

About ICAN: Formed in 2006, the International Civil Society Action Network (ICAN) aims to strengthen women's participation and influence in conflict prevention, social justice, coexistence, and peacebuilding efforts, in situations of closed political space and conflict affected states. ICAN's MENA program seeks to elevate the voices and impact of women's civil society groups on issues of rights, security and peace in countries undergoing transitions, affected by rising militarism and extremism targeting women.

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WHAT THE WOMEN SAY

Morocco's Dilemma: Rights and Reform or Closure and Conservatism?

March 2015
Brief 13

Key Findings

- In a volatile region, Morocco is navigating a political space where both conservatives and progressives are present and vocal.
- Morocco has a progressive constitution, but new political actors and deepening social conservatism threaten to reverse previous gains on equal rights.
- Morocco needs bold leadership to fully implement its laws and transform the social and judicial status quo to allow for equality and social justice.
- In the last half of 2014, the Moroccan government has prevented activities of some women's and human rights organizations without any credible explanation.
- A new generation of civil society actors working for women's and human rights are developing new methods to engage broader segments of society.
- A majority of Moroccan women experience some form of violence. Activists are successfully using social media to raise awareness of the extent of violence against women, such as street harassment.
- Women's rights activists and youth democracy activists need to collaborate and engage each other strategically to address legal, political, and social issues facing Moroccan women as well as broader human rights and social justice issues.

Key Recommendations

- *To international organizations:* Encourage the Moroccan government to remain a regional model by accelerating democratic change and fully implementing gender equality provisions, starting with those already guaranteed by the constitution.
- *To the Moroccan government:* Fully implement the 2011 constitution and ratify the Optional Protocol to CEDAW. Tackle sexual violence from all angles—legal, social, educational, and judicial reforms.
- *To Moroccan civil society:* Develop robust cross-generational and cross-sectoral partnerships to tackle priority issues from both a legal and social approach.

Morocco embodies numerous contradictions and challenges for the national and international human rights community. Since the Moroccan Spring in 2011, women's rights and civil society activists have been key indicators of the well-being of the State and of society. Women's rights and individual rights have become topics of open public debate, evidence of a significant evolution in public engagement and activism. The conversation is expanding; one young activist said that the Moroccan Spring "demolished" censorship, allowing citizens to tell jokes about religion and the monarch and to address women's rights in mainstream society. But taboos still exist, particularly regarding individual choices such

as fasting and sexuality. And government limitations on civil society actors—particularly human rights organizations—illustrate where the power still lies. Modest rights to freedoms in speech, press, and assembly, won painstakingly by civil society and human rights activists over the years, are at risk as the country’s security forces seek to restrict political space against the threat of rising regional instability.

But activism is alive and thriving. Even before independence in 1956, Morocco had a robust women’s rights and human rights community.¹ Joining them is a new generation of activists who are impatient with the slow pace of reform and aware of the scale of changes needed to ensure equality, plurality, and political participation in the 21st century. This new, often younger generation of activists is energizing reformers in Morocco, expanding the range of concerns and voices, and challenging the generation of traditional feminists to consider new strategies to effect change.

The stakes are high for Morocco, which ranks near the bottom in every category rated by the World Economic Forum Global Gender Gap Report (2014). The country faces a widening class gap, a deepening rural-urban divide, and increasingly outspoken youth and indigenous groups. Moroccan women report the highest level of inequality in the workplace and the second highest level of inequality in dealing with police and local judicial systems, as compared to the rest of North Africa.²

This brief outlines the current political tensions in Morocco and priority issues among women in civil society. It offers a brief overview of progress on Moroccan women’s rights and points to promising new initiatives by civil society to sustain progress towards greater equality and reform.

PAST GAINS: THE WOMEN’S RIGHTS MOVEMENT AND SUCCESSFUL LEGAL REFORM

The new 2011 constitution and post-constitutional reforms elevated popular expectations for change, particularly for women. But authorities have made scant progress in implementing changes, and some constitutional reforms have left major loopholes. Critics point out that internal political changes have been largely cosmetic and the government lacks the political will to drive for the necessary legislative, judicial, and societal changes for Morocco to live up to its global image as regional political stabilizer.

Feminists single out the 2004 reforms of the Moudawana (Family Code) as their most significant success to date. Comprising laws that govern women’s relationships with their families, husbands and children, the Moudawana is the locus of legal discrimination against women.³ It remains a pawn in the struggle between religious conservatives who claim to protect the family and social activists who seek to protect the right of bodily integrity.⁴

The Moudawana’s basis in religious law deemed it “sacred” and therefore removed from public debate.

The Moudawana is both legally and culturally significant. After centuries under Islamic law, in 1912 Moroccans became subject to French secular law. At that time, only the Moudawana remained under the authority of the King, who is regarded as Morocco’s highest spiritual leader. With independence in 1956, feminists and human rights advocates expected the Moudawana, like other laws, to be brought under secular civil law. But while civil law became the basis for Morocco’s new constitution and penal codes, the Moudawana remained Shari’a-based. Its basis in religious law deemed it “sacred” and therefore removed from

¹ Moroccan feminists date the movement to the 1940s when women formed political parties, and when the Association of “Akhawat Al-Safaa” (Sisters of Purity) advocated for the abolition of polygyny and more visibility for women in the public sphere. Sandberg, Eve and Aqert, Kenza. *Moroccan Women, Activists, and Gender Politics: An Institutional Analysis*. Lexington Books, 2014.

² Chingwete, Anyway; Richmond, Samantha; and Alpin, Carmen. “Support for African Women’s Equality Rises. Education, Jobs & Political Participation Still Unequal.” *Afrobarometer Policy Paper #8*, 27 March 2014.

³ Ennaji, Moha and Sadiqi, Fatima. “Women’s Activism and the New Family Code Reforms in Morocco.” *IUP Journal of History and Culture*, Vol. VI, No. 1, Jan 2012, pp. 52-70.

⁴ The right of bodily integrity, broadly defined as the inviolability of the human body and the self-determination of humans over their bodies, is the basis of legal reform efforts in numerous countries. See Amnesty International’s 2014 report, “My Body, My Rights!”

public debate.⁵ New developments in 2011 granted women and men equal political rights, but the Moudawana still locates all rights within the family rather than the individual.

Yet rights advocates point to the significance of the legality of the Moudawana reforms; reforms have been legally codified, supported by the King, and ratified by parliament. This remains an important protection against religious conservatives who question the very concept of secular family of law. Feminists' tireless efforts to enact these legal reforms remain a noteworthy and enduring achievement.

2004 Moudawana (Family Code) Reforms

- Raises the marriage age for women from 15 to 18 years;
- Rescinds the wife's duty of obedience to her husband;
- Gives spouses equal rights and responsibilities in the family;
- Makes divorce available by mutual consent;
- Relies more heavily on the court system than the previous law.
- Gaps remain: "Natural" paternity remains unrecognized; children of unwed mothers have no rights from biological fathers (e.g. the right to bear the family name, receive financial support, or inherit).

Women's rights activists point to milestone events that mark significant changes in legal and social life:

- 1983** "March 8" magazine stimulates public debate on taboo topics such as violence against women.
- 1980s** First women's rights civil society groups form—Union de L'Action Feministe (UAF) and Democratic Association of Moroccan Women (ADFM).
- 1992** "One Million Signature Campaign to Reform the Moudawana" (launched by UAF) triggers fierce backlash (e.g. a fatwa calling for the death of the campaigns' founders). Arbitrating between feminists and fundamentalists, King Hassan II made minor amendments allowing women to run their own businesses, and travel on their own passports without husbands' permission.
- 1999** The Plan of Action for the Integration of Women in Development triggers a wide social debate, leading to two opposing marches—one calling for the protection of women's human rights, and one (led by the PJD party) spreading fear about foreign interference and the "threat" to Islam and Moroccan Muslim identity.⁶
- 2004** Labor Code reform grants women 14 weeks of maternity leave and introduces the concept of sexual harassment in the workplace.⁷
- 2002** "National list" parliamentary quota system ensures 30 seats (out of 395) for women.
- 2007** Nationality Law allows mothers to pass on Moroccan citizenship to their children.
- 2011** The new constitution bans gender discrimination and reaffirms compliance with international conventions. (Morocco originally ratified CEDAW [Convention of the Elimination of all Forms of Violence Against Women] with multiple reservations).
- 2014** Penal Code amendment ends impunity for rapists who marry their victims.

The post-Moudawana reforms were made possible by a combination of factors: the king's progressive inclination, international pressure to respect human rights and follow universal laws and norms, and—most importantly—the organized and highly strategic actions of the secular women's movement.⁸

⁵ See Ennaji and Siddiqi.

⁶ See Feliu for a discussion of the Plan and its significance as a turning point in Moroccan feminist history. Feliu, Laura. "Feminism, Gender Inequality and the Reform of the Mudawana in Morocco." *The Scientific Journal of Humanistic Studies*, Year 4, no. 6, March 2012, pp. 101-111.

⁷ Widespread sexual harassment reportedly remains one of several causes of the low rate of women's labor force participation, as the 2004 law only criminalizes abuse by a superior.

⁸ For example, "The most spectacular impact of the Moroccan feminist movement resides in its gradual feminization and, hence democratization, of the public sphere. This impact has triggered significant social and discourse changes." Sadiqi, Fatima and Ennaji, Moha. "The Feminization of Public Space: Women's Activism, the Family Law, and Social Change in Morocco," in Valentine Moghadam and Fatima Sadiqi, eds. *Journal of Middle East Women's Studies*, vol. 2, no 2 (Spring 2006): 86-110.

SPRING IN MOROCCO: TENTATIVE STEPS FORWARD WITH A NEW CONSTITUTION

Secular-liberals are operating in a new and troubling political landscape. Despite his popularity, King Mohammed VI witnessed tens of thousands of Moroccans marching in 2011 in more than 50 cities and towns to demand a rebalance of power between the parliament and King. The King swiftly placated reformists by calling for a constitutional referendum—which passed unusually quickly and by a landslide—with the help of an aggressive and persuasive public relations campaign.⁹ Demonstrators, however, continued to protest the non-consultative top-down referendum process and the limited democratic reforms, though internationally the new constitution was widely hailed as a positive move towards democratization.

Morocco has made considerable progress in harmonizing its national legal framework with international human right instruments. The new constitution addresses the supremacy of international laws over national ones, and provides civil society with the right to contribute in the enactment, implementation, and evaluation of the decisions of elected institutions. In addition, Article 19 urges the state to ensure parity between men and women and establishes a government authority that monitors gender parity and other forms of discrimination.¹⁰

Union de l'Action Féministe (UAF)*

Union de l'Action Féministe (UAF), or Women's Action Union, is a non-profit organization promoting women's rights in Morocco. UAF has been a leader in both outreach and advocacy, raising awareness among women, decision-makers, and society about gender discrimination and women's legal, political, and economic marginalization. UAF's work includes creating the "National Observatory for the Improvement of Women's Image in the Media." The center monitors media representations of women at the national, regional, and international levels.

For more information on the UAF, visit:
http://swmena.net/en/partner/swmena_advocacy_partner

Yet numerous areas of legal ambiguity and ongoing restrictions make it practically impossible to enforce gender equality at this point in time.¹¹ For example, the preamble bounds the new provisions to their conformity to Islam, and Article 19 states that the State "seeks" to achieve parity. Critics note that such intentional vagueness and lack of implementation mechanisms conveniently frees the State from rapid implementation of gender equality reforms. In addition, the constitution provides only limited democratic reform, expanding parliamentary power and judiciary independence without reducing the powers of the monarchy. Activists' fears were well founded, as the momentum for implementing bold reform never took hold.

The 2011 constitution also institutionalized Tamazight as an official language of Morocco alongside Arabic. However, linguistic barriers continue to deprive Amazigh (indigenous communities) women from seeking justice because the official court language is Arabic. Advocacy groups such as the Association Amazigh de la Femme promote the rights of Amazigh woman, educate Amazigh women on their rights (e.g., on domestic violence), and offer counseling, legal advocacy, and technical training.

Despite reservations, the majority of traditional feminists consider the 2011 constitution a step forward in keeping with a tactic they adopted during the first Moudawana revisions in 1993: "Take half the loaf now and keep a close eye on the other half." Unlike post-Moroccan Spring feminists who criticize the legitimacy of the state's institutions, the mainstream groups have opted to create change within government institutions by lobbying the monarchy to arbitrate between them and the fundamentalists.

⁹ Benchemsi, Ahmed (a). "Morocco: Outfoxing the Opposition." *Journal of Democracy*, Jan 2012 vol. 23, no 1.

¹⁰ Article 19: "The man and the woman enjoy, in equality, the rights and freedoms of civil, political, economic, social, cultural and environmental character.... The State works for the realization of parity between men and women. An Authority for parity and the struggle against all forms of discrimination is created, to this effect."

¹¹ Madani, Mohamed; Maghraoui, Driss; and Zerhouni, Saloua. "The 2011 Moroccan Constitution: A Critical Analysis." *International Institute for Democracy and Electoral Assistance*, 2012. Available at www.constitutionnet.org.

RISE OF CONSERVATISM: ISLAMISTS VOTED INTO PARLIAMENT

The positive reforms of the modern constitution were seemingly put at risk almost immediately, when a mere four months after the referendum Moroccans elected their first Islamist-led¹² government. The moderate Islamist Justice and Development Party (PJD) won a substantial 27% of seats in the November 2011 parliamentary elections and Abdelilah Benkirane became the country's first Islamist prime minister. PJD's success at the 2011 polls was not simply of reflection of rising conservatism.¹³ PJD had long cultivated its image as an opposition party—to corrupt incumbents, not the crown.¹⁴ Like any party, it succeeds only so long as it remains conciliatory to the crown.¹⁵

If it is generally the case that in the contemporary Arab world, the main political dividing line is between Islamists and secular-leftists, then PJD successfully blurs that division. PJD functions within the secular political system, working against radicalized groups in ways that are both permitted and encouraged by the monarchy. The very fact that PJD was permitted to run for office was astonishing given the Kingdom's track record at repressing Islamists. This raises the question: was the election an example of new democratic openness, or did the crown chose to allow PJD to run as a means of containing political Islamists?

Morocco's impressive modern constitution was put at risk almost immediately, as their first Islamist-led government was elected to parliament.

PJD traces its inspiration to Turkey's Justice and Development (AK) Party, mirroring their pursuit of neoliberal economic strategies coupled with conservative social policies.¹⁶ Like the AK party, PJD is astute at deploying political rhetoric that captures the spirit of the times—in this case the particularly Moroccan sentiment for reform coupled with protection of Islam and the monarch from “foreign” influences, and support for “family values”—as a bulwark against too-rapid change. PJD's main opposition is the Justice and Charity Association (JCA), an illegal Islamist association with tremendous grassroots support.¹⁷ Though both groups are Islamist, PJD works closely with the crown while JCA opposes the crown and advocates the adoption of an Islamic state.

Religion and Politics: Working for gender equality within and against the system

Both groups claim to advocate women's rights and social justice within an Islamic paradigm and PJD has the largest number of women of any political party.¹⁸ Yet PJD is at best an ambivalent partner on gender equality. Speaking before Parliament in June 2014, Prime Minister Benkirane, who is widely known for his belief that women should not work, said “Don't you realize that when women went to work outside, the light went out of their homes?”¹⁹ Benkirane's comments, condemned by opposition parties and

¹² The term “Islamist” refers to those who politically organize in the name of religion, as distinct from those who privately identify as Muslim. Given the crown's long-standing opposition to Islamists, it is not surprising that PJD rejects the Islamist label, instead describing itself as a “political party with a religious reference.”

¹³ PJD's roots lay in the Islamist opposition movement of the 1970s. In 1986, the monarchy allowed PJD to form a political party, partly as a counterweight to more radicalized Islamist groups. Despite its violent origins, today's PJD has turned away from terrorism and uses formal politics to advocate for change. PJD now bills itself as an “alternative within the system.” See Buehler, Maghraoui, and Spiegel.

¹⁴ PJD also avoided the “Algerian syndrome,” in which Islamists perform so well in elections that the military intervenes to cancel democratic elections. Asfa, James. “Continuity in the Kingdom: Morocco's New Islamist Ruling Party.” *ThinkAfrica Press*, 5 Dec 2011.

¹⁵ Though some of the 34 legal parties trace their origins to the fight for independence, most were created by King Hassan II to generate an impression of political pluralism. Only four parties constitute a radical left, and no party challenges the king's supremacy. See Buehler, Matt. “Safety-Valve Elections and the Arab Spring: The Weakening (and Resurgence) of Morocco's Islamist Opposition Party.” *Terrorism and Political Violence* 25:1, 2013. pp. 137-156. Available at www.tandfonline.com.

¹⁶ But PJD “has not made a clear commitment to modern universal principles to qualify as the Muslim democratic force it claims to be. On many crucial issues—including women's rights, cultural openness and diversity, freedom of expression, and rights of non-Arab Amazigh (Berber) people—the PJD is lagging behind both the monarchy and the banned Islamist movement Justice and Charity.” Maghraoui, Abdeslam. “Morocco: The King's Islamists.” In Robin Wright, ed., *The Islamists are Coming: Who They Really Are*. USIP Press, 2012.

¹⁷ Spiegel, Avi. “The Unknown Moroccan Islamists.” *Foreign Policy*, 13 June 2011.

¹⁸ El Hataimi, Meriem. “Women in Morocco: Political and Religious Power.” *Open Democracy* 50-50, 31 Jan 2013.

¹⁹ Alami, Aida. “Leader's Words about Women Jolt Morocco.” *New York Times*, 18 June 2014.

NGOs, inspired both a “pots and pans” protest in front of parliament as well as the Twitter meme #AnaMachiTria (“I am not a chandelier”).²⁰

Historically, feminists have worked with left-leaning political parties. But this linkage was a double-edged sword—it brought women’s rights to the political sphere and contributed to a more critical gendered reading of national law, but wound up limiting feminists’ presence in the political debate and their ability to represent ordinary women. So even coordinating with the left was precarious for women seeking voice and space in the political arena, since women found themselves marginalized by the very same parties that claimed to uphold their values.²¹

Now, secular-liberal feminists and civil society activists struggle to adjust to the new political context in which their main Islamist opposition has become the face of Moroccan politics. The very groups that feminists worked against for years have gone mainstream. Therefore, the question for feminists in Morocco perhaps isn’t “should we engage with the Islamists?” but rather, “how can we effectively deal with the Islamists?”



Graphic: @GB_artandphotog.

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The question of whether and how feminists should engage Islam is divisive. Secular women’s rights groups have fought for years against Islamists who worked against the expansion of women’s rights and argued in favor of a “pro-family” agenda at odds with women’s rights. Secular women’s rights activists face ongoing accusations that they

are part of a conspiracy against Islam. Yet there is an emerging trend in Islam for reformist/activists, and a growing awareness among Moroccan Islamists that working to improve one’s country is not necessarily hostile to the regime.²² There is also an emerging awareness within secular circles of the value of finding common ground with Islamists on questions of physical safety, child protection, and education. Religious-based leaders are taking on new importance, challenging the Islamic/feminist binary and the historically elitist character of the Arab feminist movement.²³ For example, the Mourchidate program (meaning “guide”) was established in 2005 by the Moroccan government as a counterterrorism strategy in which women are trained as imams and sent to work in vulnerable communities to promote religious moderation and tolerance.^{24 25} However, activists question their government-prescribed curriculum designed to ensure uniform religious practice and activities throughout the country, saying that is not based within a human rights framework.²⁶

Meanwhile, the king, who is considered by many to be a feminist and an ally of reformers, has been silent while women and human rights activists are harassed by the Ministry of Interior. In the last half of 2014, Moroccan authorities blocked more than 15 meetings organized by the well-known Moroccan Human Rights Association (AMDH) and denied venues for events planned by the Moroccan League for

²⁰ “Moroccan Women Tell Prime Minister: “I’m not a chandelier.”” *Al Jazeera*, 24 June 2014. Graphic: @GB_artandphotog.

²¹ The question over participating within the political system is sticky, given the level of complicity with the status quo needed to remain in the good graces of the crown. To some extent, feminists’ affiliation with political parties contributed to the women’s movement’s divergence over issues such as participating in the 1996 and 2011 constitution referendums, which the extreme left political parties boycotted both times.

²² For a discussion of the growing role of Islamists in the conversation about women’s rights in Morocco, see Basch-Harod, Heidi. “Uncertainty for the future of the Moroccan women’s movement.” *Open Democracy* 50-50, 1 March 2012.

²³ As Muhanna-Matar puts it: “After the uprisings, Muslim women have become widely engaged in grassroots youth and women’s activism, advocating not only for their civil and political rights, but also for the civil rights of all marginalized social groups. Both religious and non-religious young educated women have created a public space for communicating their ideas and beliefs and for debating with other generations, along with the older political and feminist leadership, to affirm their belonging to their community.”

²⁴ Female mourchidates undergo the same training as male imams, are paid the same salaries, and are tasked with the same responsibilities with the exception of leading prayer. Couture, Krista. “A Gendered Approach to Countering Violent Extremism: Lessons Learned from Women in Peacebuilding and Conflict Prevention Applied Successfully in Bangladesh and Morocco.” *Center for 21st Century Security and Intelligence at Brookings*, July 2014.

²⁵ Rogers, Rosa. *Casablanca Calling*. Film. *Women Make Movies*, 2014.

²⁶ Rausch, Margaret J. “Women Spiritual Guides (Mourchidate) in Morocco: Agents of Change.” *University of Kansas*, unpublished.

Human Rights, Amnesty International, and other organizations. In the lead-up to the Second World Forum on Human Rights, hosted by Morocco in 2014, the Ministry of Interior banned the activities of several human rights groups.²⁷ A number of important organizations, most notably AMDH, boycotted the Forum in order to draw attention to official practices that target human rights groups, repress their activities and constrain free speech.²⁸ The Ministry of Interior has systematically limited AMDH's activities and fined them excessively, accusing them of "infringing territorial integrity."

In the struggle between progressives and fundamentalists, both the King and elected officials seem more concerned by pressures from fundamentalists than from progressives and willing to pit "stability" against freedoms.

Unofficial but clear restrictions remain in place, discouraging media coverage of politically and socially sensitive subjects, and restrictive laws continue to be used against journalists, including the anti-terrorism law, which puts freedoms of expression and press in jeopardy. Activists lament the growing public apathy about democratic reform (in preference for "stability") and a rapid Islamization of society.²⁹ Human rights activists point

to the recent crackdown on Salafi-Jihadists and the absence of effective guarantees for human rights and due process under the law. In the struggle between progressives and fundamentalists, both the King and elected officials seem more concerned by pressures from fundamentalists than from progressives and willing to pit "stability" against freedoms.

The new political landscape is therefore fraught. In Morocco, women and women's rights function as perpetual pawns in national politics, at risk of becoming de-politicized, co-opted, or derailed when it is more convenient to cater to fundamentalist pressures. For example, "women" more frequently exist as a topic of campaign platforms rather than as political actors. Women's issues are often used to mobilize voters against women's rights; and women, especially poor women, are viewed merely as easily swayed voting blocs. Women's rights are all the more at risk from newly-elected conservative parties that do not prioritize modernist secular rights. Yet these groups claim to be committed to inclusive democracy and broader political participation from all social sectors.

THE FEBRUARY 20TH MOVEMENT: NEW TRENDS IN MOROCCAN ACTIVISM

In the Moroccan context, activists may be anti-feminist, pro-Islamic, pro-or anti-monarchy, but three consistent trends can be identified:

1. Religious-based organizations play an increasing prominent role as peaceful political reformers;
2. Political parties are maintaining productive working relations with civil society groups; and
3. Youth activists, operating alone or in loose coalitions, have substantially amplified messaging on sexual harassment and other common forms of gender-based violence.

The February 20 movement (also known as Feb20), named for the day in 2011 on which demonstrations began, is a decentralized and leaderless coalition of youth activists, leftists, and Islamists, who demanded reducing the monarchy's executive powers, strengthening an independent judiciary, and building social and economic justice across society. At the height of the Moroccan Spring, Feb20 participants conducted weekly street demonstrations to free political prisoners, combat corruption, reduce the power of the Makhzen (the ruling elite), and investigate the gross human rights violations committed during the Lead Years (1961-99).³⁰ Much has been made of their early high-energy initiatives: In the weeks leading up to constitutional reform, they organized weekly protests in Moroccan cities. Their active use of Facebook, YouTube, and Twitter was a key ingredient in spreading news, gathering

²⁷ "Maroc: Pourquoi Boycottons-Nous le Forum Mondial des Droits de l'Homme de Marrakech?" *Europe Solidaire Sans Frontières*, 16 Nov 2014.

²⁸ AMDH. "The reasons that have brought us to cancel our participation in the FMDH." Nov 2014. Available at www.amdh.org.ma.

²⁹ Daragahi, Borzou. "Spectre of Isis Ysed to Erode Rights in Morocco." *Financial Times*, 4 Jan 2015.

³⁰ After independence in 1956, Morocco suffered three decades of state violence and suppression of dissent ("les années de plomb"). In 2004, the government established a truth commission, the Equity and Rehabilitation Commission (ERC), to investigate government-inflicted human rights violations and administer compensation. However, the ERC is only an advisory body, with considerable limits on its independence.

support, and amplifying their messages internationally.³¹

The new activists are non-elitist and sometimes not progressive. Although their methods are unscripted and often temporary in impact, they are attention-grabbing and have started a conversation in Morocco that has taken on global proportions. It is clear that modern Moroccan activism is rapidly changing into a cross-gender, cross-generational, cross-ideological assemblage with which traditional feminists need to engage strategically in order to shape the direction of reform in Morocco. It is not simply old versus new, Islamist versus secularist. This is an opportunity for traditional feminists to reanimate their

The new activists are non-elitist, sometimes not progressive, and even if their methods are unscripted and often temporary in impact, they are attention-getting and have started a conversation in Morocco that has taken on global proportions.

dynamic social reform energies and coordinate with the new generation of young activists whose holistic view of social reform encompasses the fight for equality, plurality, and democratic political.

The Prometheus Institute for Democracy and Human Rights is an example of a new youth collective (average age, 25), representing Feb20 alums from across the political spectrum committed to promoting

democracy, citizenship, and the rights of humankind. They use debate as a central technique to raise awareness of internationally recognized universal human rights. Recent projects include a Canadian-Moroccan youth high school exchange, a seminar on the history of the feminist movement, and public workshops in Rabat and Sale to promote a human rights culture.

Collaborative work between democracy activists and youth human rights activists has been effective, especially regarding education initiatives. For example, an unofficial group of young students gathered weekly in a public square in Rabat to discuss philosophy and education. Such campaigns speak on behalf of women and girls but also raise broader issues. This particular group was behind the creation of the High Council of Education, Training, and Scientific Research, an advisory body which reflects the need for a broader range of voices and solutions to improve the Moroccan education system. Future initiatives include promoting human rights by training teachers to include human rights in all school subjects.

Evolving Moroccan Feminism

In the aftermath of the Moroccan Spring, a new social-media-savvy feminism emerged from Feb20, challenging the legitimacy of traditional feminists already weakened by an internal contest for leadership and funding. Critics blamed traditional feminists for focusing only on the number of women in decision-making positions rather than on major political issues that concern the whole of society such as poverty, social injustice, corruption, and the legitimacy of state institutions.

From the point of view of the older feminists, Morocco faces a crisis of legitimacy and authority, in which they feel disregarded and unappreciated for their sacrifices and achievements. From the younger activists' point of view, the elders may indeed seem irrelevant, focused as they are on critiques of patriarchy and a commitment to gender equality. Younger activists are committed to a broader range of concerns. Finding the pace of legal reform frustratingly slow, they criticize the practices of traditional feminists who sometimes prioritize legal reforms over societal reforms.³²

One of the most obvious rifts was the differing vision of women activists between those who wanted to focus on human rights as opposed to women's rights. Feb20 advocated for women's rights only within the context of global human rights, inclusive democracy, and general social

Tensions between the younger and older generations of activists led to missed opportunities on both sides.

³¹ See Benchemsi, Ahmed R (b). "Morocco: Rise and Fall of Feb20 Protest Movement." *Morocco Board*, 2012.

³² Initially, the Feb20 Movement choose to ally with the illegal Salafist Justice and Charity Association who for years challenged feminists. Eventually, young women in Feb20 also became concerned with the future of their movement, as the Salafists began to impose rules such as preventing "mixing" between men and women during marches and refusing to use gender parity slogans.

equality, whereas established women's rights groups approached women's rights as a challenge of its own, focusing their resources on the issues and contributions of women. Tensions between the younger and older generations of activists led to missed opportunities on both sides. During the chaos, energy, and excitement of the Moroccan Spring, there was a general lack of collaboration or coordination between the Feb20 movement and established NGOs. Feminists new to the scene could have taken advantage of the experience of such organizations, learning from their expertise in messaging and their focus on gender equality.

At the same time, traditional feminists failed to grasp the need for flexible methods of outreach and popular support, and sometimes ignored underlying issues such as corruption. One activist recounted that when newly-elected Prime Minister Benkirane was negotiating with "main sales" ("dirty hands," or corrupt politicians) to form the new government, feminists continued to focus on increasing the number of women in government. Young activists intent on rejecting conventional politics remember such episodes and remain skeptical of the old methods of reforms, made possible through alliances with former government officials now considered corrupt.

Traditional feminists focus on achieving gender equality through legal and political reform, while younger feminists focus on mass social change.

It is evident that activists from all camps are striving for a better world where human dignity is respected and where men and women have the same opportunities, rights, and freedoms. The difference lies in their primary tactics. While the traditional feminists' main concern is to achieve gender equality by reforming discriminatory

laws and placing women in decision-making positions, the new feminists focus not on gender equality alone and not simply on the laws but on social change, believing that only by "working on issues of fair distribution of resources, accountability before the law, equal opportunities, dignity and freedom for all, will create an environment in which women are not isolated in their struggle for gender equality."³³

RIGHTS ON PAPER, BUT VIOLATIONS PERSIST: THE NEW PUBLIC DEBATE ON GENDER-BASED VIOLENCE

One effect of the Moroccan Spring has been an increasing awareness of street-level sexual harassment of women. Young activists have successfully used social media to raise awareness of the extent of the problem and women's role in public life. Yet the differences in priorities and strategies between the branches of women's rights groups can be illustrated through their approaches to gender-based violence. The traditional women's movement strategically focused on legal reforms, including women's access to justice.

Meanwhile, young women are more interested in tackling the attitudes that normalize violence, challenging the status quo on Moroccan streets by attacking the country's deeply entrenched sexism supported by religious values. They produce films, such as Global Girl Reporters' documentary *Breaking Silence: Moroccans Speak out Against Sexual Harassment*,³⁴ and *475: When Marriage Becomes Punishment*, a film about Amina Filali.³⁵ They produce music;³⁶ they organize social media campaigns, they produce videos: *10 Hours of Walking in Morocco as a Woman*³⁷ highlights the sexual harassment many women experience daily.



Graphic: Védeo, Nice. *10 Hours of Walking in Morocco as a Woman*. Film.

³³ Salime, Zakia. "A New Feminism? Gender Dynamics in Morocco's February 20th Movement." *Journal of International Women's Studies*, 13(5), 2012, 101-114. Available at: vc.bridgew.edu.

³⁴ *Breaking the Silence: Moroccans Speak Out*. Film. *Women's Voices Now*, 2013.

³⁵ See *Guerilla Cine du Maroc* at www.facebook.com/GuerrillaCinema.

³⁶ Andreu, Nuria. *Women and Islam: New Perspectives. Morocco 2013*. Film. Available at <https://www.youtube.com/watch?v=Fbj5-pTQ7aw>.

³⁷ Védeo, Nice. *10 Hours of Walking in Morocco as a Woman*. Film. <https://www.youtube.com/watch?v=Sz8MZppMif4>. No longer available.

The Kingdom received a good deal of unwanted publicity in 2012 in relation to the widely publicized suicide of Amina Filali, a 15-year old girl who had been forced to marry her rapist. Such prominent cases have raised international awareness of the ongoing struggle with “family values” and the enduring power of honor-based views of male-female relationships. In January 2014, through the combined efforts of new and experienced activists, Parliament voted to amend Article 475 of the penal code, no longer allowing rapists to avoid prosecution by marrying their victims.

Nevertheless, the system remains stacked against women seeking physical protection or legal redress. The police are slow to act in domestic violence cases, and when they do intervene, the law is lenient toward husbands who commit crimes against their wives. The justice system is weak and corrupt, and justice officials often fail to implement laws they disagree with. Finally, the family is considered inviolable and is legally protected as such. Social taboos and customary practices mean that even laws that currently exist on paper protecting women’s rights are often not applied in practice.

Underreporting is an especially serious problem in Morocco. Morocco’s High Commission for Planning, the national institute for statistical analysis, reported in 2009 that despite the suspected high prevalence of sexual violence among 18-24-year-olds, only 8.7% reported sexual assault.³⁸ Key barriers to reporting include high rates of illiteracy among women, linguistic barriers for indigenous peoples, and most importantly, social stigmas around family honor, which discourage women from reporting offenses and seeking legal protection and redress.³⁹ A surprisingly common response from parents with means whose daughters experience sexual harassment is to send their daughters out of the country, isolating their daughters and dividing the family.

Spring of Dignity Coalition of NGOs*

The Spring of Dignity Coalition raises public awareness on women’s rights and gender-based violence. A partner of Equality Now, Spring of Dignity organizes public demonstrations and advocates for legislative and legal reforms that prohibit gender-based discrimination and protect women against violence. Dedicated to the principles of fairness, justice, equality, and full citizenship in modern democratic Morocco, the coalition is supported by human rights groups, intellectuals, artists, and athletes representing diverse political affiliations, but excludes Islamists.

*For more information, see http://www.equalitynow.org/sites/default/files/Spring_of_Dignity.pdf.

Violence Against Women Bill

Despite the creation of the Ministry of Women’s Affairs in 1998, little has been done to address the widespread social phenomenon of violence against women. The High Commission for Planning reports that nearly two-thirds of women experience some form of violence in their lives, and nearly one in every two unmarried women in Morocco has been subjected to physical and/or verbal sexual violence. Even the Minister for Solidarity, Women, Family, and Social Development, Bassima Hakkaoui, whom feminists largely regard as unsupportive of their agenda, declared violence against women a problem.

In 2013, Minister Hakkaoui presented a draft “violence against women bill.” The draft bill makes some advances, such as criminalizing sexual harassment on the street, but leaves plenty of room for

“I have to flee the country which failed to protect me.”

-- A young engineer leaving for Spain because of the everyday insecurity she feels on the streets of Morocco

improvement, particularly regarding violence within the family. Women’s rights activists have criticized the government for excluding them from the drafting process.⁴⁰ The Spring of Dignity Coalition also insisted that the draft bill was far from living up to international standards on protection of violence

³⁸ “Etude sur la violence à l’égard des femmes.” *Haut-commissariat au Plan (HCP)*, 2011, p.60. Available at www.hcp.ma.

³⁹ “La lutte contre les violence à l’encontre des femmes.” *Conseil National des Droits de l’Homme*, 2014. Available at www.cndh.ma.

⁴⁰ Mdidech, Jaouad. “Violence contre les femmes: le projet de loi de Bassima Hakkaoui piétine.” *La Vie éco*, 25 Dec 2014.

against women. They argue that two central weaknesses of the bill are the lack of protections for single women and the non-recognition of marital rape, both of which reflect the family-bias of Morocco society. And the family bias is a critical issue: The High Commission for Planning reports that 68% of Moroccan women have experienced domestic violence and 48% have been subjected to psychological abuse.⁴¹ In December 2014, the long delayed bill was taken up again for revision by a ministerial commission, but at the time of publication of this brief, some feared the revisions would simply omit controversial topics such as marital rape.

Human trafficking, especially sex-trafficking, is another critical but sensitive topic of discussion. Anti-trafficking presents an opportunity for cross-ideological alliances, and UAF's work on anti-trafficking is noteworthy as an example of productive cross-party collaboration. UAF has worked for years to gain support among the media and NGO allies in Morocco and abroad to lobby parliament to adopt an anti-trafficking law (currently under review). They have held informational seminars since 2009, opening up the discussion on anti-trafficking to include the previously-taboo topic of prostitution.

CONCLUSIONS

The signs of ongoing activism—particularly new social media strategies and wider public awareness—point to positive changes ahead and on a greater scale than ever before. While political changes threaten to constrict women's hard-earned advances and national security threats allow the government to justify restrictions on individual and civil society's rights, activists remain adamant. Underscoring their sense of commitment, as the founder of the UAF Latifa Jbabdi said, "We know the establishment of equality is one of the toughest challenges humanity is facing, but ... we will win and we will achieve our goals."⁴² And as one young human rights activist put it, "We don't have a choice about what we're doing; it's not a luxury."

"We don't have a choice about what we're doing; it's not a luxury."

– Young Moroccan commenting on human rights activism, 2014

Moving forward, success for the women's rights movement means bringing many voices and approaches into the mainstream. Civil society, women's groups, youth activists, and political parties need to work together to promote women's rights, ensure that "women" are not reduced to campaign slogans or conservative voting blocs, and earn their rightful positions of authority and decision-making power in democracy and on the street. "Gender equality is to have women who will voice your concerns; women who are able to talk about all issues," says one activist from the older generation. "No compromises, no concessions."

RECOMMENDATIONS

To International Actors:

- Encourage the Moroccan government to remain a regional model for reform by accelerating democratic change and fully implementing the gender equity provisions in the constitution.
- Provide support for civil society, including funding. Support the inclusion of diverse women's groups in relevant bilateral and multilateral forums. Support youth democracy efforts.
- Support collaborations that encourage mutual learning across formal and informal civil society sectors; develop common ground for working on gender-specific and non-specific issues.

⁴¹ "Etude sur la violence à l'égard des femmes." *Haut-commissariat au Plan (HCP)*, 2011, p.4. Available at www.hcp.ma.

⁴² Gabriel, Jane. "It all began on March 8: feminism and fatwas...." *Open Democracy 50-50*, 6 April 2009.

To civil society, NGOs, trade unions, and political parties:

- Collaborate in campaigning against extremism, intolerance, and the prevailing religious discourse that incites hatred and violence. Target inequality and social injustices.
- Develop robust cross-generational partnerships between older feminist and human rights organizations and political parties, and young men and women leaders and activists working in various sectors and from diverse socio-economic, ethnic, and geographical backgrounds.
- Diversify messaging across media platforms to raise awareness of gender-based violence and challenge traditional gender perspectives, and build popular support for civil society's work.
- Engage men to join efforts to combat discrimination and violence against women.
- Expand opportunities for paid labor for women across economic sectors. Address the deteriorating socioeconomic status of women and the special circumstances of elder women.
- Advocate for improved women's access to and protection within the justice system.
- Work to empower women from illiterate, impoverished, and non-Arabic speaking populations.
- Advocate for laws that protect women from sexual exploitation such as prostitution and trafficking, with special consideration for refugee and immigrant groups. Advocate against sex-based tourism. Advocate an end to impunity for perpetrators.

To the government of Morocco:

- Fully implement the 2011 constitution, particularly Article 19, and finalize the creation of the Authority on Parity and other relevant articles against violence and discrimination against women.
- Ratify the Optional Protocol to CEDAW. Fully implement women's rights as proscribed in the treaty, particularly Article 16 (which addresses discrimination against women in all matters relating to marriage and family relations).
- Educate rural peoples about their rights; set up literacy programs for older rural men and women.
- Strengthen rule of law and undertake a zero-tolerance policy on corruption. Train all justice sector officials in implementation of the law. Provide appropriate financial compensation for all justice sector officials as a means to address corruption.
- Enact and implement a robust violence against women law that includes protections for rape within marriage. Take concrete measures to end impunity for all gender-based violence; hold the security and justice sectors accountable for implementation of their responsibilities under the law.
- Design a detailed action plan to improve the conditions in family courts, simplify procedures, and ensure the adequate enforcement of laws against violence, including training and pay for judges.
- Strengthen women's access to justice; Enact laws that enforce gender parity and close loopholes, particularly relating to property rights, inheritance, guardianship, and citizenship.
- Strengthen education, job training, and job creation programs for both women and men in all fields; ensure that all regions and linguistic populations are aware of and have access to opportunities.
- Provide women with equal opportunities as electoral candidates and political decision-makers.
- End early marriage. Amend the family law provisions which allow judges to authorize the marriage of minors; educate families about the dangers of early marriage and early childbirth.
- Encourage families to send girls to secondary school; ensure safe classrooms for girls.
- Establish more reproductive and sexual health services in rural areas. Raise awareness of women's reproductive and sexual health rights. Support reproductive health at every stage of the life-cycle.

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