a unique and distinctive focus point within a wider regional context.

The two objectives for this project detailed below are closely interrelated and complementary. For example, strengthening the capacity of civil society to advance rule of law will be achieved, in part, through building strategic multidisciplinary partnerships.

- **Strengthen the capacity of women’s civil society organizations practitioners to advance rule of law and access to justice for women:** The workshop aims to strengthen the ability of civil society to improve rule of law and access to justice in the sub-region.
- **Build strategic and sustainable multidisciplinary partnerships:** Our multidisciplinary approach encourages collaboration among women CSOs that have not, necessarily, collaborated on the access to justice front. Following this inaugural sub-regional workshop, we will convene a *Maghreb Women’s Access to Justice Community of Practice* to further the cross-fertilization of experiences and follow up on proposed recommendations.

A Lasting Impact

The organizers will develop a comprehensive post-workshop engagement strategy to ensure the gains made at the sub-regional convening are sustained and enhanced, namely through a virtual format via the online *Community of Practice*, and documenting good practices from the Maghreb countries through an inspirational *film documentary*, including:

- **Sharing Justice Solutions:** Maintaining close contact with key participants for each activity stream to ensure action plans achieve their stated outputs and outcomes. The *online Community of Practice* will facilitate communication between the participants cohort and allow for progress sharing. The online platform will also serve as an external page on women's access to justice in the Maghreb information hub, and challenges to strengthening civil society's ability to further rule of law in the year ahead. The website will keep track of what works, what barriers prevent solutions to solving women's civil justice problems, and emerging good practices to deliver user-friendly justice. Some of the practical areas that will span the solutions sphere, include:
 - *Creating an enabling environment for women's access to justice* through reforming formal and informal legal norms that discriminate against women, including addressing the absence of gender-responsive norms and making the macro environment more supportive of women's justice needs.
 - *Reforming justice institutions* to make them effective, accountable and gender-responsive as front-line points of contact.
 - *Legally empowering women* through actions which are important for sustaining the first two entry points. These include empowering women with the tools to know, claim and exercise their rights and extending knowledge of women's rights to men, youth and community power structures.
- **Interconnected Women's Access to Justice Community:** In addition, the *website/Community of Practice* created to garner interest in the lead-up to the event, will serve as a mechanism to maintain connection between conference participants once the conference is over. The organizers will post video and audio podcast of the conference and related materials (such as action plan reports, PowerPoint presentations, and related studies from the participants) as well as a professionally produced film documentary to capture good practices emerging from these countries through women CSO voices. Thus, the website will be useful to a broad range of actors across the MENA region and others seeking information on how best to promote effective rule of law.

Using the workshop and the interactive website as a launching pad, we will also leverage the multi-country partnerships developed to:

- Form national follow-up committees and continue communication with civil society institutions, with a targeted focus on women;
- Adopt and publish multidisciplinary research studies dealing with the rule of law and access to justice for women developed by conference participants; and
- Hold seminars and public lectures in the framework of an educational campaign on women's access to justice



Draft Agenda

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DAY I June 20th, 2022

- 9:00 – 9:30 AM** **Registration of participants**
- 9:30 - 10:00 AM** **Welcoming Remarks (Workshop organizers)**
Orientation Session for Moderators and Rapporteurs (Closed session)
- 10:00 – 10:30 AM** **Opening Invocation: *Many Roads to Gender Justice in the Maghreb-Interface between International, National, and Traditional Justice Mechanisms***
[Main issue to be discussed: within the Maghreb sub-region, how will the future direction deal with the different sources of law – including addressing post-COVID challenges and combining secular and Islamic laws]
- 10:30 – 11:30 PM** **Keynote Panel I: *JUSTICE REFORM USING A MULTI-DISCIPLINARY APPROACH-CASE STUDY OF MOROCCO***
[Reform of the formal mechanisms of justice including (policy/legal, institutional reform); focuses on strengthening the independence and integrity of both formal and informal justice systems, making both more responsive and more effective in meeting the needs of justice for all—especially vulnerable individuals i.e. women. Morocco's landmark initiatives have made significant headway in the area of judicial reforms which go beyond the judiciary and encompass the entire justice system, following an inclusive multi-disciplinary approach.]

11:30 –12:00 PM

Coffee Break

12:00 – 2:00 PM

WORKING SESSIONS (Small Breakout Sessions by theme)

Output: *Concrete Recommendations on how to develop an action plan for access to justice programs in Maghreb countries; Partnerships-recommendations on how to expand the community of practice (including the electronic network) to increase its impact in strengthening access to justice; Recommendations on what (new) areas/programs to support the role of CSOs to enhance access to justice efforts*

Process: *Within each breakout group develop action plans to strengthen women's capacity to seek justice remedies (i.e.: Legal Aid, Legal Awareness & Empowerment through CSOs). List key partners and partnership strategy.*

Group One: Women's access to justice in legal frameworks

Group Two: Gender justice in practice: Institutions for accountability

Group Three: Access to justice solutions: Cross-country examples (e.g. women legal empowerment like legal assistance initiatives, reforms of justice institutions)

2:00 –3:00 PM

Lunch Break

3:00 –3:15 PM

Recap of the Day/Adjourn Program

DAY II

9:30 – 10:00 AM

Registration

10:00–11:30 AM

Keynote Panel: *Why Does the Rule of Law Matter to Women?*

Key Barriers & Innovations in Access to Justice, Awareness and Empowerment
(This panel will provide a forum to discuss access to justice innovations in supporting women in the Maghreb sub-region. The discussion will span the specific challenges, issues and lessons learnt related to access to justice across the sub-region; and take stock, showcase and learn from the existing A2J experiences, mechanisms and practices globally that could be adapted to the Maghreb country context. The discussion will be built around the following A2J sub-areas: (judicial reforms, legal aid, access to information, and alternative dispute resolution mechanisms). Issues will be addressed through the prism of national, international, and traditional justice.

11:30-12:00 PM	Coffee Break
12.00-2.00 PM	<p>Breakout Groups: Continue from Day I with a focus on recommendations Towards gender justice enabling Environment <i>by Group</i></p> <p><i>(These forward-looking recommendations focused breakout groups will focus on how to operationalize an enhanced framework for gender justice)</i></p> <p>Group One: How to create an enabling legislative (de jure) environment</p> <p>Group Two: How to create an enabling institutional (de facto) environment</p> <p>Group Three: Access to justice solutions: Cross-country examples (e.g. women legal empowerment like legal assistance initiatives, reforms of justice institutions)</p>
2.00-3.00 PM	Lunch
3:00 -3:15 PM	Recap of the Day/Adjourn Program

DAY III

9:00 - 10:00 AM	Registration and Coffee Service
10:00-12:30 PM	<p>Plenary Session: Group and Country Presentations</p> <p><i>(Presentations will be based off the country submissions that participants prepared for the workshop)</i></p> <p><i>Launch of the Maghreb Women's Access to Justice Community of Practice</i></p>
12:30-2:00 PM	Lunch
2:00- 3:00 PM	Forum Adjourns

For more information, please contact us at: contact@arpainternational.org