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**By**

Soumaya BELHABIB  
Professor of English Literature,  
Ibn Tofail University,  
Kenitra, Morocco.  
Vice-president, Association CHAML  
on Women and Family.

***Moroccan Women's NGOs : Civil Society's Agents of Change***

As Civil Society's Organizations, the Moroccan Women's NGOs have been playing a fundamental role, for the last twenty years, in the development process of the country. They have become active agents of political, economic, social, and cultural changes. They are fairly young organizations as 87,5% have been created in 1980 while 32% started only since 1994.<sup>1</sup> In spite of their short life period, their impact in lobbying for the promotion of Moroccan Women's rights and striving for the improvement of their daily life conditions is considerable. The new Family Code that has been recently adopted by the government<sup>2</sup> is only the rewarding outcome of a long and painful struggle.

Before introducing the main lines of that major event, which is of an outstanding historical, political and social dimension, it is also worth presenting the most significant features of Moroccan Feminist NGOs, one of the leading actors in the design of a new egalitarian society. First, there is a fairly diversified range of Women's NGOs working for Women's integration in development (WID). These are essentially voluntary citizens groups, organized on a local (mainly urban), national, regional basis, some of which are politically oriented<sup>3</sup> while others are politically neutral.<sup>4</sup> Regardless of their specificities or main concern (women's rights, culture, sport, health, private sector, etc.), they share common larger objectives such as : awareness building, promoting participation (particularly women's), democratization, empowerment, strengthening of civil society, poverty alleviation, and capacity building.

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<sup>1</sup> Quoted from *Répertoire Des Départements Ministériels et ONGs Oeuvrant dans le Domaine de l'Intégration de la Femme au Développement*, Direction de la Coopération Multilatérale, Juillet 1997, p.10.

<sup>2</sup> Following its vote in the Parliament, the New Family Code comes into effect starting from the 5<sup>th</sup> February, 2004, the day of its publication in the official Moroccan Bulletin.

<sup>3</sup> To name some of these,

*Association Démocratique des Femmes du Maroc* ( ADFM, started in 1985)

*L'Union de l'Action Féminine* ( UAF, started in January, 1987)

*Association des Femmes Progressistes* ( AMFP, started in April 1992).

<sup>4</sup> These are quite numerous and they can be classified under different headings :

- Associations for sustainable development.
- Associations for rural women.
- Associations for Art, Culture and Sport.
- Associations for promoting feminine business organizations.
- Associations of research on women.

To achieve such goals, women's NGOs are running different activities and seem to take over the state's role, primarily at two levels :

- 1- Education: In spite of the several campaigns organised by different ministerial departments for establishing a rigorous educational policy<sup>5</sup>, the state has found difficulties in facing the important illiteracy rate, specially within the rural area.<sup>6</sup> Feeling the acuteness of that problem, many feminist NGOs have set up free classes for illiterate women (no matter how old they are) and also for young girls (between 7 and 15) who didn't have the opportunity to go to school. The impact of such an initiative on women, in particular, is considerable, and on society, at large, is significant as it represents the founding step towards gender equity and effective social progress and development.
  
- 2- Health care : Because of their biological constitution, their procreation responsibility, their limited access to health services and lack of information, women are more largely exposed to encounter health problems than men are. They not only need counselling for problems of contraception and family planning but also medical support in terms of prevention against the sexually transmitted diseases, and more specifically the AIDS. Here again, women's NGOs<sup>7</sup> play a valuable role as they provide Moroccan women with health care services that the state public centres are unable to offer them. Unfortunately, most NGOs are based in cities, and women in the rural area are the first victims to health problems, particularly during pregnancy and child delivery, as they are usually far from health centres, they lack awareness to evaluate the real risks they encounter, they are often unable to cover the costs of health services and they are still under the burden of customs and traditions.

Apart from these two main areas, education and health care, women's NGOs are involved in many other activities, like psychological and judicial counselling, grass root work, professional training, research activities, public awareness raising campaigns, etc. However, being mainly based in urban areas, particularly in the largest cities, they inevitably exclude a large number of women.<sup>8</sup> They also work with fairly limited material means, part-time staff, lack of management skills, and inadequate infrastructure. Most NGO members belong to the social intellectual sphere that is persons who are less exposed to socio-economical problems though they might suffer from the legal status. They are mainly professors, teachers, senior executives, lawyers, doctors, civil servants in public administration, etc.

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- Associations for health care.

<sup>5</sup> In 1995, 2million children aged between 7 and 15, that is 40% of the population that is old enough to go to school, are not registered at school ( a deficit that primarily concerns the rural area). The state has essentially organized growing public awareness campaigns, specially in the rural area, in order to convince parents to send their children to school, particularly young girls. This is paraphrased from : Julie Combe, *La condition de la femme marocaine*, L'Harmattant, 2001, p.134.

<sup>6</sup> In 1994, in the urban area, 67% of women are illiterate as opposed to 41% of men. Within the rural area, 89% of women are illiterate as opposed to 61% of men.

<sup>7</sup> It is possible to name here the remarkable work done by the association '**Solidarité Féminine**' (started in 1985), specially concerned with young single mothers, and the '**Association de Lutte contre le Sida**' (ALCS), which plays a leading role in the struggle and prevention against AIDS.

<sup>8</sup> The population in small cities, villages, and countryside is the most affected by precarious life conditions, illiteracy, unemployment, limited financial revenues, lack of information, etc. .

The most important project that feminist NGOs have been struggling for more than thirty years is the amendment of the laws regulating the *Moudawana*, the Personal Status Code, this being the unanimously shared concern of all feminists militants. Throughout the years it has become clear that unifying individual efforts would strengthen women's position and make the communication process with policy makers more effective. In order to benefit from long working individual experiences (of each NGO) and reinforce the methodological militancy strategy, a real network among the women's association movement has been established.<sup>9</sup> In March 2001, a joint action, bringing together 27 women's NGOs (it initially started only with 7) is being created under the name 'Le Printemps de l'égalité' (the spring of equality), for the purpose of networking and adopting a common strategy that would accompany the work of the newly designated royal committee (also constituted in 2001) in charge of reconsidering and updating the *moudawana*.<sup>10</sup> It is clear that the Personal Status Code reform constitutes the leading step towards real progress and effective democratization of the country, a reality that the government, decision-makers, and components of civil society have inevitably realised.

Hence, the announcement of the new Family Code by King Mohamed VI during the opening of the autumn parliamentary session, the 10<sup>th</sup> October, 2003, represents a most decisive turning-point in the history of Moroccan women's rights, in particular, and that of society in general. Such a reform expresses the wish to free society from obsolete and anachronism precepts that no longer fit its aspirations for progress, democracy and effective opening on the rest of the world. It also clearly reflects the royal concern for establishing more stability, equity and justice within the main microcosmic social institution which makes up society -- that is the family.

If that reform is considered to be so exceptional and eventful, it's merely because it came out after a long and painful process of controversial debates, negotiations and tensions in which women's organizations were primarily involved, as well as political parties and other components of civil society.

The first elaboration of the *Moudawana*, initially called the Personal Status Code, took place in 1957. Being highly discriminatory towards women, considering them to be eternally under age thus putting them under men's authority, this code did not know any change until 1993. Although the amendments that the Personal Status Code underwent that year were rather minor and timid ones, it had the merit of shaking its foundations for the first time, and destroying the 'sacred' dimension that it has always claimed before. Hence, in March 1999, the state secretary of family affairs together with representatives of women's organizations and other components of civil society have presented the « National Plan for Women's integration in Development » with the objective of improving women's medical, economical, social and legal status. This plan created a lot of polemics and contentious debates, specially the part concerning the revision of the judicial legal status of women, and divided the public opinion into two main trends: the feminist modernist one who supported it and the

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<sup>9</sup> A fairly recent phenomenon in Morocco, is that an important NGO movement (apart from women's organizations) is getting established with hundreds of NGOs of different concerns and objectives. These have realized the importance of networking and the significance of giving each others support in their respective struggles.

<sup>10</sup> This group of women NGOs has done valuable work through constant connection with that commission, media campaigns and street awareness raising.

conservative Islamist one who rejected it. Out of fairness and equity, King Mohamed VI designated, in April 2001, a committee, made up of oulemas (theologians) and people of different specialties and different social and political trends, both men and women, that had the big responsibility of reconsidering the Moudawana, updating it so that it fits the new features and exigencies of the actual Moroccan society but at the same time, respecting the Islamic precepts, using for that the concept of Al Ijtihad ( Exegesis).

After more than two years of work, the committee has finally come out with the new Family Code which is innovative at the level of two main axis:

*1- More equality between men and women*

- a- The woman is now equally sharing the family responsibility with man while the previous text gave man the sole responsibility with all the legal implications related to it.
- b- Women are no longer under the legal domination of their husband or father after the age of 18; once they reach their majority, they no longer need their father's permission to get married.
- c- The legal age for getting married is 18 for both men and women (previously, it was 18 for men and 15 for women).
- d- A woman has now the right to ask for divorce just as a man does as divorce under the jurisdiction of the courts. The verbal repudiation is abolished while the repudiation is very much restricted as it needs the judge's agreement and is subject to strict conditions (the husband has to guarantee his wife and children's rights before effective separation).

In the same way, polygamy is rendered almost unfeasible because of the tough conditions imposed by the judge whose agreement the man necessarily needs to get a second wife. Women can also specify on their marriage contract their refusal to have their husband taking another wife and in case this clause is not being respected, the marriage contract is broken up if they chose to.

- e- Possibility for the daughter's children to inherit from their grandfather just as the son's children do.

*2- Better means of protection for the children:*

- a- In case of divorce, the father has to provide his children with a decent accommodation, that would not lower his social status in relationship to the one he had before his parent's separation, apart from alimony ( previously, many women found themselves in the street with their children after divorce).
- b- The children's custody is considered in relationship to the child's benefits. It is first attributed to the mother, then the father, then the maternal grandmother and, in case of obstacle, the judge chooses the most qualified person in the family who can take up the child's custody.
- c- If a child is born out of an illegal marital relationship, his paternity right is acknowledged when there is enough convincing evidence presented to the judge. Previously, that right was rarely acknowledged.

These are the most important changes that the new Family Code has brought. Needless to say that it has been applauded by all Moroccan women and has at last rewarded the feminist organizations' constant and tireless efforts in fighting for women's rights. In fact, being called 'Family Code' is itself revealing for it seeks to show that it aims at protecting the family's integrity, including all its members, that is man, woman and children. After its vote in the parliament, it came into effect on the 5<sup>th</sup> February, 2004. Its success heavily depends on setting up the right mechanisms for its implementation and on the judges<sup>11</sup> who are going to play a crucial role in the application of such a reform. For the sake of popularization and information, a vast national and advertising campaign has been launched through radio and TV programs, workshops, seminars, etc.

Closer communication and more awareness raising are probably needed especially in the remote areas and because of the important female illiteracy rate (61%). A lot also has still to be done in getting rid of patriarchal male-biased values, challenging the long existing male privileged culture, and changing mindsets and institutions. There is real need to assess and critique the male-stream in order to make gender equity the mainstream. For Moroccan women, as Arab muslim women, the most important challenge is still to be faced. As Naoual El Saadaoui explains,

*We, women of Arab countries, we know that we are still enduring slavery, but we also know that this kind of slavery is not linked to the fact that we are Orientals or Arabs, or that we are part of Islamic societies, but rather to the fact that the patriarchal system has dominated the world for a long time.*<sup>12</sup>

Thus, the new Moudawana, the Family Code, is symbolically loaded with several messages, the most significant ones are that it seeks to give more credibility to the democratisation process of the country, cultivate the spirit of gender equity and essentially embodies the hope for a better future, free from oppressing patriarchal structures, where women's rights and sense of dignity are rehabilitated, not merely in Morocco but also in the whole Arab world.

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<sup>11</sup> For the sake of making that reform successful, new offices have been devoted to the setting up of 'family courts' and the judges responsible of its application had to go through a specific training to ensure the right decisions.

<sup>12</sup> Quoted from Antoinette Fouque, **Women The Pioneer Front of Democracy,** Paris : Alliance des femmes pour la démocratie, 1995, p. 68.

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