

4 MOROCCO: PULLING TOGETHER TO PROTECT WOMEN'S RIGHTS

A progressive political environment in Morocco has ushered in a number of victories for women, including landmark reforms to Al Mudawwana, the legal code that governs family life. Another victory is widespread acceptance of a national strategy to combat violence against women. The strategy came about after years of advocacy and consensus-building, supported by UNFPA and civil society organizations, following a national debate on the role of women and men that had once polarized Moroccan society. Ensuring that the strategy makes a difference will require continued awareness-raising about women's rights, and building the capacity of the health and justice institutions that are charged with implementing it around the country.

THE CONTEXT

Morocco is located on the western shoulder of North Africa. In 2004, the country's population was around 30 million, one third of which was under the age of 15. The population growth rate has slowed from 2.4 per cent in the 1980s to 1.6 per cent in 2004.

Morocco is a constitutional monarchy with a parliament and an independent judiciary. Ultimate authority, however, rests with the king, who is considered to have religious as well as political authority over his people.

In the last decade, Morocco has undergone major political, legal and institutional reforms that have brought the Government, various political parties and civil society closer together. These reforms have yielded partnerships that have helped strengthen the rule of law and promote human rights in Morocco—including the right to education, employment and development—and improve the situation and status of women.

The female labour force represents just over a third of the national work force in Morocco. But while many well-educated women pursue careers, mostly in the industrial, service and education sectors, few rise to the top of their professions. In 2004, the Moroccan Government reported that the illiteracy rate for women was 62 per cent in urban areas and 82 per cent in rural areas, where women are most affected by inequality.

According to a survey of nearly 4,000 women conducted from 2000 to 2003,¹ domestic violence in Morocco remains a social challenge. More than 60 per cent of cases of violence surveyed involved married women between the ages of 20 and 49, and the same percentage were the result of disputes over child custody, divorce and alimony. Between 30 and 40 per cent of women admitted monthly to the emergency room in Casablanca were victims of spousal abuse.

MOROCCO AND CEDAW

The Moroccan Constitution affirms that men and women have equal political rights.² The principle of equality is also implicit in the preamble to the Constitution. Women have the same rights as men to bring civil suits to trial, and under the Moroccan Criminal Code, women are accorded the same treatment as men. Until 2004, however, this equality was not reflected in the Personal Status Code, known as *Al Mudawwana*, which governs family life, including marriage, divorce, parentage, inheritance, child custody and guardianship (see Box, page 33).

In 1993, Morocco signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Since that time, the Government has taken wide-ranging action to improve the situation of women in Morocco. This included a public awareness campaign on violence against women, which was initiated by the State Secretariat for Women, Solidarity and Social Action in 1998 with UNFPA support, and

¹ The survey was conducted by the Women's Information and Observation Centre and the Democratic League for Women's Rights.

² Article 8 of the Moroccan Constitution.

was the first public attempt to break the culture of silence surrounding that issue. The campaign was organized in collaboration with civil society organizations, which have a long history of activism in Morocco and have served as advocates for enhanced political and civil rights of women and for their equal status. The campaign was partly responsible for triggering a series of events that helped raise awareness about gender issues in Morocco and launch a vigorous national debate:

- In 2000, the Government introduced a National Plan of Action for Integrating Women in Development (PANIFD). The plan, which focuses on literacy, reproductive health, economic empowerment, and women's legal, political and institutional development, also recommended revision of *Al Mudawwana*. PANIFD became a hotly contested national issue, which was widely debated in the media and in other public fora. Public demonstrations for and against the plan, in Rabat and Casablanca, respectively, drew thousands of people each.
- In September 2000, a permanent inter-departmental commission, headed by the prime minister, was established for the improvement of women's situation and status. The commission was charged with creating an active policy dialogue among ministries on women's issues and to propose specific actions. The commission set up task forces to follow up on the implementation of government programmes for women, including new measures to fight all forms of violence against them.
- In 2001, King Mohammed VI established a Royal Commission composed of politicians, legal experts and religious scholars to advise him on the revision of *Al Mudawwana*. A subsequent commission was established to promote ongoing improvements in women's situation.
- A ministerial decree in 2001 requested that all ministry departments promote their gender focal points to relatively senior levels of decision-making power. In the same year, a circular from the prime minister asked departments to increase the number of women nominated for high-level posts.
- In 2002, the election law was revised. Among the changes introduced was an increase in the quota of women members of parliament to a minimum of 30.
- In October 2003, after 30 months of debate, the Royal Commission presented to the king its recommendations on revising *Al Mudawwana*. In January 2004, the parliament approved the changes to the law, which is one of the most progressive in the Arab world on women's and family rights.

- In 2004, a national campaign to combat violence against women was launched with the participation of the prime minister and numerous government and civil society representatives. That same year, the Labour Code was amended to eliminate discriminatory practices against women, both in the labour market and in the workplace.

THE UNFPA COUNTRY PROGRAMME

During the fifth UNFPA programming cycle in Morocco (1997-2001), a regional Gender and Development Project was carried out that focused on awareness-raising and training of public sector organizations. The objective of the project in Morocco was to sensitize and strengthen the capacity of government institutions to deal with gender-related issues, including violence against women. Furthermore, the project provided capacity-building opportunities to civil society organizations and facilitated their engagement in the ongoing debate on human rights, focusing especially on women's rights. A major output of the project was the formulation of a national strategy to combat violence against women.

UNFPA's current and sixth programming cycle (2002-2006) is built upon the results of the earlier project. It is supporting a number of gender-related projects, all of which include a component on violence against women. The projects are linked to create operational synergies and to strengthen implementation of the national strategy to combat violence against women by:

- Raising awareness and advocating legislative reforms to improve women's situation and status
- Expanding and improving shelters and counselling centres for abused women
- Strengthening the capacity of Government and NGOs to respond to violence against women
- Developing related communication materials
- Establishing an evidence-based data system on gender-based violence
- Establishing stronger partnerships countrywide to address violence against women.

THE PROJECT

The project explored in this case study, 'The Promotion of Gender Equality and Addressing Gender-based Violence', is phase two of the regional Gender and Development Project mentioned above. The project is being implemented from 2004-2006 by the Ministry of Family, Children and the Disabled (SEFEPH), formerly known as the State Secretariat for Women, Solidarity and Social Action, with a total budget of \$632,500.

REFORMING *AL MUDAWWANA*: A MAJOR STEP FORWARD FOR MOROCCAN WOMEN

In 2004, after more than two years of contentious debate, Morocco's Personal Status Code was amended, and became the backbone of subsequent legal and institutional reforms enhancing the status of women in Moroccan society.

Among the changes introduced in *Al Mudawwana* were raising the legal age of marriage to 18 for both women and men (it was previously 15 for females and 18 for males), establishing the right to divorce by mutual consent, placing the family under joint responsibility of both spouses, rescinding the wife's duty of obedience to her husband, and imposing strict limitations on the practice of polygamy (it is now acceptable only with the permission of a judge and a man's first wife).

Though conservative groups expressed strong opposition to the change, the revised law was eventually passed. Providing input throughout the process was a broad range of actors, from political parties and ministry officials to non-governmental organizations (NGOs), human rights groups, religious leaders and academicians.

Those who promoted the amendments understood well the cultural environment in which they were operating and continually sought consensus on the issue. They also provided justification for the revisions within an Islamic framework, resorting to the Koran and Islamic jurisprudence to advocate support.

Its aims are twofold:

- to build the capacity of a number of government institutions dealing with gender issues
- to contribute to the implementation of a national strategy to combat violence against women at national, regional and provincial levels, and to strengthen coordination among the different actors involved in implementation.

RESULTS

- Existing shelters for women were strengthened through training of staff, sensitization workshops on women's rights, and the collection, analysis and dissemination of data on violence against women.
- More than 30 centres for psychological and legal support were established for women survivors of violence (with 40 slated for completion by the end of 2006).
- Four pilot units supporting women and children victims of violence at two large hospitals (in Casablanca and Rabat) are being institutionalized. These units are providing medical and psychological assistance as well as mobile counselling services. Four additional units are being established in Marrakech Tensift Al Haouz and Tadla-Azilal.
- In Marrakech, Fes and Oujda, support was provided to NGOs offering legal, psychological and other services to women victims of violence through a national network of 'listening centres'.
- A toll-free telephone hotline (called the 'green line') was created for women and girl victims of violence to link them to legal and other service providers.

Counsellors were trained to receive calls and provide appropriate information to callers. The launch of the service was attended by the prime minister, other government officials and the director-generals of the Moroccan Telecommunications Agency.

- Regional meetings were organized in various parts of the country to explain the implications of the changes in *Al Mudawwana*. Among the target audience were decision makers, local authorities, judges, the media, civil society representatives and the general public.
- Sensitization workshops were also conducted for government ministries and NGOs on the new provisions of *Al Mudawwana*, the Penal Code and the Labour Code that relate to violence against women.
- In collaboration with the Ministry of Justice, special areas of the courts are being reserved for women and children victims of violence, and women are being recruited to staff them.
- The Ministry of Justice surveyed divorce cases in court databases; the results were used to sensitize ministry staff on the amendments to *Al Mudawwana* and to ensure that the new amendments are properly applied. Furthermore, the staff of 70 courts—family courts newly established in each of the country's 70 districts—are being trained to put the new amendments into effect.
- The capacity of SEFEPH to implement the national strategy to combat violence against women and its operational plan was strengthened through support at the national, regional and local levels.

- Gender-related training curricula that include components on gender-based violence were designed and tested among health-care providers in urban hospitals and rural clinics.
- TV spots on violence against women were produced and disseminated and were effective in sensitizing a wide spectrum of the population to the impact of violence on women and families and helped spawn a national debate on the issue.
- Two social mobilization campaigns on violence against women were carried out, involving senior government officials as well as representatives of civil society and various political parties.
- The Mediterranean Forum on Violence Against Women was organized in November 2005 to share experiences and good practices with other countries in the region.
- An information system on violence against women was established that links the Ministry of Health, Ministry of Justice, the Ministry of the Interior, and the police.
- A documentary film on the Moroccan experience in combating violence against women was produced to mobilize resources and raise awareness.

IMPLEMENTATION PROCESSES

The achievements described above are the result of groundwork that has been laid since the late 1990s by the State Secretariat for Women, Solidarity and Social Action (later known as SEFEPH), with the support of civil society and UNFPA. These efforts included the formulation of the national strategy to combat violence against women under the first phase of the Gender and Development Project; the finalization of the strategy from 2002-2004; and its implementation, starting in 2004.

There was a tacit agreement among those involved in the strategy's formulation that it should not lead to the same type of polarization that occurred over the National Plan of Action to Integrate Women in Development. Thus, an activity that was supposed to take several months ended up taking more than two years, largely due to the labour-intensive process of building consensus among a diverse group of stakeholders.

The approach adopted was pragmatic. The first step taken by State Secretariat to pave the way was to provide hard data on women victims of violence in Morocco and how they are treated by institutions responsible for their care. This information was collected by civil society organizations, with support from UNFPA

and other international organizations. The information was shared with political and religious figures as well as with doctors, academicians, media experts and other civil society groups. The objective was to initiate a debate among these groups to first create a consensus among them, ensure their support for the issues, and then extend the debate to regional and national levels.

The State Secretariat also sought, from the start, the involvement of a number of government departments, namely the Ministry of Religious Affairs, the Ministry of Justice and the Ministry of Health. The objective was to: 1) familiarize them with the contents and implications of the strategy; 2) prepare them, through capacity-building, to take future action on it; and 3) create a sense of ownership for the strategy, since they would eventually be responsible for implementing it.

Interministerial meetings were held initially, followed by meetings with NGOs and civil society at both regional and national levels. A major consideration was inclusion of conservative political and religious groups who had been opposed to PANIFD, and who were carefully sensitized to the basic tenets of the strategy and their implications.

Simultaneously, and in collaboration with State Secretariat for Women, Solidarity and Social Action, the Royal Commission was established to look into the situation of women. The commission shared with political parties, including Islamic parties that expressed resistance to PANIFD, the information it received from NGOs on the incidence of violence against women. It also invited them to listen to testimonies presented by civil society organizations that have centres for counselling and legal support for victims. This consultative process brought into the public eye issues that had previously been confined to a private sphere.

All of these efforts were intensified by a positive and highly charged political environment. The concerted efforts of a number of political parties and civil society organizations, government willingness to improve the situation of women, and support from international partners led to the creation of a strong coalition around the issue among national and international stakeholders.

The development of the strategy to combat violence against women moved in a parallel track with the policy for the advancement of women. Sometimes the strategy acted as a catalyst by generating new actions in regards to policy; at other times, the opposite occurred. Nevertheless, the response to violence against women is viewed as one part of a whole policy that aims to

empower women and to enhance their participation in the development process, which is a major pillar of the social reforms being undertaken in Morocco.

In November 2004, after two years of dialogue and consensus-building, the national campaign to combat violence against women was launched. The prime minister, together with members of his cabinet and representatives from UN and other international organizations were present. In his speech during the event, the prime minister emphasized the importance that Morocco accorded to the promotion of women's rights: "There can be no development for a society that discriminates against women and denies them their dignity." He also made reference to the "international evidence that emphasized the economic and social costs to development of gender discrimination, marginalization of women and violence against them."

MEDIATION AND NEGOTIATION

The polarization over the National Plan of Action for Integrating Women in Development fuelled national discourse on the need to improve women's situation and status. In addition, it made the Government aware that it had to be closely involved in the process under way concerning violence against women, in order to ensure a consensus on the agenda put forward by the State Secretariat and its civil society partners.

The State Secretariat was keen on involving all stakeholders and ensured their active engagement in both the formulation and the implementation phases of the strategy. As a result, ministry departments were brought together with parliamentarians, university researchers, professors, doctors, lawyers, women's associations, journalists and women survivors of violence, all of whom demonstrated ownership of the strategy and the plan of action that resulted from it.

Furthermore, leading religious figures were consulted and involved. The Ministry of Religious Affairs and Islamic Endowments (*Awkaf*), for example, played an important role in the conception and the implementation of the strategy. The ministry took the initiative to sensitize imams, who used the opportunity of Friday sermons to discuss the issue of violence against women and to raise awareness among their constituency on the importance of combating it at home and in the community.

Direct confrontation with conservative political and religious groups that opposed PANIFD was avoided. However, ties with these groups were never severed so that the door would remain open for possible dialogue.

Throughout the process, UNFPA provided technical support and facilitated the public debate. Efforts were taken to avoid linking the strategy to combat violence against women with PANIFD, which was opposed by the more conservative groups. And although the principles of gender equity and equality provided the basis for the strategy to combat violence against women, the notion of rights was emphasized instead, especially the right to physical integrity, which was deemed more publicly acceptable.

"With the process of democratizing public life, we are witnessing today a stronger interest in women's issues. As a consequence, the measures taken [to promote women's advancement] are more courageous and direct."

— A member of parliament

PARTNERS

The Ministry of Family, Children and the Disabled

SEFEPH (formerly the State Secretariat for Women, Solidarity and Social Action) is the main implementing partner to UNFPA in the formulation, implementation and follow-up of the strategy to combat violence against women and its operational plan. It is providing overall leadership for the initiative and is managing day-to-day operations.

UNFPA

In addition to funding support, UNFPA is providing technical assistance to SEFEPH in the implementation of the strategy; building capacity within the ministry; and facilitating partnerships among SEFEPH and other ministries and with civil society. UNFPA is also working hand in hand with various NGOs to develop guidelines for counselling women survivors of violence, create new centres in remote localities and design advocacy campaigns.

Ministry of Religious Affairs

The ministry played a leading role in the conception and implementation of the strategy to combat violence against women. Its encouragement to imams to speak about violence against women in Friday sermons helped raise awareness and sensitize a wide audience to the importance of the strategy.

The Ministry of Health

Since 2000, the ministry has undertaken operational research and designed a training manual on gender

issues, which includes a component on gender-based violence, for use in training health workers. Hundreds of health workers have been trained all over the country in collaboration with AMPF (the Moroccan Family Planning Association) and other partners.

The Ministry of Justice

The ministry participated in the elaboration of PANIFD and contributed to the discussions and recommendations of the Royal Commission, especially those relating to reform of *Al Mudawwana* and the penal and labour codes. It also contributed to the formulation of the national strategy to combat violence against women and is a key player in its implementation.

The Ministry of Interior

The ministry has been closely involved with SEFEPH, both in the formulation and implementation of the national strategy to combat violence against women. According to the director of the ministry's Criminal Investigation Department, "We're observing this phenomenon [violence against women] from different angles: the data that we try to analyse and process, the legal dimension, the organizational dimension in terms of establishing a database and mechanisms for reporting and dealing with women."

Civil Society

Civil society organizations are active partners with SEFEPH in promoting women's rights in Morocco. By bringing the issue of violence against women out in the open—through sensitization campaigns, advocacy and social mobilization—these organizations have been key contributors to advancements for Moroccan women since 2000.

LESSONS LEARNED

The political environment can have a strong influence on the way society perceives gender-related issues.

The political will to democratize the political process, strengthen the human rights agenda, and examine the information provided by civil society organizations on the situation of women was the catalyst behind the process of change that is occurring in Morocco and made it possible to implement the strategy to combat violence against women.

Providing a rationale for changing the status of women that has a basis in Islamic sources and jurisprudence can pre-empt possible attacks by conservative groups.

Having faced strong opposition to PANIFD from conservative groups, the Royal Commission and SEFEPH ensured that religious institutions were fully involved in the proposal to amend the various legal codes as well as in the formulation and implementation of the strategy to combat violence against women. A team of religious researchers worked closely with both the Commission and SEFEPH to provide a rationale based on the Koran and Islamic jurisprudence for the amendments. This

made it difficult for the more conservative political parties to attack their work.

The national strategy to combat violence against women was accepted because it was perceived to be an integral part of a process already in motion to improve the situation and status of women.

Formulating and launching a national strategy to combat violence against women met with less resistance (and was finally accepted) because it was part and parcel of a

process that had already begun to improve the situation of women. This process, which was moved forward by the commitment and hard work of NGOs, was supported by the king himself and a number of political parties.

Taking stock of lessons learned provides direction for the future.

The opposition generated by PANIFD convinced all stakeholders that public debate and advocacy campaigns involving political parties, religious institutions and NGOs were a necessary first step in advancing a strategy to combat violence against women and achieving national ownership of the process. Originally it was expected that finalizing and launching the strategy would take less than six months; in reality, it took two years, largely because of the broad consultative process that was required to raise awareness and achieve consensus on the issue.

It is important to frame sensitive issues in a culturally appropriate context.

Particularly important in the case of Morocco was framing the issue of violence against women in a way that would be culturally acceptable to most people. Rather than emphasizing the gender dimension, which is widely misunderstood, the strategy

"How can one aspire to achieve progress and prosperity while women, who make up half the society, experience a long-standing neglect of their interests and the rights granted to them by our religion that put them on the same footing with men? These rights voice women's noble mission and grant them justice over the inequity and violence that may befall them, despite the fact that they have made equal achievements to men, in both education and employment."

— From an address by King Mohammed VI on 20 August 1999

highlighted the notion of rights, especially the right to physical integrity.

PRACTICES THAT WORK

Building capacity and partnerships among stakeholders.

One reason why the strategy to combat violence against women was successful was the backing it had from multiple stakeholders, including several government ministries, political parties and civil society. A number of them formed partnerships that will continue to work towards the advancement of Moroccan women. UNFPA's efforts to build the capacity of some of these groups was another factor in the success of the project.

Supporting civil society organizations in making violence against women visible. Over the years, the NGO movement in Morocco developed a database on cases

of violence against women and the quality of institutional services provided to them. This was valuable input to the discussions carried out at the legislative and executive levels. It also helped break the culture of silence that surrounded the issue and moved it from a 'private space' to a 'public space', while creating a demand for action.

According to Said Saadi, a university professor and former minister of solidarity, family and social action, the shift in the state's perspective on women was due in part to the evidence put forward by the women's movement: "The success of the strategy [to combat violence against women] is due to the fact that it engaged many actors in its formulation. But women's NGOs take a great deal of the credit in breaking the culture of silence and therefore 'denaturalizing' this phenomenon."