

Women's Property Rights in Morocco:  
A New Framework for Looking at Gender Equality

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## Chapter 1: Introduction

Strong systems of property rights are synonymous with economic growth and prosperity. It comes as no surprise then that the most prosperous countries top the ranking of the Fraser's Legal System & Property Rights subindex (one of the five areas measured under the Economic Freedom Index). Finland, New Zealand, Norway, Switzerland occupy respectively the first four places. Singapore comes fifth followed by Luxembourg, Iceland and Sweden. (Fraser Institute 2014, pp. 10-14)

The Fraser's Economic Freedom of the World report notes that "Countries with major deficiencies in this area [Legal System & Property Rights] are unlikely to prosper regardless of their policies in the other four areas [Size of Government; Access to Sound Money; Freedom to Trade Internationally; Regulation of Credit, Labor, and Business]." The report adds that "security of property rights, protected by the rule of law, provides the foundation for both economic freedom and the efficient operation of markets." (Fraser Institute 2014, p. 5)

Many studies have made the case for the positive relationship between protection of property and wealth creation.<sup>1</sup> Why is a strong system of property rights particularly important for women in the MENA? Women in this region have less ability than men to own and control property due to a set of social and legal constraints. Insecure property

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<sup>1</sup> "On average, GDP per capita, measured in terms of purchasing power parity, is twice as high in nations with the strongest protection of property (\$23,769) than in those providing only fairly good protection (\$13,027). Once the protection of property shows clear signs of deterioration (moderate protection), even without a totally corrupt judicial environment, GDP per capita drops to a fifth of that in countries with the strongest protection (\$4,963)." (O'Driscoll Jr & Hoskins 2003, p. 9)

rights in most of the MENA countries, undermine women's empowerment, prevent them from participating in the economic and political spheres and from being free and autonomous.

Women's property rights are most insecure in MENA, South Asia and Sub-Saharan Africa (Rockefeller 2013, p. 2). Women in the MENA (as well as in the other regions) lack secure property rights for three major reasons summarized by the Rockefeller Foundation as follows:

Lack of formal legal property rights: an estimated number of 25 million urban women in the MENA are affected by the lack of equal constitutional and statutory property rights.

Lack of the ability to exercise existing property rights: Women in MENA (along with women in Sub-Saharan Africa and South Asia) are the most affected by limited access to formal land tenure, with less than 25% having official title to land. The rate of active formal savings among women is lowest in MENA, 4% of urban women. Access to loans among women-owned formal small and medium enterprises (SMEs) is also lowest in MENA with less than 6%.

Lack of property rights due to customary laws and cultural norms: Despite the existence of laws, women are prohibited from exercising their legal property rights through social pressures and threats. (Rockefeller Foundation 2013, p. 10)

These major reasons perfectly summarize the situation of women's property rights in Morocco; the literature found and used throughout this paper falls under one aspect or another. "Property" is used here, as well as in the literature about

property rights in general, to refer to “the external things of the the world” (land, estate, assets, etc.). However, a cross-cutting issue that is often overlooked in the literature is one’s property in her or his own self, which is considered to be the basic and founding aspect of property rights. The goal of the present thesis is to analyze the situation of women’s property rights in Morocco on the basis of a “comprehensive” definition of property rights accounting for women’s property in their own selves. It identifies and illustrates the obstacles that limit women’s access to property, discusses how they interplay with one another and suggests possible venues for change.

There has been no study done so far to addresses women’s property rights in a MENA country (or any other country) accounting for a comprehensive perspective. My research goal is to bridge this gap by providing a case study about women’s property rights (focusing on Morocco) and setting a new framework to understand and address inequalities. This framework could be used, hopefully, to reform policies and bring about effective change in women’s situation in contexts wherein culture and patriarchy are holding back advancements and limiting government actions.

## Chapter 2:

### Definition of property/ property rights: setting the theoretical framework

There is no universal definition of ‘property rights’. However, most definitions would refer to property, in one way or another, as “that despotic dominion that one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.” (O’Driscoll Jr & Hoskins 2003, p. 4)

Based on this, “a property right is the exclusive authority to determine how a resource is used, whether that resource is owned by government or by individuals.” (Alchian, 2008). Alchian goes on providing the three basic elements of private property : “(1) exclusivity of rights to choose the use of a resource, (2) exclusivity of rights to the services of a resource, and (3) rights to exchange the resource at mutually agreeable terms.” (Alchian, 2008) This would translate, in our specific context, to the following example: a woman’s exclusive rights to chose how to use a land she inherited (whether to cultivate it, to build on it, or to rent it out), her exclusive right to the outcomes of this usage (to the crops, rent income, etc.), and her right to sell it, rent it out, or delegate its ownership to another person without any kind of force or compulsion.

The concept of property rights that is generally referred to and measured, implies property in the “external things of the world”, and generally neglects or overlooks the most obvious aspect of property that is the individual’s property in his or her own person. With this aspect of property not accounted for, we fail to understand, especially as far as women are concerned, the mechanisms undermining property rights related to external things, be it estate or financial assets.

Locke puts forward this aspect in his description of property stating that, “though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person: this no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his.” (Locke, Of Property Book II Chapter 5, p. 1) It is of utmost importance, in the context of patriarchal societies, where women in certain cases are treated like property, to consider and analyze women’s property in their own selves and how it is constrained by both formal and customary laws. The use of what I call a comprehensive definition of property rights is necessary to understand the limitations faced by many women to access and control property in Morocco (and in patriarchal societies in general).

A woman’s property in her own self implies her freedom of movement, her freedom to make decisions affecting her own life (decisions such as marriage, opening a bank account or getting a loan), and her freedom from torture and violence (her bodily integrity). I identify these to be the major aspects of one’s property in her own person. In the case of women in Morocco, which echoes the situation of women in many other places, the three aspects of property in one’s self interact with and undermine the conventional property rights in material things. There is also an inverse relationship by which limited property rights in the latter limit and undermine women’s property in their own selves. These inverse and sometimes simultaneous relationships are captured in the diagram below. It would be incomplete to discuss property rights, women’s in particular, without this comprehensive account of the concept and its interacting components.

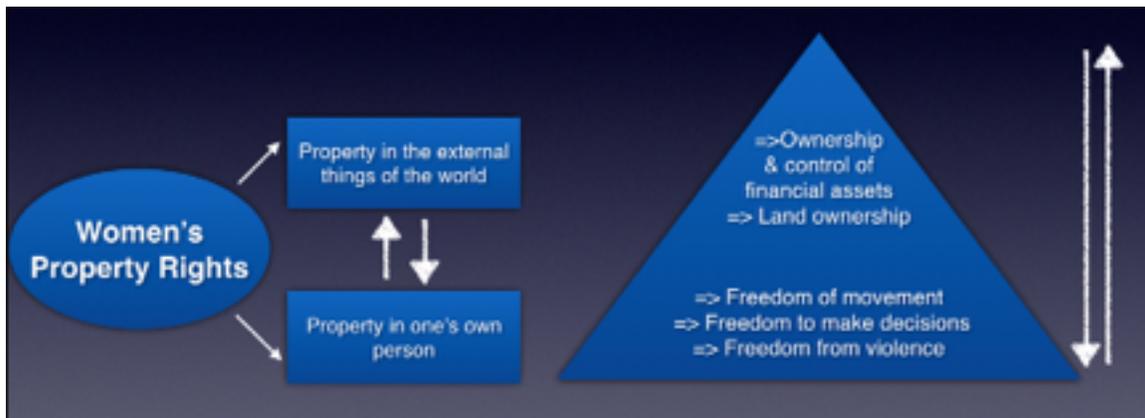


Figure 1: Theoretical Framework for Women's Property Rights

As shown in the diagram, and will be explored later in the paper through a detailed account of the context and practices, there are three major interactions that summarize how the two aspects of women's property rights interact with each other:

1. Women's property rights in one's person serve to reinforce and expand property rights in material things: On the one hand, having more secure property rights in one's own person- that is freedom of movement, freedom to make decisions and freedom from violence- is likely to lead to a more active pursuit of existing property rights in the external things of the world. It is no surprise that women having access to land ownership and financial assets are more likely to be the ones who already enjoy greater levels of the mentioned freedoms (the freedom of movement to open a bank account for instance or the freedom to make a decision to use an inherited land as ones sees fit, not to get married at an early age, etc). On the other hand, enjoying those freedoms, fundamental to women's property in their own selves, may lead to advocacy by women for greater material property rights.

2. Women's property rights in material things can also serve to reinforce and expand property rights in one's person: Although women's property rights in their own selves are considered to be, by the present analysis, a prerequisite for women's material property rights, the latter, if granted by way of enforced laws and adapted policies could eventually lead to greater freedoms and greater levels of self property. If, for instance, inheritance laws are enforced and new policies are enacted to make sure women would have access to their inheritance share, women would have greater resources to be financially independent and freer to move and make decisions.
3. There are also cases in which the relationship is simultaneous: In many cases, the two aspects of property rights, in one's person and in material things, interact with each other in both ways simultaneously. Women's access to financial resources for instance might be inhibited in certain contexts in Morocco, namely in rural areas, by a limited freedom of movement. Simultaneously, not having access to financial resources might entrap women in financial dependency and further limits their freedom of movement.

Women's property rights in their own selves can serve to reinforce and expand property rights in material things and vice versa. These linkages are further analyzed throughout the paper providing for a new framework that looks at gender inequality from a different perspective. Women's property rights provide indeed for a framework that helps identify the problem of structural inequalities in terms of rights which the state can and should intervene to protect. In this sense, the framework offers a perspective that

brings solution to the roots of the problem. To address the issue of inequalities from a global perspective could be inefficient, counter-productive and even contraindicated. The conservative, patriarchal and somehow tribal nature of the Moroccan society makes the global debate about equality and women's rights very difficult and unable of providing effective and realistic policy recommendations. A gradual and incremental approach is, I deem, better adapted to create change in such societies. Promoting property rights, as universal and inalienable rights that both women and men ought to enjoy, would strengthen Moroccan women's role and capacity to change and create change within society. When Moroccan women enjoy their property rights (property in their own selves and in the external things of the world including land and financial assets), the stage would be set to improve their capabilities to take active role in the economic and political spheres. This improvement would indeed come as a natural result of a context favorable to women's emancipation. The framework of property rights is presented in my research as a lever for action rather than a global approach for change.

## Women's property rights related indices

It is interesting to look at the ranking of countries according to indices measuring property rights (taking no account of gender inequity) and analyze how this ranking is completely altered when more gendered indicators are accounted for. The Human Freedom Index for instance, HFI, developed by a group of organizations working on the topic, is "the most comprehensive freedom index so far created for a globally meaningful set of countries." (The Human Freedom Index 2015, p 5) The HFI accounts for both economic freedom and personal freedom that includes subindices related to women's freedom of movement and women's security (including 'Inheritance'). While no gendered indicators are used to calculate the Economic Freedom Index (of the Fraser Institute), the HFI provides a more complete picture by combining the Personal Freedom Index and the economic one. By this new, more comprehensive index of freedom (HFI), Jordan for instance is ranked 118 (compared to 10 by the Economic Freedom Index) which is more reflective of the situation of women's freedom in Jordan, a situation that greatly interferes with their property rights. Morocco's ranking changes from 109 out of 157 countries (Economic Freedom Index) to 121 out of 152 (HFI).

More specifically related to women's property rights, the International Property Rights Index-Gender (IPRI-GE), developed by the Property Rights Alliance, accounts to a great extent for the different aspects of women's property in their own selves. (Property Rights Alliance, 2015) Existing OECD sub-indices related to 'women's social rights', 'access to land ownership' and 'access to bank loans' are used to calculate a 'Gender Value' that is then inserted in the IPRI formula to produce a gendered and more complete version of the situation in 124 countries. The following table, created using the data made available by the Property Rights Alliance, provides a snapshot of the general situation of women's property rights in the MENA region:

| Country      | IPRI Value | Rank INDEX | Gender  | Gender | IPRI-GE Value | IPRI-GE Rank |
|--------------|------------|------------|---------|--------|---------------|--------------|
|              | 2015       | IPRI 2015  | (Value) | (Rank) |               |              |
|              | 0-10       |            | 0-10    |        | 0-12          |              |
| ALGERIA      | 4.08       | 104        | 4.19    | 136    | 4.92          | 108          |
| BAHREIN      | 5.82       | 47         | 6.00    | 98     | 7.02          | 48           |
| EGYPT        | 4.13       | 102        | 3.37    | 154    | 4.81          | 109          |
| IRAN         | 3.97       | 108        | 3.73    | 146    | 4.71          | 110          |
| JORDAN       | 5.85       | 45         | 4.11    | 139    | 6.67          | 60           |
| KUWAIT       | 5.20       | 60         | 7.07    | 79     | 6.61          | 61           |
| LEBANON      | 3.47       | 119        | 4.35    | 133    | 4.34          | 116          |
| MAURITANIA   | 3.77       | 113        | 3.85    | 143    | 4.54          | 114          |
| MOROCCO      | 5.15       | 63         | 5.65    | 107    | 6.28          | 68           |
| QATAR        | 7.49       | 18         | 3.86    | 142    | 8.26          | 26           |
| SAUDI ARABIA | 5.98       | 36         | 3.70    | 148    | 6.72          | 57           |
| TUNISIA      | 4.64       | 77         | 4.25    | 134    | 5.49          | 92           |
| TURKEY       | 5.26       | 58         | 9.84    | 40     | 7.23          | 46           |
| UAE          | 7.30       | 21         | 3.67    | 149    | 8.03          | 29           |

Table 1: Gender and International Property Rights Index

### Chapter 3: Women & Land Ownership in Morocco

Property includes in general immovable assets (property that cannot be moved such as land and buildings), movable assets (such as jewelry, business equipment, house appliances), and financial property (and this includes cash and monetary assets). (Rockefeller Foundation 2013, p. 3) Land is the most relevant type of property for women in Morocco and the MENA region for different reasons. First, because women have legal rights to inheritance of land, so access to land is theoretically guaranteed by the law, which makes it less difficult than in other contexts. Second, because land generates wealth (could be cultivated, rented out, used for construction), which is more likely to empower women socially and economically. Third, land could be used as a collateral to get loans from financial institutions, which is not the case for movable assets. Land is as a matter of fact the most relevant material property to women's property rights in that it has the greatest potential of empowering women given the status quo.

In all the MENA countries, the Shari'a<sup>2</sup> based inheritance laws guarantee women their share of all the deceased's property including land. However, a set of factors, both socio-cultural and legal, prevent women from exercising their existing rights to access their property and use it as they wish. The prevailing customary laws in many countries, the complexity of land registration, the lack of information and the limited freedom of movement are all factors that undermine women's property rights in the MENA. Out of eight world regions, as classified by the FAO, MENA records the lowest rates of female

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<sup>2</sup> A set of laws derived from the Quran and teachings of Prophet Mohammed.

agricultural holders.<sup>3</sup> A rate of 0.8% of female agricultural holders is registered in Saudi Arabia, 3% in Jordan, approximately 4% in Algeria and Morocco and the highest rate in the region is recorded by Lebanon, 7.1%. For a sense of comparison, 18% is registered in Malaysia, 12.8% in India, 34.7% in Botswana and 50.7% in Cape Verde. (FAO 2015)

In some regions of Morocco for instance, (villages in the region of Tasoute, the southern region of Marrakech and the Rif), daughters (of the deceased) cede their inheritance share to their brothers or do not claim it leaving it as common property. They sometimes “chose” to do so in order to keep good relations with their brothers and to maintain the family support and protection, or they feel forced to do it under social and family pressure. (COHRE 2006, p. 79) The widow (especially when she does not have children) is often denied her right to inheritance by her in-laws and could be even expelled from the matrimonial house. (FAO 2015)

Land has particular status and connotation in Morocco and in the MENA region in general. “Land is not regarded merely as a piece of property or as a means to satisfy material needs; rather, it is seen as requisite to confirming one’s ancestry, lineage and place in the community, indeed, one’s fundamental identity.” (COHRE 2006, p. 79) As such, and given that daughters get married and widows might remarry again, they are deprived of their inheritance share that would be eventually enjoyed by their husbands and children belonging to different lineages. Women in Morocco generally comply with the de facto rules, especially in rural areas where female illiteracy rate is 60.4% (HCP

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<sup>3</sup> “The civil or juridical person who makes the major decisions regarding resource use and exercises management control over the agricultural holding.” (FAO 2015)

2016, p. 6), which hinders to a great extent access to information. In some cases, they do claim their rights by both judicial and non-judicial means. (COHRE 2006, p. 80)

Although, in Morocco, obstacles preventing women from accessing their rightful share of land are mainly pertaining to customary laws and the lack of information, there are also cases where formal laws are discriminatory. In Morocco, collective or communal lands (“owned by a group of inhabitants belonging to the same lineage [tribe]”) are governed by a particular set of laws that comply with the tribal traditions. The right to exploitation of these lands (a total area of 10 million acres) is only inherited by men. (COHRE 2006, p. 78) In addition, the formal law related to “hyazat”, possession, is also discriminatory. The Islamic jurisprudence based law stipulates that any person living in or cultivating a land for a non-interrupted period of 15 years, would benefit from the right to exploitation of this land, called “hyazat” to be formalized by two notaries in the presence of witnesses. The law requires 12 witnesses to formalize the exploitation rights for men and 24 for women. (FAO 2015) This inequality is grounded in misogynistic interpretations of the religious text and entrenched cultural practices.

Land ownership in Morocco is governed by a body of regulations combining both formal and customary laws, which creates confusions and hurdles to which women are particularly vulnerable. There are four types of land tenure recognized by the law in Morocco (USAID 2010, p 6):

*Melk* (Arabic for ownership), which corresponds to the conventional private ownership and its implications including the right to exclusive possession, use and transfer. This type of land tenure covers about 28% of Morocco’s lands, which

includes 76% of agricultural land. Most of it is owned jointly by several family members and by religious orders. In the latter case, the *Melk* is referred to as *Habous* or *Waqf* (*endowment*), and is a donation by wealthy individuals to religious institutions that cannot be sold but used to generate income.

*Collective land*, represents about 42% of Morocco's land and is owned collectively by tribes; it cannot be alienated outside the tribe. This type of land only implies usufruct rights 98% of the land is though individualized and heritable.

*Guich land* (*guich*=Arabic for military), refers to the land that was originally given by the monarchy to members of the military. "The land is within the private domain of the state with occupants holding use-rights. Over time, the state has retaken a large portion of *guich* land, in exchange giving the occupants freehold rights to a smaller parcel of land. The rights of occupants of the remaining parcels (mostly near cities) are considered insecure; based on past practice, the state will likely look to the remaining *guich* land to meet land needs for urban expansion and peri-urban development." (*guich* lands fall under the tribe property)

*State land*, represents about 30% of Morocco's land and includes roads, parks, forests, etc. and land held in the state's private domain. The latter includes agricultural land, expropriated land, and land used for government functions. "Leaseholds on state land are available for periods up to 40 years".

This categorization is the culmination of a long historical process of “interaction” between the central power and tribes on the one hand and the process of state formation within that context on the other hand. The region of the Maghreb was originally, before the formation of modern states, characterized by its tribal structure. In Morocco, tribes and central power had always had a conflictual and rival relationship. Central power, represented by the Sultan, used every means to subdue the tribes and include them in their tax realm; the tribes responded by rebelling against the Sultan and refusing to pay the imposed taxes. Alliances were then made and broken among tribes, and between tribes and the Sultans, according to the power balance in place. Charrad extensively analyses these processes using the dichotomy between land of government and land of dissidence (bilad al-makhazan vs. bilad al-sibs). The former refers to “areas of submissiveness” that accepted the sultan’s authority and the latter to “areas of defiance”. Charrad notes that there were also “pockets of defiance in areas of submissiveness”. (Charrad 2001, p 103)

Tribal politics in the Maghreb (as well as in the Middle East) is very much underpinned by the principles of unity and kinship. These principles have been embedded as noted by Charrad in a number of patterns, including patterns of residence and above all patterns of ownership. Women have been “a significant part of these patterns and, through endogamy, have contributed to the stability of the land holdings owned by the patrilineal kin group .” (Charrad 2001, p 73) It is interesting to observe how tribal politics and tribes’ ownership patterns are shaped by women’s marriage patterns. Tribe’s survival

(defined by its position in the power game which is determined in its turn by land ownership) rested very much on the control of these patterns, and hence of women' lives.

Endogamy has been used by tribes in a way to get around the Islamic law granting women inheritance rights. Women's inheritance share was kept under the control of the tribe, of men, through marriage. Women, have had access, at least indirectly, to tribal land when they are married from the tribe as they are financially supported by their husbands. Non-married women used to live in the same household, with the extended family, also benefiting, indirectly, from the land generated production and income as they were financially supported by the head of the household. Charrad refers to studies of household size that show that "the extended kin group remained important as a residential unit as late as the 1950s in several regions of the Maghreb." (Charrad 2001, p 73) Residency patterns, supported by a set of cultural and social factors, contributed in sustaining land ownership patterns for a long time. The process of urbanization started in Morocco in the 1960s and was accompanied by the emergence of 'nuclear family' as the new family structure undermining and replacing progressively extended family households. These processes (urbanization and change of the family structure) disrupted the old ownership patterns and replaced them with more individualized ones leaving out of the equation non-married women.

Although the Moroccan family and tribal structure have undergone major changes throughout the last century due to the political process of state formation and other socioeconomic processes such as urbanization, land ownership patterns excluding women have not changed much. However their negative impact on women's and sometimes their

children's lives and well being have become more evident and inescapable. It is of no surprise if we know that collective lands are still governed under the same law that governed them in 1919, promulgated by the French "Protectorate" at the time. The *Dahir* enacted on April 27, 1919 has transformed tribes' territories to "inalienable property" of tribes under the tutelage of the Ministry of the Interior. The patrilineal rules related to land usage, that could be traced back to the time before the penetration of Islam in the 7th century, were made statutory and inalienable. (Berriane 2011, p17) Although the *Dahir* does not specify any rules related to the management and usage of collective land, it acknowledges tribes' rights to handle their property according to their *Urf* (tradition). The apparent language is not discriminatory but it implies and legalizes discriminatory practices that are knowingly part of the *Urf*.

The colonizer's motivation behind the *Dahir* was mainly political, to bring the tribes under the control of the state through the tutelage of the the Ministry of the Interior. Expropriation of land from tribes, although it only happened in few instances, was a way to react to dissidence. (Bouderbala 1996, p 151) Given the colonizer's reluctance to use this measure, expropriation, one could say that the law had more of a deterring and controlling function. It is interesting to note that a series of measures cutting off tribes' property and limiting their access to resources, in the name of building the "modern state", preceded the *Dahir* of April 1919. After tribes were able to access and use the extended spaces surrounding them, these spaces were suddenly limited by roads, train tracks and administrative boundaries with no access to forests that were made to fall under the private domain of the state. (Bouderbala 1996, p 146) Acknowledging tribes'

rights to some of the land they had initially access to, while keeping them under the control of the state was finally a smart, well thought out move that was informed by the French experience in Algeria. Indeed, the excessive expropriation of Algerian tribes had had negative impacts [a more active resistance that led to bloodily confrontations] that France wished to avoid in Morocco. (Bouderbala 1996, p 151)

The *Dahir* at the time did only acknowledge (and put under control) the existing tribal structure, tradition, and power balances. Women did not have direct access to land but they were financially supported by the head of the household; this was part of the tradition. The tribal structure has dramatically changed since then and it is almost only the name that is left out. However, the *Dahir* is still the law governing collective land in Morocco. Although important legal changes happened in the last two decades in favor of equality and women's rights, the situation of women's access to land in Morocco is still unsatisfactory. The relationship of longstanding tension and competition between the autonomous tribes and the central power has shaped politics in Morocco, the process of state formation and to a great extent the legal environment.

As stated earlier, collective or communal lands represent the greatest share, 42%, of Morocco's land. The figure makes more sense in light of the historical context provided above. This type of land tenure happens to be the one that most alienates women as usufruct rights and inheritance rights have been transferable to men only according to customary law acknowledged and protected by the statutory law (the *Dahir*).

Only in 2012 was this rule "reversed" to include women, although not yet in practice. The process started in 2010 with the ministerial circular number 60, issued on

October 25, 2010, to benefit women from the income generated from the use of land (transfer or lease). Another ministerial circular (number 17) was issued on March 30, 2012, to give women usufruct rights and inheritance rights to collective land. (Ministry of the Interior, 2012) However, it has been proven hard to put these circulars to work because they are not laws and so cannot be enforced. According to the Moroccan Ministry of the Interior itself, major challenges hinder the implementation process: 1- some Communal Delegates rejecting the requests presented by many women and refusing to add women's names to the list of "right holders" to access to and benefit from communal land. 2- Many women not submitting requests at all. 3- Women's share in the communal land varying from one commune to another. Indeed, in the absence of legislation, communes decide on their own on the share to give to women and this varies from one "share" - equivalent of half of a man's share- to one third, which is equal to one sixth of a man's share. (Ministry of the Interior, 2012)

The 2010 and 2012 ministerial circulars were the direct result of the struggle of a Moroccan women's land rights movement, *Soulaleyyate Women* (women issued from/living in ethnic groups/tribes), supported by a national women's rights NGO, ADFM (Democratic Association for Morocco's Women). More than 900 women from different tribes and provinces all across Morocco protested in front of the Parliament on Thursday, 2 July 2009 to advocate for their rights in communal land. (ADFM, 2009) In 2011, on the International Women's Day, a rally was organized, in the capital Rabat, by *Soulaleyyate* women to advocate for their inheritance rights to communal land. (GolbalPost, 2012) Although these protests and continued advocacy efforts had led to the Minister of the

Interior issuing the two circulars, *Soulaleyyate* women still widely suffer from the non-enforcement of the circulars.

There are a lot of stories that reflect what these women have had to suffer because there are no laws to protect one of their basic property rights. There is no better illustration of this than voices of women themselves who shared their stories with NGOs and journalists hoping they would reach decision makers but also other women who have not yet spoken up.

Rkia Bellot, who was 66 in 2012 when she was interviewed by a GlobaPost journalist, is one symbolic figure of the *Soulaleyyate* women's movement since she was the one who first launched it. In the mentioned interview, Bellot explained that she had supported her entire family since age 20 when her father died. Yet, she received nothing from her brothers when they sold the land. When she went to complain to the tribe leaders, the latter would respond, 'well, we can't do anything, it's the tribal law.' "Bellot sought help from a lawyer in Rabat, but he told her that chances of success through the legal system were slim." She went then, along with a small group of women, from her hometown Kenitra, 25 miles away from the capital Rabat, to seek help from ADFM. The latter adopted the cause, trained Bellot and her colleagues on advocacy skills, supported the organization of sit-ins in front of the Parliament in Rabat and expanded their support program to include women in rural areas across the Kingdom. Bellot first organized a protest including 500 women in 2007.

Her advocacy efforts supported by the ADFM and other civil society organizations have drawn both national and international attention. On one of her visits to

Morocco, Michelle Bachelet, then the Executive Director of the UN Women's Program, delivered a special address to the *Soulaliyyate* women, "you, the *Soulaliyyates*, succeeded in mobilizing the media and public opinion against the violation of your rights. I congratulate you for obtaining official recognition of women's rights." (Global Post 2012) The way to an official recognition of women's rights followed by concrete actions is still a long way away.

Moroccan women are not only excluded from collective land ownership, but also, although not in the same way, from *Melk* (private ownership). The rate of female ownership of land is 7% in urban areas in Morocco while it goes down to 1% in rural areas. (FAO 2015) Although their inheritance rights are established by the law, these rights are not protected and are in many cases skirted around in favor of cultural practices that disinherit women. Given that women's mobility is limited, especially in rural areas, and the perception of men as primary breadwinners, women are generally pressured to give up their inheritance share, or at least their control over it, to their brothers or closest male relatives. Sometimes, private *habous*<sup>4</sup>, was used as a "trick" to exclude women from inheritance by limiting the use of a property to male heirs throughout generations. In 2010, the Ministry of Habous & Religious Affairs issued a new code prohibiting the practice of private *habous*. (Daoudi 2011)

Certain circumstances and legal aspects make the situation even worse for some women. A single mother for instance would lose all her rights to property, including

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<sup>4</sup> a type of religious endowment by which the owner of a property can limit the transfer of its usage to specific members of the family, generally male heirs.

inherited land and assets, as she gets rejected by her family and community. Considered a criminal in the eye of the law, she cannot file any case to proclaim her rights. Indeed, “Article 490 of the penal code criminalizes extramarital sex for women, calling for punishments ranging from one month to one year in jail [...] An unmarried woman’s pregnancy is proof of sexual relations and may lead to criminal prosecution, while the fault of her male partner is not established by law.” (Sadiqi 2011, p 5) In addition to the fact that women have no property rights in their own bodies, they are most likely to lose their external property in land, housing and financial assets when they get pregnant out of wedlock. Rejected by their families and communities with no resources, they are unable to access justice especially since they are deemed to be in violation of the law.

Threat of violence is also present in women’s considerations when they decide not to go against the will of their husbands, and/or male relatives, and claim their property rights via the justice system. Women’s bodily integrity is not sufficiently protected by the law in Morocco and Gender Based Violence (GBV) is still a major issue. According to the Ministry of Solidarity, Women, Family and Social Development, as cited in a report issued by the Freedom House, “17,000 incidents of gender-based violence were reported in the first three months of 2008 alone, 78.8 percent of which were committed by the victims’ husbands. Violence against women instigated by men under the stain of financial difficulties is also on the rise.” (Sadiqi 2011, p 11) In 2011, a national study on the prevalence of violence against women announced that in 2010, 62.8% of women in Morocco, 18-64 of age, had been victims of some form of violence. (HCP, 2011) Besides the societal and cultural barriers that obstruct women’s access to justice in the case of

violence, there are legal aspects that undermine women's trust in the system's ability and willingness to protect them. There is no domestic violence legislation in Morocco and hence no protection orders. Protection orders "allow for removal of the perpetrator from the common home and prohibit contact with the victim," and are considered one of the most effective remedies to victims of violence. (World Bank 2016) In the case of domestic violence, the wife must have witnesses to support her claims to get divorce. Otherwise, the authorities will return her to her abuser's home; it comes as no surprise that domestic violence is underreported. Moreover, a woman's testimony in family matters is given half the weight of man's by the court, even if it is not the case in most civil and criminal cases. (Sadiqi 2011)

Lack of women's property in their own selves, a lack created by cultural practices and formalized by various laws and policies, undermines their ability and rights to access land ownership. The latter is also directly undermined by discriminatory land laws and cultural practices. The same type of obstacles, legal and cultural, limit women's access to the other type of property, which is financial assets (vs. access to immovable assets, including mainly land, that was discussed in this section). Women's property in their own selves is also a cross-cutting issue interfering with women's access to and control of financial assets. This aspect might be even more relevant in this case as property is not systematically guaranteed by the law (as it is the case for land through inheritance), which implies more effort on the part of women to circumvent cultural barriers and structural inequalities to access it. The legal environment remains one of the obstacles though limiting women's access to financial assets.

## Chapter 4: Moroccan Women's Ownership & Control of Financial Assets

### 1. Social context

In the patriarchal societies of the MENA region including Morocco, man is generally assigned, by both cultural and religious norms, the role of breadwinner; even the state promotes this role and enacts laws accordingly. Women, Business and the Law, a World Bank project that measures legal restrictions on women's employment and entrepreneurship, identifies 30 economies with ten or more gender-based legal differences each. 18 of these economies are located in the Middle East & North Africa made out of 19 economies; only Malta is left out. An example of these differences is the Moroccan taxation code. The latter allows for tax deductions specific to men (and not women) determined based on the number of their dependents (these include spouses and children) (Code General des Impots, Art. 74 in World Bank 2016)

In cases where men fail to fulfill this role (assigned by culture, religion, and the state) and women happen to contribute greatly to the household income, everything would be done to satisfy the social expectations although superficially. Men in some cases would then centralize the ownership and usage of all the household assets including women's own earnings. Indeed, women in those cases do not have any control over the money they earn and are obliged to hand it over to their husbands.

Reported statistics show the limited scope of the issue. However, its existence (although in relatively low percentages) is reflective of a context that is not favorable to women's property rights. The issue denotes and results in less economic and social autonomy especially for poor women as the percentage of women not having control over

their earnings gets higher amongst the poorest households. Husbands tend to have more control over their wives' earnings as the household income gets lower. In Morocco, the percentage of women who have no control over their earnings is lower amongst the richest households, 2%, and reaches almost 15% within the poorest quintile. (World Bank 2012, p. 82) Findings from other countries in the region, such as Egypt, Jordan, Yemen and Turkey, show a similar trend.

Different statistics (i.e. IWPR 2010, MOPHP 2015, Department of Statistics 2013) reveal a general trend across the MENA region, Morocco being no exception, as to the profile of women with limited/absent rights "to choose the use of a resource", the first basic element that defines property rights (as explained in the first section of the paper). These women tend to be poor, young, with lower levels of education and residing in rural areas. All these characteristics reflect a low level of agency or property in one's self, fostered and maintained by an economic and social dependency created in its turn by not having property rights in one's earnings.

## 2. Legal context

In some cases, as mentioned earlier, it is the state that limits women's agency and their control over financial assets through policies hindering access. Before exploring the major policies limiting women's ownership of financial assets, it is only fair to give an overview of the progress achieved by Morocco in removing many of the legal barriers that once limited women's economic participation and ownership of financial assets.

To start with, the Moroccan new Constitution promulgated in 2011, enumerates equal rights of men and women. These include the rights to free movement (Article 25)

and to private property, to contract and to entrepreneurship i.e. to private transactions (Article 35). (LDP 2013) These rights were also enumerated in the previous Constitution and in domestic legislation that has undergone major reforms. The revision in 1995 of the Commercial Code giving married women the right to undertake business transactions without their husband's consent was one of these reforms. In 1996, husband's authorization for married woman to enter work contract was abrogated to allow women to work freely. The 2004 revision of the Penal Code criminalizes sexual harassment. (Daoudi 2011)

These reforms were enacted in compliance with the provisions with the international Convention on the Elimination of all forms of Discrimination against Women (CEDAW) ratified by Morocco in 1993. They indeed have removed major legal obstacles that once limited women's economic participation and hence access to and control of financial assets. Another major reform that has promoted women's agency and access to financial assets is the new Family Code, known as Mudawana. Enacted in 2004, the latter is considered to be one of the most progressive legal texts in the region. It has installed the principle of equality between spouses with a focus on the family and children's rights rather than the predominant language of husband's rights in the previous Code. Articles 4 and 51 affirm the shared responsibility of spouses in household management abandoning the obedience rule of the previous code (women were required, by the law, to obey their husbands). Marriage age for girls was increased from 15 to 18 to be equal to the age requirement of men (article 19). The consent of the woman's legal guardian is no more a requirement to complete the marriage under the Mudawana

(articles 24, 25) providing women with the right to make one of the major decisions affecting their lives. The new Mudawana also provides the possibility of a written agreement between spouses on management of property acquired during marriage and its divide at divorce (article 49). Divorce has been made easier for women and men cannot make the decision unilaterally as used to be the case (article 77) (Daoudi 2011)

Repealing the aspects of guardianship, used to be practiced by the father, husband or the closest male relative, affirming thereby women's property in their own selves is, in my view, the major success of the Mudawana. However, the provisions of Mudawana in this sense is still incomplete with major loopholes undermining women's property rights, be it in their own selves or in external assets. Judges have the power to waive the minimum marriage age (article 20) and issue authorizations for parents to marry off their daughters at an age as young as 15. Indeed the number of child marriage cases has not stopped increasing with the Mudawana, growing from 18341 in 2004 to 39031 in 2011. (Moroccan Ministry of Justice and Liberties 2012)

Child marriage is a clear violation of a woman's right to make decision affecting her own life as it retroactively takes it away by marrying her off while she is still a child. Child marriage undermines girls' potential to develop, have control over their own bodies, lives and property, and acquire skills to access financial resources. Although the authorization is supposed to be issued under special circumstances (pregnancy for instance), judges often agree to issue it, which makes sense if we account for the traditional attitudes of the mainly male judiciary. In the most advanced systems of property rights, property in the "external things of the world", movable and immovable

assets, is guaranteed so much so that property in one's self is ensured via laws guaranteeing and protecting individual and civil liberties. It is hard to imagine how a woman could eventually have control over her inheritance share or access to financial assets if she is married off as a child, a case in which she is denied property in her own self and which impacts her life.

Provisions related to divorce, although made easier for women by the new Mudawana, also undermine women's property in financial assets. Under the provisions of the new Mudawana, divorce could be by mutual consent or initiated by either spouse. The latter type of divorce includes *khula*, by which a woman obtains divorce by providing the husband with financial compensation. This category as well as divorce by consent continue to be used by men as an opportunity to extort money from women. (Sadiqi 2012, p 9) The Mudawana provisions do also include the possibility to divide, according to agreed terms attached to the marriage contract, property/assets acquired during marriage when the latter ends. However, due to the high rate of illiteracy, lack of access to information, women, especially in rural areas, are often unaware of the possibility to attach such an extra-contract to the marriage contract. Figures remain very low and do not go over 0.5% of marriages that have the property management contract. (LDP 2013, p 13) The division of assets at divorce, when there is no contract specifying the terms, is not very much in favor of the woman since it becomes difficult to prove her contribution in general and to quantify her contribution in terms of housework in particular. (Daoudi 2011)

### 3. Access to formal financial resources

Both the socio-cultural context and legal environment interfere with women's access to and control of their own income and financial assets. In such a situation, external financial resources become even more relevant for women. Micro-loans and savings accounts have become a major tool for improving poor women's resilience in many countries around the world, and a way to promote their ownership of financial assets. Savings accounts act as a form of insurance, enabling individuals to preserve the value of an asset and utilize it in the case of emergency or simply when needed. (Rockefeller 2013, p. 5) Without savings, women are more likely to be vulnerable and dependent especially when they have been alienated from their inheritance, namely land. Women in Morocco have to face many restrictions, that do not apply to men, in order to have access to, and benefit from, financial services. Despite the kingdom's comparatively advantageous position in the region, the micro-finance sector is a long way from meeting its targeted population's needs, composed mainly of women.

Morocco alone encompasses 80% of the region's Micro-finance institutions (MFI) agencies and 40% of the clients for only 10% of the MENA population. However, micro-finance loans in Morocco barely go over 1% of the total bank loans. (World Bank 2013c, pp.3-5) Women's ownership of financial assets in Morocco and in the whole MENA region is also limited by the low rate of financial inclusion in the region, the lowest in the world. According to Findex<sup>5</sup>, only 18% of MENA adults have accounts at formal financial institutions compared with an average of 43% for developing countries as a

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<sup>5</sup> "a comprehensive database measuring how people save, borrow, and manage risk in 148 countries" (World Bank 2014)

whole. Both men and women in the region are affected by financial exclusion. Women however remain the most affected. A look at the desegregated data reveals that the percentage of adults with a bank account in the MENA is 23 % among men and 13% among women. (MFW4A, 2014) MENA also records the world's lowest rates of urban women's savings accounts, 4%, and of access to bank loans by women-owned formal SMEs, less than 6%. (Rockefeller 2013, p. 10) Women's restricted property rights in their own earnings and in immovable assets (needed as collaterals), namely land, explain both figures.

In Morocco, the percentage of women with bank accounts is 26.7%, which is half that of men, 52%. The rate of access to loans is 3.6% for women and 5% for men. 8.1% of women's accounts receive remittances while 12.1% of men's accounts do. (MFW4A, 2016) Micro-finance remains the only possible financial solution for poor women, at least in theory, to access loans and other financial services. Commercial or conventional banking institutions require collaterals, mostly immovable property, that poor women cannot afford. As one scholar has noted, "SME portfolios in commercial banks tend to amount to about 30% of total lending. The vast majority of this (80-85%) requires collateral [mainly immovable]." (LDP 2013, p18) However, Moroccan women are less likely to own land as explained earlier. The micro-finance sector in Morocco still faces the barrier of government regulations that limit the number of service providers (11 as per December 2015) and hence increase the interest rates that range from 1.2-2.8% per month, which translates to 14.4-33.6% annually. (Miyoshi 2013)

The loan amounts provided by MFIs remain low and women who wish to start and expand their businesses find themselves limited by the MFIs' regulations and the inability to access commercial banks' more substantial loans. Moreover, the existing number of MFIs, with most of them being very small institutions, is still unable to cover all the population especially the poorest women in rural areas who, for lack of information, mobility issues and/or unwillingness to deal with male staff, are unable to access these services. The proposed financial services remain limited as they do not afford women the possibility of opening savings accounts, which, as mentioned earlier, has the potential to improve women's resilience and help them have access to resources when it is mostly needed. Savings accounts could be a solution for women to have more control over their earnings, to accumulate assets and eventually be able to invest in starting income generating activities. Savings accounts could also be the entry point to explore further financial services such as loans. Lack of information and lack of education, in addition to the socio-cultural context and the real needs of women, are not always accounted for by MFIs. The products and services of the latter thereby remain limited in responding to some women's specific needs, especially the poorest women..

With the limited offer of micro-finance and inability to access conventional banks' products due to the onerous collateral requirements, women, especially those with limited or no education, find themselves in the informal economy. An estimate of 50% to 60% of businesses in Morocco operate in the informal economy. (GEM 2009) Those businesses are more likely to be owned by women. Indeed, it has also been estimated that "more than a quarter of women are engaged in the non-agricultural informal

sector.” (EuroMed 2006) Accessing bank loans is one difficulty that Moroccan women face to do business. Other difficulties are related to administrative and bureaucratic procedures as well as to the conservative attitudes within lending institutions, and society as a whole, towards female business owners requiring loans. (LDP 2013) Lack of business skills and financial literacy is also an issue that faces more particularly the targeted population of micro-finance.

## Chapter 5: Policy Recommendations

The state bears responsibility for protecting women's property rights, through enacting equal property rights laws as well as mechanisms and policies to make sure these rights are not infringed upon. Women in Morocco are mostly affected by the lack of property rights in their own persons along with an inability to access existing property rights. The Moroccan government has limited capacity to change discriminatory socio-cultural norms but should be held accountable for equally protecting its citizens' rights even if this goes against the established culture and traditions. By understanding and accounting for the socio-cultural context in which women live in Morocco, that is by using the gender lens, government would be able to make appropriate policies. Based on the earlier analysis, three areas of change are necessary to guarantee equal property rights for women in Morocco:

### Protect women's inheritance rights and land ownership

- Discriminatory laws should be removed (related to communal land)
- Measures that address social and cultural pressures on women to cede their inheritance rights should also be introduced (to enforce existing laws)
- Awareness should be raised and access to justice facilitated

To face the major barriers identified to women's ownership of land, discriminatory laws should be first removed. Laws that allow only men to inherit the usage rights of collective lands should be revised along with the law requiring a woman to present 24 witnesses (instead of 12 for a man) to formalize land ownership .

Measures that address social and cultural pressures on women to cede their inheritance rights should also be introduced. Such measures have been introduced lately in Jordan and are worth mentioning. The Jordanian Shari'a Courts issued an instruction providing "three month cooling off period after the division of inheritance rights during which heirs cannot renounce rights, except in special circumstances permitted by the Sharia Courts. If a woman would like to renounce her inheritance rights after the cooling-off period is completed, the court must first explain the impacts of the renunciation and, in the case of immovable property such as land, the property must first be registered in the name of the heirs before it can be renounced and transferred." (World Bank 2013a, p. 66) Such measures would make sure women are apprised of the necessary information as to the impact of ceding their inheritance share and allow them more time to deal with the social pressures. By making the process less systematic and requiring registration of immovable property in the name of the original owner before ceding it, women are guaranteed their rights and supported to formalize them, which would make it more difficult to give them up afterwards. Raising awareness about the issue and facilitating access to justice for women facing social pressures are also two important measures to protect women's property rights to land.

Remove the legal barriers limiting women's property rights in their own selves

- Revise the provisions of the Mudawana related to marriage and divorce/ management of assets acquired within the period of marriage.
- Reform the laws related to violence/ introduce a domestic violence legislation to make it easier for women to report and get judicial support.

As referred to in the “comprehensive” definition of property rights, having property rights in one’s own person is an important, if not the most important, aspect of property rights in general and of women’s property rights in particular. Without this aspect, all the other property rights are undermined. This point becomes obvious when we analyze women’s property rights in Morocco where some laws and cultural practices undermine women’s agency. Women’s property in their own selves need to be confirmed and protected by the law. Child marriage is a major issue that should not be allowed by the justice system. The provisions related to divorce should be revised to make it possible for women to dissolve a union they do not desire anymore without having to give up their financial assets. The Mudawana provisions related to marriage and divorce should be revised to enable women to have control over their own lives and own back themselves. By so doing, women will have easier access to external property. Moreover, laws pertaining to violence in Morocco should be able to acknowledge the private setting in which GBV might take place and the difficulty to prove it the same way other types of violence are proven. Making it almost impossible for women to prove it happened, impacts on reporting and exposes women to danger. This is why there is an urgent need for a specific legislation on domestic violence allowing the victims to prove it when it takes place and to require protection orders. Criminalizing consensual sex out of wedlock has more serious implications for women and sometimes their children who might find themselves in situations of dire financial hardship. Reforming these laws would certainly improve women’s access to property.

### Protect and promote women's ownership of financial assets

- Mitigate the cultural barriers through products adapted to women's needs
- Open up the micro finance sector
- Reform the laws and regulations related to doing business to which women are particularly vulnerable (given the cultural obstacles and their disadvantaged financial situation)

As discussed earlier, women's ownership of financial assets is further undermined by a limited access to financial services. Access barriers to the latter include: laws limiting women's property in their own selves, women's limited mobility, social control exercised by husband and in-laws or other relatives, lack of basic financial education, bank collateral requirements accounting mainly for immovable assets, and insufficient coverage and products of micro finance. These conditions intimidate women and make them unable to protect their financial assets, to save for future needs and emergencies, to invest and to grow their businesses.

To remove these barriers, the Moroccan government should promote competition and innovation among financial institutions in order to come up with financial services tailored to women's needs. Opening up the sector of micro-finance for instance would guarantee more adapted financial products. Reforming regulations to allow for the use of movable assets as collateral could improve women's access to financial services, as they are often excluded from land ownership.

Besides reforming regulations, innovation is also a requirement in enabling women to access the financial sector by responding to their specific needs and

limitations. Mobile banking is an often cited solution deemed to be able to provide women facing a limited mobility issue with a viable alternative. The solution has been proven successful in many developing countries. As noted by the IMF Director for the Middle East and Central Asia Department, “progress made by countries as diverse as Kenya and Bangladesh, Tanzania and Pakistan in adopting mobile payments and banking is remarkable and provides us with good examples of how technology can foster financial inclusion.” (IMF 2013) Examples of innovative financial products also include the smart card technology that “helps women keep their income safe from husbands who may confiscate it,” and savings accounts that offer incentives for reaching savings goals. (Rockefeller 2013, p. 32)

Financial literacy could also be an innovative aspect of financial product packages. By allowing women to access information and to learn how to budget, save and manage loans, they become empowered to benefit from the offered financial services. There is a growing number of financial literacy projects implemented in Morocco led by international cooperation agencies and local MFIs. However these projects do not reach the poorest women.

## **Conclusion**

To conclude, I would like to echo Hernando de Soto’s thesis in *The Mystery of Capital* making the case for a strong system of property rights for the poor as the key to sustainable development. Indeed, ensuring and protecting women’s property rights,

especially the less wealthy, will enable them to mobilize their assets to escape dependency and poverty.

Women in Morocco face double discrimination from the state and culture. Discriminatory laws and regulations prevent women from enjoying equal property rights as their male fellow citizens. Socio-cultural norms exacerbate the situation by placing multiple pressures on women to give up their rights, to limit their mobility and to remain dependent on their male relatives.

It is true that a change in mentalities and social attitudes is needed to guarantee equal and sustainable women's property rights but a change at the state level is even more needed and more urgent. Government should play its role of equally protecting its citizens' rights. The Moroccan government should start with removing and reforming all the laws and regulations discriminating against women and undermining their property rights. Laws on paper are not sufficient though if not accompanied by effective implementation mechanisms. The Moroccan government should also open the door for the financial sector to play its role. By creating a favorable legal environment, the change in socio-cultural norms would follow progressively as a result.

## Bibliography

- Alchian A. (2008) *Property Rights*. Liberty Fund: Library of Economics & Libert.  
Retrieved from, <http://www.econlib.org/library/Enc/PropertyRights.html>
- Association of Moroccan Women- ADFM (2015). Retrieved from <http://www.adfm.ma>
- Bouderbala N. (1996) *Collective Lands in Morocco during the first Period of the Protectorate (1912-1930)* [Les terres collectives du Maroc dans la première période du protectorat (1912-1930)] *Revue du monde musulman et de la Méditerranée*. Vol 79, Num1, pp. 143-156
- Bush R. (2004) *Civil Society and the Uncivil State Land Tenure Reform in Egypt and the Crisis of Rural Livelihoods*. United Nations Research Institute for Social Development: Switzerland
- Charrad M. (2001) *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria and Morocco*. University of California Press
- Committee on the Elimination of Discrimination against women (2006) *Combined third and fourth periodic report of States Parties*. Morocco. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/563/69/PDF/N0656369.pdf?OpenElement>
- Center On Housing Rights and Evictions- COHRE (2006) *In Search of Equality. A survey of law and practice related to women's inheritance rights in the Middle East and North Africa (MENA) Region*. Geneva, Switzerland
- Daoudi F. (2011) *Women's Rights to Estate in Morocco between Complexity of the System and Discrimination* [Droits fonciers des femmes au Maroc Entre complexité du système foncier et discrimination] Rabat: Les Etudes et Essais du Centre Jacques Berque
- Department of Statistics [Jordan] and ICF International (2013) *Jordan Population and Family Health Survey 2012*. Calverton, Maryland, USA: Department of Statistics and ICF International (<https://dhsprogram.com/pubs/pdf/FR282/FR282.pdf>)
- De Soto H. (2000) *The Mystery of Capital: why capitalism triumphs in the West and fails everywhere else*. New York: Basic Books.
- Food and Agriculture Organization of the United Nations -FAO- (2015) *Gender and Land Rights Database* (for Morocco). Retrieved from, <http://www.fao.org/gender-landrights-database>
- Globalpost (2012) *Moroccan women build land rights movement*. Retrieved from <http://www.globalpost.com/dispatches/globalpost-blogs/rights/morocco-women-land-rights>

- Haut Commissariat au Plan HCP -Morocco- (2016) *La Femme Marocaine en Chiffres* [Moroccan Women in Numbers] Haut Commissariat au Plan: Rabat
- International Foundation for Electoral Systems-IFES- & Institute for Women's Policy Research- IWPR- (2012) *The Status of Women in the Middle East and North Africa: Focus on Morocco/ Paid Work and Control of Earnings & Assets Topic Brief*. Arlington: IFES
- Locke J., *Of Property*, Book II Chapter 5
- Ministry of Public Health and Population (MOPHP), Central Statistical Organization (CSO) [Yemen], Pan Arab Program for Family Health (PAPFAM), and ICF International (2015). *Yemen National Health and Demographic Survey 2013*. Rockville, Maryland, USA: MOPHP, CSO, PAPFAM, and ICF International.  
(<https://dhsprogram.com/pubs/pdf/FR296/FR296.pdf>)
- Ministry of the Interior (2012) *Ethnic Collectivities and Collective Land*, Retrieved from <http://www.terrescollectives.ma/Pages/ar/question-femme.cshtml>
- Miyoshi M. (2013) *Micro-finance in Morocco: At the Limits of 'Social Business'*. Retrieved from, <http://muftah.org/microfinance-in-morocco-at-the-limits-of-social-business/#.VymRO2SDGkp>
- Mixmarket (2016) Morocco Market Profile, Retrieved from <http://www.mixmarket.org/mfi/country/Morocco>
- O'Driscoll Jr & Hoskins (2003) *Property Rights: The Key to Economic Development*. Policy Analysis No. 482, Cato Institute: Washington DC
- Professional Women's Network (PWN). *Moroccan Women & Gender Inequality in the Workplace*. Retrieved from, [http://www.europeanpwn.net/index.php?article\\_id=164](http://www.europeanpwn.net/index.php?article_id=164)
- Property Rights Alliance (2015) *International Property Rights Index-Gender (IPRI-GE)*  
Unpublished data retrieved directly from the Organization
- Rockefeller Foundation (2013) *Decision Intelligence Document Women's Insecure Property Rights*. Retrieved from, <https://www.rockefellerfoundation.org/app/uploads/Womens-Insecure-Property-Rights.pdf>
- Sadiqi F. (2012) *Morocco Report*, Freedom House: DC, Retrieved from [freedomhouse.org/sites/default/files/inline\\_images/Morocco.pdf](http://freedomhouse.org/sites/default/files/inline_images/Morocco.pdf)
- The Law & Development Partnership- LDP- (2013) *Legal barriers to women's access to credit: Morocco and the Kyrgyz Republic case studies*, London: LDP
- USAID (2010) *Property Rights and Resource Governance: Morocco Country Profile*. DC: USAID
- World Bank (2012a). *Country Data*. Retrieved from <http://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>

- World Bank (2011) *World Development Report 2012: Gender Equality and Development*. Washington, DC: World Bank.
- World Bank (2012) *SMEs for Job Creation in the Arab World: Access to Financial Services*. Washington, DC: World Bank.
- World Bank (2013a) *Jordan Country Gender Assessment: Economic Participation, Agency and Access to Justice in Jordan*. Report No. ACS5158. Washington, DC: The World Bank.
- World Bank (2013b) *Opening Doors: Gender Equality and Development in the Middle East and North Africa*. MENA Development Report. Washington, DC: World Bank.
- World Bank (2013c) *Projet de Renforcement de la Micro-Finance chez les Femmes et les Jeunes dans la Région MENA* [Project to strengthen micro-finance for women and youth in the MENA region] Retrieved from, [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB2013/10/17/000333037\\_20131017105424/Rendered/PDF/787450PJPR0P140Box0379848B00PUBLIC0.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB2013/10/17/000333037_20131017105424/Rendered/PDF/787450PJPR0P140Box0379848B00PUBLIC0.pdf)
- World Bank (2014) *Expanding Women's Access to Financial Services*. Retrieved from, <http://www.worldbank.org/en/results/2013/04/01/banking-on-women-extending-womens-access-to-financial-services>
- World Bank (2016) *Women, Business and the Law: Getting to Equal*. Washington, DC: World Bank.
- World Economic Forum (2014) *The Global Gender Gap Report 2014*. Geneva: World Economic Forum.