

Moroccan New Family Law Fails to Stop Polygamy

A new Moroccan family law has so far failed to curb polygamy despite its strict provisions as Moroccan national Mohammed found it not pretty difficult to get married to a second wife who is far elder than him.

Mohammed, 51, says, "This is my right that has been guaranteed to me by God and nobody can stop me from doing this. 'I still love my first wife and will never abandon her; however, when I met my second wife I felt love was invading me again.

It was much better for this new love to subsist within the bounds that please God and his prophet."

Many Moroccan and foreign human rights activists describe the new family law enacted by the Moroccan government late 2003 as "a peaceful social revolution." The 2003 law provides a set of tough conditions on polygamy that are sometime regarded as prohibitive. Women are also allowed to marry without their guardian's consent under the 2003 law while the minimal age of marriage was raised from 16 to 18 years. Women were also given the right of custody of young children.

While many women activists had hoped that the new legislations would outlaw polygamy, the new law only restricted it by imposing stringent provisions on aspirant polygamists. Some of the anti-polygamy conditions highlighted in the law is the ability of the man to ensure fair treatment of the first wife and her children in all familial and life matters, as well as give an acceptable rationale justifying his second marriage.

Women have also the right to write to ask for the prevention of her husband from marrying a second wife while she is married to him under the new law. And in case there was no previously written agreement, the first wife should be consulted for giving her agreement while the second wife need to be informed that her husband is already married to another woman. First wives also reserve the right to seek divorce in case their husbands are marrying a second wife on grounds of the harm associated with the new marriage.

The official statistics, nevertheless, show that the number of requests lodged by men seeking second wives totalled more than 4000 polygamist requests in 2006. More than 3339 files were being reviewed of which 1450 files were accepted while 1889 were rejected.

It is difficult to draw a comparison between polygamy trends in Morocco before and after the enforcement of the new law due to the lack of accurate statistics.

A source from the Moroccan ministry of justice, who requested anonymity, said: "We don't keep accurate statistics for the number of requests submitted since the entry of the new law into force in 2004." He added that recording polygamy cases only began in 2005. Requests were not registered prior to 2003. The source concluded: "It's therefore impossible to draw comparisons between

the trends of polygamist marriages in Morocco. It is yet difficult to eradicate polygamy in Morocco for some economic and social considerations."

"The Moroccan law has made a serious attempt to reduce the cases of polygamy, but there is a legal vacuum that can be manipulated by citizens to seek second marriages," said lawyer Hassan Halhul. "Many men stick to the Islamic jurisprudence dictated by the Koranic texts that urge polygamies. Even the poor people marry second wives



despite their difficult economic conditions."

Halhul noted that it would be difficult to wipe out polygamy as long as there is a Koranic text that legalises it. Many analysts believe that it is difficult to stamp out polygamy because of the nature of the ruling establishment in Morocco. The Moroccan monarch, Mohammed VI, who's also the commander of the believers under

the Moroccan constitution, said he cannot legalise what God has outlawed or illegalise what God has permitted when the new law was announced in 2003. Judges can approve polygamies if permission is given by the first wife. However, family legal affairs experts say that in order to curb polygamy there should be tougher restrictions than the simple written permission of the first wife, including wives attendance in person to declare their agreement before the judge. Some analysts say that polygamy is associated with the traditional ways of thinking and norms coupled with the economic conditions of the country. There are some women in Morocco who accept to see their husbands marry again to retain the status

of administrator of households and mothers. A second category of women adhere to the Islamic jurisprudence and thus allow their husbands to get married for the second time. In rural Morocco, a good harvest sometime would tempt farmers to have second wives as a way of associating between the fertility of land and women.

Human rights activists, however, have not lost hope to see polygamy completely outlawed. "Polygamy law is one of the most unfair of legislations we hope to see eradicated entirely since it respects neither the feelings of women nor their humanity," said, Khadija Ruwaisi, a Moroccan human rights activist and the chief of the Wisdom House Society. "Islam doesn't forbid polygamy, but God has made strict conditions on it that are closer to being prohibitive. This includes, for example, ensuring justice, which God firmly asserted; and justice is difficult to achieve as when God said ... and you will not be able to be fair."

Many women activists agree that there're several problems associated with polygamy, noting the law is good, though it is not enforced as it should be. "The problems are normally related to the change of mindsets and the fight against bribery, poverty and illiteracy, particularly among women, activists say.

Some Moroccans try to get around the law by manoeuvring its flaws. Some may bring the second wife to the court while she's pregnant in order to press the judge to approve the marriage request on the legal justification of establishing the recognition of the inborn foetus. Activists say that the spread of bribery in Morocco is easing the process of violating the restriction imposed by the new law on polygamists. A recent report by the Moroccan chapter of Transparency International put Morocco in the 72 rank out of 163 countries in its global bribery index.

"I didn't encounter any obstacles when I was preparing to marry my second wife," said Mohammed. "It's quite right that the procedures are becoming tougher and I had to travel several times between the court and my wife, but we reached a satisfactory solution for all of us."

Morocco Launches Emergency Road Safety Plan

By Sarah Touahri

In a bid to improve safety on Morocco's roadways, the government has drawn up a new 1 billion-dirham emergency road safety plan for 2008-2010.

Adopted in Rabat, the plan is aimed at reducing the current increase in road accidents initially and then ultimately reversing the trend. An average of 10 people die and 200 are seriously injured every day on Morocco's roads.

Azzedine Chraïbi, Permanent Secretary of the National Committee for the Prevention of Road Traffic Accidents, said the road safety campaign is aimed primarily at tackling non-compliance with the country's Highway Code.

The government has stressed the importance of implementing the draft code, an effective legal framework which officials say will guarantee the legality of all measures taken with regard to road safety. One of the main features of the code is an attempt to tackle repeat offences by expanding the use of spot fines and agreed fines

which are generally collected immediately – a practice most drivers oppose. "There's already corruption as it is. If they increase fines, it'll get out of hand," said teacher Samid Berrahou.

The plan also includes a number of other measures, including some aimed at saving the lives of people in vulnerable categories, such as pedestrians and drivers of two-wheeled vehicles. Some relate to roadside amenities, such as the introduction of new vertical and horizontal road signs in towns.

Local authorities have also been asked to make road safety central to their strategies, while a new government handbook has been published to standardise road sign design. Road checks are to be tightened up, with enhanced monitoring to ensure their credibility and transparency, while resources and equipment for checks will also be boosted. The government has also decided to set up a committee headed by the Ministry of the Interior to implement a general emergency telephone service and devise rapid emergency response programmes to

cut down call-out times and make emergency assistance more efficient.

The new three-year plan follows an earlier attempt in 2003 which the government credits with establishing a programme to monitor roads with high incidences of accidents and improving the road network and urban highway maintenance. It was also aimed at making road signage more consistent, tackling accident blackspots, building cycle lanes and revamping the road network.

The country's fleet of rescue vehicles and ambulances also received a boost, with 166 new vehicles. Eleven new emergency medical centres have been opened and 15 rescue centres have also been built.

The Ministry of Transport and Infrastructure is optimistic about the plan, saying that the first phase has already slowed down the rise in accidents. Before its introduction, the number of people involved in road accidents had been increasing by nearly 4.5% per year. This level has since dropped. "If the plan had not been



implemented," said Minister of Transport Karim Ghellab, "statistical projections show the number of people killed would have been 4,490 instead of the actual figure of 3,750."