

## 26. MOROCCO

# GENDER EVALUATION OF PUBLIC POLICIES FROM A HUMAN RIGHTS PERSPECTIVE

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Public policy corresponds to a choice of values implemented in order to achieve an objective defined by the political authority. Policy is therefore defined via the goals that it sets, the means allocated to achieve these goals, the expected results and the nature of the intervention's impact on the target population.

Therefore, evaluation of public policies is based on a comparison between their achievements and the goals they were initially assigned, taking into consideration the logic behind the intervention (normative dimension). The aim is to develop public action or to define new, more efficient and more relevant, policies (instrumental dimension). The evaluation of a policy or a public action consists, therefore, in evaluating its effectiveness by comparing its results to the goals it set and the means that were used, based on the concept of performance indicators. It therefore becomes an essential decision-making tool.

This is the framework for the gender evaluation of public policies from a human rights perspective; it starts with the construction of concepts and tools. Its aim is to strengthen the mechanisms that make it possible to ensure that citizens have equal access to civil, political, social, economic, cultural and environmental rights.

## RELEVANCE OF THE GENDER EVALUATION OF PUBLIC POLICIES FROM A HUMAN RIGHTS PERSPECTIVE

An analysis of public policies based on human rights is in line with the founding principles endorsed by international consensus around new visions of human development. The human rights perspective places the analysis of inequalities that hinder development processes at the forefront of its concerns, with the aim of realigning development trajectories on a more inclusive, fairer basis that is concerned with achieving expected results in terms of enjoying rights.

Plans, policies and development mechanisms are therefore drawn upon to carry out an overhaul of their logic and their objectives, while respecting the system of rights and obligations established by international law. The ultimate goal of such an overhaul is to promote the sustainability of development initiatives while encouraging the autonomy of individuals and the diversification of choices available to them in order to allow them to live decent and dignified lives.

The gender approach, which is based on a search for optimum effectiveness and performance in public policies and a better targeted impact with regards to the differentiated needs of the various components of the population, is perfectly in line with human rights-based approaches. Indeed, the two approaches share a number of elements. They are built partly around a framework of analysis applicable to all development activities that takes into consideration the different needs and roles of men and women in a given society. They are also built on a normative framework based on rights and obligations.

In addition, both approaches are interested in the impact of the implemented policies and programmes on the well-being of particular groups. The two approaches are based on a range of concepts and information where M&E tools play an important role. The idea that the development process should include a dimension of long-term social and economic transformation because it is strategic supposes that, for a pertinent evaluation of progress, relevant indicators have to be found with regards to sustainable development objectives based on the principles of equal opportunities and equal access to the fruits of this progress.

## PRINCIPLES GOVERNING THE GENDER EVALUATION OF PUBLIC POLICIES FROM A HUMAN RIGHTS PERSPECTIVE<sup>85</sup>

Application of a human rights-based approach on public policies and programmes is based on translating universal standards of human rights into measurable indicators. The obligation of accountability leads to the translation of the normative content of a right into quantitative indicators and is perfectly in line with the principle of results and performance-based budget management.

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85 Report by the United Nations High Commissioner for Human Rights, April 2011.

## CHOOSING THE INDICATORS<sup>86</sup>

The United Nations High Commissioner for Human Rights has developed a framework for monitoring the achievement of human rights. The framework uses of a range of indicators that are structural, procedural and results-based. These parameters establish relationships among a state's commitment and acceptance of the obligations stemming from international human rights standards (structural indicators), the efforts it made to achieve these obligations, the measures and programmes it put in place (indicators of method) and the results obtained (results indicators).

**Structural indicators** relate to the ratification and adoption of legal instruments and the existence of the core institutional mechanisms considered necessary to facilitate the achievement of the human right in question. Structural indicators must highlight the nature of national legislation applicable to the right in question, and check that the legislation takes international standards into account.

**Indicators of method** provide information on the way in which the state endeavours to achieve their human rights obligations through specific public programmes, measures and interventions. These efforts demonstrate state's acceptance of standards relating to human rights and their intent to obtain the results associated with the achievement of a given right.

**Results indicators** make it possible to measure to extent to which a right has been achieved and to appreciate the extent to which it can be exercised. It should be noted that results indicators can come from a number of underlying processes that can be highlighted by a number of method indicators linked to a number of rights (e.g. indicators relating to life expectancy or mortality can be linked to the vaccination of a population and education or greater awareness of public health, as well as to the availability of an adequate food supply and individuals' ability to access it).

## MOROCCAN EXPERIENCE OF THE GENDER EVALUATION OF PUBLIC POLICIES FROM A HUMAN RIGHTS PERSPECTIVE

Morocco's gradual experimentation over the last 10 years with results-focused gender sensitive budgets (carried out by the Finance and Economy Ministry in partnership with UN Women) is an inherent part of an overall approach that tends to integrate internationally recognized human rights principles into the legal, institutional and governance sectors. In addition, this approach constitutes an important advantage for evaluating public policies from a gender perspective, with regards to expected outcomes in the populations that have already been targeted and whose needs are clearly differentiated.

At the operational level, the pragmatic and progressive approach that has been followed since 2002 with the view to integrating gender dimensions into budget programmes has allowed Morocco to develop a range of analytical instruments based on dedicated budgetary guidelines, underpinned by a range of gender-sensitive synthetic indicators that strengthen the M&E mechanisms of gender-related public policies.

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86 Report on the use of indicators for the promotion and monitoring of the implementation of human rights, United Nations High Commissioner for Human Rights, May 2008.

The gender budget rapport, an excellent instrument for effecting gender-sensitive budgets at the national level, has accompanied the presentation of the Finance Law since 2005 and, in parallel, has enjoyed a pragmatic approach that is continually progress-oriented. Consequently, it has gone through a number of development phases that, in 2012, led to the adoption of the analytical approach based on the gender evaluation of public policies through a human rights perspective. This approach coincides in its method, design and philosophy with the great institutional progress that Morocco has seen through its 2011 adoption of a new Constitution, which entrenched the principles of the respect for the human rights of equality, fairness and citizenship. This is coupled with localized management that should get stronger within the framework of the advanced regionalization project and where the demands for responsibility and accountability will be fully respected.

This is also the spirit of the new Constitution, which represents major progress in developing the rule of law in Morocco. The Constitution is qualified by a charter of citizens' freedoms and fundamental rights similar to those in the Universal Declaration of Human Rights. In the preamble, which forms an integral part of the Constitution, the Kingdom of Morocco reaffirms its commitment to human rights as they are universally recognized. The Constitution recognizes the superiority of international conventions, duly ratified by Morocco over domestic law, which is within the framework of the measures of the Constitution and the laws of the kingdom, within the respect of its immutable national identity and from the moment the conventions are published. The rights described by the new Constitution include civil, political, economic, social and cultural rights. Title II of the Constitution is entirely dedicated to fundamental rights and freedoms. It includes 21 articles reinforcing civil, economic, social, cultural, environmental and development rights.

The results obtained through a human rights-based analysis in the evaluation of public policies illustrate the relevance of this approach. The process has made it possible to identify the advances made in a number of areas and to pinpoint the challenges that hinder equal access to rights. The analysis carried out covered the programmes of 27 ministerial departments spread across three centres in line with three categories of rights: fair access to civil and political rights, fair access to social rights and fair distribution of economic rights. Ministerial departments included:

- **Fair access to civil and political rights:** Justice, Social Development, General Directorate of Local Municipalities, Civil Service, Economy and Finances, Foreign Affairs, and Cooperation and Communication.
- **Fair access to social rights:** National Human Development Initiative, Water, Energy, Environment, Habitat, Infrastructure and Transport, Health, Education and Literacy, Professional Training and Youth.
- **Fair distribution of economic rights:** Employment, Agriculture, Fisheries, Trade & Industry, NICTs, External Trade, Tourism, Crafts and Social Economy.

The Moroccan experience in terms of the gender evaluation of public policies through the perspective of human rights has made it possible to identify certain requirements to

ensuring the optimal application of this approach, including: a good appropriation of the normative framework governing the respect of human rights; a strong interest in analysing the coherence and the convergence of public policies with regards to the indivisibility of human rights; and a rich and regularly updated information system.

It is in this sense that the gender approach carried out from a human rights perspective is such a crucial breakthrough in terms of progress. It should make it possible to restructure sustainable development trajectories along new paradigms that are more conscious of the need to respect human dignity and more favourable towards inclusion and equality. This is particularly relevant in a changing world that is looking for new development models that are oriented towards the guaranteed access to different categories of human rights. For this reason, it proves to be a precious tool, not only for the democratic evaluation of public policies but also for the renovation of their design and the optimization of their impact.