

The Exploitation of Women in Northern Africa: The Case of Morocco

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Abstract: In this article, we propose to carry out, first, an analysis of the effects the Family Code, or *al-mudawwana*, has on social structure, specifically with regards to the role of women in the Moroccan labour context. The transposition of French law to the Moroccan territory until its independence in 1956 and its definitive adoption for the acceptance of international treaties raises the inescapable question about where the separation between Islamic law and constitutional law lies. On one hand, the Islamic law regulates private life and on the other hand constitutional law governs public life, resulting in a bipolar legal system that does not operate without major problems when discerning which of them should be integrated into the framework of the other and vice versa. This is taken with reference to the situation of the women, their right to work, their treatment under the *al-mudawwana* and their valuation in domestic work. Second, we will analyse how the participation of Moroccan women in the labour market is characterised - being fragmented between formal and informal positions - while at the same time being divided in a dual-mode in primary and secondary segments in the market. Finally, we will describe situations of exploitation that women workers face. These arise from the phenomena of economic globalisation, which has had an unprecedented influence on Morocco due to the economic reforms undertaken in the country with the creation of Free Trade Zones, or Free Zones, to bring Morocco into a strategic position economically.

Key words: Morocco • *Al-mudawwana* • Women workers • Labour market • Free Trade Zones • globalisation • Exploitation

INTRODUCTION

The spectacular legal changes produced by the reform of the Code of Personal Status (nowadays the *al-mudawwana*), enforced in Morocco since 1958, have had an impact on various aspects of Moroccan society. The need to integrate the ratified international Conventions posed a series of reforms of the *al-mudawwana* and Labour Code, both effective since 2004. The structuring effects of the new *al-mudawwana* affect the previous organisation of patriarchal power under the Reform, so that women now share the responsibility of maintaining the family to the same extent as men. This allows women to work outside the home. But this issue is at odds with the spirit of the old Code, which attributed indoor domestic work to the women. The devaluation of work outside the home by women is deeply entrenched in Moroccan society.

The obligation to take up this work is due to economic situations of poverty and marginalization. Women's participation in the labour market is primarily in the textile sector, due to the sexual division of jobs and the abundant demand from export industries and multinational businesses established in Morocco. The jobs they are involved in are characterised by instability, working time flexibility and substitution in positions previously occupied by men to reduce labour costs. They are all jobs classified in the secondary segment of the labour market. The set of all of these variables, involving socio-economic conditions of exploitation and poverty, has a direct impact on working women. They are subjected to working double shifts in appalling health and safety conditions in factories and workshops, their unions in the Free Trade Zones (where production takes place) have been banned and they suffer from harassment and discrimination for fear of being fired. All of this is due to

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the multidimensional marginalization and exclusion of the workers, who are the principle victims on the stage of the global economic crisis.

This paper is structured in two parts: the first contains an account of the development and application of the *al-mudawwana*, the working context of women in Morocco, domestic and traditional work, work outside the home and legal regulations for the participation of women in the labour market. The second part deals with the phenomena of globalisation and industrial relocation and their effects in Morocco and the exploitation of women workers within the textile industry in Tangier, ending with our conclusion.

The objectives of this paper are to analyse how the *al-mudawwana* configures the job market, locking women workers in double work days and to unravel how economic globalisation acts on Morocco, encouraging the creation of Free Zones for the establishment of offshore foreign industries. Finally, we provide a description of the working conditions and over-exploitation that women workers are subject to in textile exports.

The methodology we use is based on a theoretical and descriptive analysis of the legal framework of the Family Code, or *al-mudawwana* and the Labour Code, to ascertain their effects on women, both in private or family life as well as in the field of work outside the home. We will highlight the social and labour relations in the context of the labour market in Morocco and use secondary data based on sources such as the Ministries of Justice and Employment of Morocco, the *Haut Commissariat du Plan* and international agencies. In regards to sources of qualitative data, we rely on studies from 2011 conducted by the *Attawassol Association* in Tangier.

The New *al-mudawwana*: Development and Application:

The arrival of Mohamed VI to the throne in 1999 meant a significant shift in the treatment of Moroccan women. In his coronation speech he showed a strong interest in their situation, setting a deadline to make the necessary reforms for the modification of their legal status. At the same time, two schools of thought arose within Moroccan society, leading to two factions: the first was in favour of reform, promoted by the liberal feminist movements that took place in Rabat; and the second was against it, called together by Islamists and conservatives in Casablanca. These facts did not leave the government unaffected and the King took part in the conflict. He ordered the creation of a Royal Advisory Commission in 2001 to form a working group which was to create a reform framed within the Islamic precepts. Finally, the reform of the Code of

Personal Status was adopted unanimously by Parliament and was promulgated by Law 70-03 on the third of February, 2004 [1].

The new code changed its name from the Code of Personal Status to the Family Code. Being enacted as a single law, it is based on the *Maliki School of Law* and is made up of an introductory chapter and four hundred additional chapters divided among seven books [2].

The reforms are based on a series of measures: marriage becomes a legal act ruled by a judge; spouses enjoy equal status in marriage and in the eyes of the Administration; women of older ages are not under pressure to marry; men and women must be 18 years old to marry; minors aged 15 may choose their own legal guardian; polygamy requires authorisation from a judge and legal conditions are imposed to complicate the process; both men and women can seek divorce and it is subject to judicial control; child custody is entrusted primarily to the mother, then the father and then to the maternal grandmother; in the case of marriage, grandchildren of the daughter born out of wedlock, as a result of *force majeure*, are entitled to an equal inheritance from their grandfather, just as the grandchildren of the son; and a principle of the separation of assets is established [3].

The most important innovation of the new family code was added to the definition of marriage, which is stated below.

According to Article 4 of the First Book, *marriage is an enduring legal contract of unity and cohesion between a man and a woman and aims for honesty, virtue and the creation of a stable family by means of protecting the spouses according to the provisions of this code* [4].

This eliminates the prerogative of the husband as the head of the family, changing the deeply rooted power configuration in the Arab world. Here, family authority is shared equally between the two spouses, man and woman, as co-controllers of family maintenance. From now on, the wife may leave, study or work without prohibition by the husband. It is here that a milestone is reached in the organisation and operation of the Moroccan family [5], since the wife can enjoy her right to work.

When human beings used to live in extended communities, sharing costs to meet their needs was a necessity imposed on them. Currently, with contemporary social transformation, families are smaller and more independent and, in Muslim countries - characterised by an elevated cost of living and low wages - are in need of

economic support by all members of the family to ensure their survival [6]. Today, the work of women is essential to enable both their own economic independence as well as that of the family.

However, there is a twofold position of the judges when it comes to implementing the Reform. On one hand, we return to the question of safeguarding the honour of the husband as before and on the other are the recurring themes of equality, fraternity and justice in the Islamic religion.

Morocco has acquired multiple commitments through ratifying several international conventions, including the International Bill of Human Rights from the United Nations [7]. However, the process of implementing their ratifications needs to be subject to the elimination of legal provisions taken from inherited Islamic jurisprudence, which are usually based on a men's predominance over women. Only in this way, will women be able to exercise their rights.

The implementation of the new *al-mudawwana* is not easy. In a society where men see their prerogatives affected, it is very unlikely that as a majority they would adopt the new norms. Presently, the exponential increase of divorces due to disagreements, especially in the poorer classes, suggests that attitudes continue to be a decisive influence. This obstructs women from exercising their freedoms derived from the Reform. Shortage of funds forces women to leave the home in search of work to support their children and themselves, with multiple consequences produced by the particular configuration of the Moroccan labour market, where requirements of the old Personal Status Code of 1958 are extended [8].

In summary, a dysfunction is produced between the reforms of the Family Code and the social reality of Morocco, where layers of poverty are of prime concern. Tet moving away from the possibility of implementing the Family Code as a factor of modernisation infringes on compliance with international conventions.

The real results will not be known until there is a change of attitude in Moroccan society. Moreover, this change should apply to judicial leaders because of the power they have when it comes to the implementation of the *al-mudawwana*, especially in child marriages [9].

The Labour Context of Women in Morocco: The ideal woman that the *al-mudawwana* described before the Reform of 2004 was a wife/mother/housekeeper. Her natural place was in the home. Today, this ideal, or socio-religious model, is increasingly limited to the women

of middle and upper classes, given that the men and women of the lower social strata need to find work in order to support their wellbeing and that of their families. In Morocco, women are discriminated against on two levels: the first, simply for the fact that they are women; and second, in the difficulty they face to find work outside home in the labour market. Given these circumstances, the market presents very few opportunities for women to integrate themselves in a normalised fashion. They therefore go to perform work for the secondary sector of the labour market, such as posts with no little or no qualification, low pay and with no formal contract to regulate work hours. They are left without access to healthcare, retirement plans, unemployment benefits or sick leave. This fact discourages women, leading them to become discontented with their situation and when they can, they leave the job. Fundamentally, it is single women who participate most frequently in this workforce. For them, it will be a temporary position, with the hope that they will soon have a husband to support them economically and socially. With respect to widows and dependent women, it is a necessity that can only be avoided by means of a new marriage. Therefore, work outside the home is essential for married women and workers who have little or no hope of improving their conditions [10].

To sum up, the model housewife that women should follow - dedicated exclusively to reproductive work - is essential for maintaining the structure of the labour market and its segmentation. It is here where women represent the flexible factor of the secondary labour market sector.

The traditional socio-religious system advocates an ideology in which the job positions of women suffer complete devaluation. In principle, this is because women are implicitly part of this system of devaluation because of their gender and because work within the household has priority over work outside it - albeit qualified or professional work. For Narotzky, *the metaphorical context in which women's labour activities are achieved is a fundamental element for their economic exploitation* [11].

There are other factors that explain the position that women occupy in the labour market - factors produced by the steady rise in unemployment and population growth. The economic crisis is forcing women to work outside the home, reinforcing their social vulnerability.

Seen from this perspective, there is a dilemma in the double-shift workdays for women in Morocco, by which women are forced to take on long hours without time for rest, leisure, training, etc.

In Moroccan society, the preparation of food is a very important activity. The lengthy preparation of dishes, baking bread, making desserts for Ramadan and other celebrations, means a combination of domestic chores and work outside the home for women. This causes their working day to be endless. Their salary and work outside home do not exempt women from their domestic duties [12].

The explanatory variable of labour exploitation of women in Morocco is found in the devaluation of women's work outside the home. This devaluation is legitimised by tradition, giving rise to a lack of competitiveness for the model working woman compared with a model wife and homemaker.

Work outside the Home: As previously mentioned, before the Reform of 2004 the *al-mudawwana* required women to prioritise their obligations to remain in the family and household. But women have the need to leave home to find work. In the case of workers in factories, the inequality in their work is evident through the distinct variables that shape the labour market. One of the distinct features of this workforce is the guaranteed flexibility in the structure of female labour in Morocco. In the workplace, a division of male and female areas of activities is not made, as in other Moroccan social spheres. However, during work breaks, a separation of male and female workers takes place [13].

The women workers who carry out their jobs tend to be discredited, given that society labels their job as men's work. Moreover, they face discrimination for the fact that they share the same space for their work with men, inferring that promiscuity occurs. Therefore, no man, husband nor father would encourage women to work in factories, leading to marginalisation and social control over women [13]. There is a strong set of moral prejudices concerning women which govern their work in factories.

Work outside the Home and Legal Regulation: Labour relations in Morocco, prior to the period of the French Protectorate, were governed by custom, tradition and the canons of Islamic law. In large cities, trades were organised by corporations and in each corporation, the labour relations were organised between a teacher, the *maalam* and the worker, or *saniï*, who had learned the basics of the trade. The workers were therefore under the authority of the *maalam* according to a negotiated salary. Apprentices, such as children, were initiated into the trade and were the assistants to the *maalam* under an imposed salary.

The Moroccan economic system is characterised by artisanal production in the agricultural sector and in commercial trade.

Morocco's independence in 1956 led to the establishment and operation of industrial activity on a new scale. It was therefore necessary to regulate labour relations through the enactment of legislation [14].

Various texts have been in force since the Reform of the Labour Code of 2003. These reforms are the result of an update of the Code in an attempt to deal with international conventions ratified by Morocco regarding working conditions. In terms of its implementation, there is strong resistance from many companies. The Ministry of Employment carried out a study of 3,800 companies in 2007 that revealed only 15% of them had implemented the new Code. According to sector, the petroleum industry was leading with 50% of the companies in compliance with the Labour Code. The agricultural sector was the lowest on the scale with 0% implementation. In relation to the textile sector, there was a promise to take on the Code after several months. The International Labour Organisation (ILO) has encouraged companies to follow the Code to promote decent work conditions. Furthermore, in the Free Trade Agreements signed by Morocco, there is a social clause whereby companies are required to respect the principles of decent conditions to positively affect their exports [14].

The Participation of Women in the External Job Market: The role of women in the labour market is characterised by a *dual presence*. On the one hand is their reproductive work in the sexual division of labour - which ensures the necessary services for social and family reproduction - and on the other is their productive work outside their home in the realm of paid labour.

We turn to make a brief analysis of this dilemma, through various phenomena found in the reserve army of labour, where the status and participation of women in the labour market is always precarious. That is to say, the workers join during economic fluctuations that demand higher employment and they are laid off when demand decreases. Employers use the women with ease, firing them during periods of economic crisis without complications. This situation causes women to live on the margins of the market. Sometimes it is the women themselves who see themselves as marginal workers, as they enter the market on a provisional basis to cover the loss of other incomes or to cover extraordinary expenses. Their work is very unstable and depends on economic fluctuations and changes in family circumstances [15].

Another one of these phenomena is the segmentation of the labour market, which explains why the presence of women is permanent and that their inferiority is due to the female condition. For this reason, they are employed only in certain occupations. The occupational niches that are occupied by women are found in services and industry, predominantly the textile sector. In addition, they occupy lower positions on the social scale. One should not forget that women are present in occupations requiring higher qualifications as well as in unskilled jobs, but they are predominant in the lowest positions of the professional scale.

The segmentation of the workplace implies that the women depend less on economic fluctuations and more on special conditions in each sector in relation to their employment.

So, if the textile sector is in crisis, women are laid off, but, if the crisis is in the petroleum sector or automotive sector, the female labour market is not in any way affected. Here we see the difference between the presence of men and women in the labour market.

The *substitution* phenomenon, due to the greater dependence on women, means that these women accept salaries much lower than average. Thus, the employer will opt to hire female workers to replace men, saving labour costs and maximising profits [15].

The question of *labour flexibility* as a response to economic changes is essential for economic efficiency, as markets and products entail the subordination of labour to capital requirements. This sustains the model of mass production industries that counters economic fluctuations in the context of capitalism [16].

These phenomena have been changing the work structure in a process that may be termed the *feminisation of employment*. In Morocco, in 2007 the rate of feminisation of employment was 27.2% [17].

Globalisation and Industrial Delocalisation: One of the effects of globalisation on developing countries has been that rich countries force less developed countries to eliminate trade barriers. Globalisation implies that companies and multinational businesses that want to be competitive, should consider relocating to a foreign country. This can revive the demand for their product, reduce production costs through cheaper labour, eliminate competition or satisfy the internal demand for products previously produced locally [18].

Outsourcing and offshoring depends on many factors, not just the costs of labour and social protection, but also the fiscal system of taxes, the labour regulations,

the operation of courts, the presence of corruption in public administration, the price of energy, raw materials, environmental regulation, geographical proximity, etc. Within the context of globalisation, companies can choose where they invest, which tends to be in the peripheral zones of the globalised world system [18].

Negative effects, such as the destruction of local competition, frustrate the objectives of growth of national businesses. This is because they can no longer compete with the products of multinational companies or foreign businesses, which account for national and international brands. Once the international companies eliminate local competitors, they use their power of monopoly to impose their own conditions: lowering salaries, raising the prices of their products, increasing uncertainty in the labour market and the exploitation of workers. The industrial corporations and the foreign businesses do not do anything to improve living conditions in the countries of their investments. These are frequently developing or poor countries. These corporations enter countries under the pretext of economic globalisation, through free markets and open borders, but do not contemplate the concession of better working conditions that would increase production and reduce their general costs [19].

In this case, most of the precarious workforce is made up of workers weakened due to low or no bargaining power, low levels of specialised training, race and gender, often including non-salaried workers who are chronically unemployed and impoverished in informal labour markets. This category of precarious workers are not excluded, but are perfectly integrated into the systematic logic imposed by offshore companies to accumulate capital [20].

In addition, corporate economic globalisation opens doors for the passage of capital and services, but does nothing for low-paid workers, thus preventing migration to countries offering better living conditions [21].

Industrial Delocalisation and its Effects in Morocco: The role played out by Morocco under the context of globalisation is marked by various trade agreements, mainly within the European Union. The number one investor through offshore industries is France, followed by Spain. Morocco's geo-strategic position makes the country a privileged partner for these investors.

Morocco recorded an opening-rate of 35.8% and an investment rate of 35.6% in 2009 [22]. The most important sector of industry is in textiles, with 1,632 businesses and the highest number of jobs in the Moroccan labour market, accounting for 37% of all jobs in Morocco. The proportion of women in employment in this sector

ranks first, with 56.2% [23]. In view of these facts, it is the textile sector that is most representative when analysing the working conditions of women workers, given that it employs the largest female workforce.

Textile companies are situated mainly in Free Zones. The creation of these zones by the State situates Morocco among the world rankings in the number of Free Trade Zones.

As far as working conditions and social relations in Free Zones are concerned, Morocco has a well defined problem: it has not ratified Convention 87 from the ILO concerning the Freedom of Association and Protection of the Right of Association. Although the Labour Code of 2003 protects the entire country, the law creating the Free Trade Zones is not legally bound to obey it.

The problems with the Free Zones are, among others, the following: there are no trade unions; there is no collective bargaining; labour inspectors cannot enter Free Zones except in very rare cases; workers face poor hygiene and safety and are subject to occupational hazards and diseases; there is no statement of wages; work contracts are not recorded in writing; there are shortages of workers in Social Security; and the conditions of women workers are not respected on the basis of their specific needs[24].

The Exploitation of Working Women in the Textile Market in Tangier: The textile sector in Morocco is the first industrial sector to have a heavily feminized labour force. As in many other parts of the world, women are highly valued because they are a docile workforce: without knowledge of their rights, willing to work for low wages, with no support networks and an obligation to survive. Textiles are an activity related to domestic work, as a sexual division of labour and it is linked to the reproductive work that is traditional in female *ghettos*. This labour niche is characterised by work performed by women with little recognition and no chance of promotion [25].

Offshore development by foreign companies in Morocco has had two main objectives in mind. First is the search for cheap labour and second is its strategic geographic position - based on its proximity and reduced time between the creation and sale of products. The production is based on outsourcing from external manufacturers, plus timely distribution strategies, according to the needs of *prêt-à-porter* (or ready-to-wear) products. These practices cause production risks to be transferred from the businesses to the working people themselves [26]. The orders come in as the products are

sold and that means that a producer receives orders for products with great urgency. Consequently, employers hire very little labour to avoid losses, which results in long hours when production orders are received without planning in advance. These circumstances affect the personal and family lives of the workers because they never know when they can leave the factory. This process favours the creation of jobs with little or no qualifications because of the huge volatility derived from the uncertainty in the planning.

One of the reasons for which women accept these jobs is due to low literacy, because if they had had greater academic instruction, they would not accept these conditions. Even being illiterate, within the textile industry they can be hired for supervisory positions and aren't always stuck at the lowest level. Another factor that pushes women to work in these conditions is family pressure to provide a salary that may contribute to the survival of the family. In recent times there has been a sharp rise in the cost of living. In September 2011, a study by the *Attawassol Association* in Tangier revealed that only 69% of workers received the minimum wage (10.64 Moroccan dirham per hour, approximately 0.95 euros). Given that a family of four residing in Tangiers needs at least 600 euros to make ends meet without luxuries, if the minimum wage is 180 euros, they would need an income of three workers to maintain the family. Thus, the incomes of the workers aren't sufficient to survive, even in a family containing two working adults. That is why working-age daughters are urged to work in textile mills, without the possibility of higher training or even completing basic studies. Social mobility of women workers is non-existent and sometimes, older sisters sacrifice their time working to finance the studies of their younger siblings [26].

The textile industry in Tangier is organised in three categories: (1) first-class factories who produce for international markets and whose owners are usually Moroccan investors or European companies – their factories have regular checks to maintain Moroccan legislation with the highest degree of compliance in the industry; (2) at the second level, production takes place in small workshops that are scattered around the outskirts of town; (3) and there are small sweatshops that do not meet the minimum standards set by the ILO. These sweatshops produce clothing for other companies, illegally or without a formal contract and maintain no labour rights with job positions lasting less than a year.

The majority of women work in the textile sector because they have no choice. This affects their life in the family environment since no other family members take

responsibility for domestic work. This represents an added problem for the workers because it does not leave them time to receive training, enjoy leisure activities or even take action in political and job-related unions to fight for their rights. The testimony of one unionist said:

[...] Because of the long work hours, the women do not find time to care for their children and to be with their families. Many suffer from depression and other disorders (...). There are also cases of spontaneous abortions in the factories, since pregnant women are working at the same pace as the rest of us (...). There are even women who work 15-hour days. In small factories, the bosses say that a customer places an order for a given day and your personal needs have less priority than the needs of the factory [26].

Here, productive work is not a true emancipation for women, due to the loss of social support networks and work overload, which accentuate the physical and psychological discomforts of their conditions and further impoverishes them.

Without improving living conditions, job insecurity has been rising in recent years resulting in high job losses in the sector. This is caused by the relocation of industry from Morocco to Asia and China (in 2010 the price/hour of work was 0.10 euros in Indonesia and 0.23 euros in China; while in Morocco it was 0.54 euros) due to the global economic crisis [27].

The representation of unions, while legal, is almost non-existent in industrial areas of Tangier. Women workers generally agree on their need to form part of an association or union, as a result of having suffered injustices in the workplace. Before they were members, they were unaware of their rights, collective bargaining and the role of unions. So the workers have achieved greater awareness of the importance of following the Labour Code. Moreover, the same workers appreciate the fact that they have a job and a salary, even if it is miserable. Employers convey to the workers that their company is at stake and is very unprofitable. These rumours are often used to victimise the employee and they increase pressure on workers with expressions like: *“if you don’t increase production, I’ll lose your money,”* or *“I’m going to have to start to sell machines so I don’t have to close the factory.”* Employers see unions as a threat to their investment, because of labour unrest and they convey this to the workers by saying: *“If you complain more, the investments will go to China, people*

work there without complaining much.” They make the best of the threat of closing their factory to impose deplorable conditions and suppress resistance [28].

The discontent of the workers is owing to, among other factors, working hours: overtime impedes family activity planning, time for trade unions and associations and is often imposed without notice. This is another factor that alienates workers from the union. The uncertain hours in the factory add to the housework of women workers, to the extent that they don’t have time to defend their labour rights through trade unions.

Even when second-line workshops cannot fill orders from companies, given extraordinary work hours, employers will outsource third-line workshops to meet production quotas, a practice which is forbidden by contracts with foreign firms.

CONCLUSION

The new Family Code adopted by the Parliament of Morocco in 2004 was presented as a moderate reform - a compromise between the desire to modernise society and to avoid a frontal attack on traditional religious circles. The Reform is considered a qualitative leap and a positive development, but the underlying principles have not changed considering that they are just formal changes. There is a great resistance in Moroccan society to follow the Reform, due to the absence of change in attitudes, both among the population and among the judges presiding over the application of the new Code.

However, following the adoption of the code, there was a dramatic increase in the number of divorces because of women’s new right to seek this legal action. This affects women and their participation in the labour force because of their need to support their families. Another issue is the ignorance of the population regarding the new *al-mudawwana*. A study by the High Commissioner on the Plan of Morocco in 2006 showed that more than a third of Moroccans were not aware of it and that figure rises to 45% in rural areas. About 24% of the population is against women working and 77% consider a woman’s place to be at home. The devaluation of a woman’s job outside home is promoted by the former *al-mudawwana*, which was enacted in 1958. These thoughts are deeply rooted in Moroccan society and may cause women to have to give up working to maintain themselves and their families. They are therefore

victims of abusive practices in labour relations and subjected to exploitation because they are women. Globalisation and the economic crisis establish a scenario in which women are the biggest losers of the economic system, being impacted with the worst collateral effects of the global capitalist system.

Governments should find specific means to remedy these situations of exploitation of women and ensure their economic independence with good working conditions and access to economic resources, promoting growth and development on equal footing. Equality is a fundamental principle that must be respected in all societies.

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