

IDS RESEARCH SUMMARY

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Winning Women's Rights in Morocco

This Research Summary explores how the Moroccan women's movement, which had been active since the late 1950's, successfully strengthened women's rights by demanding the reform of the *Moudawana*, or Personal Status Code, a legal code governing the roles of men and women within the family. This achievement was remarkable considering the dominant patriarchal context and the vigorous opposition from the Islamists and religious conservatives, and serves as an inspiring model for legal change in other Muslim-majority countries.

Transforming power relations

The *Moudawana* was instated in 1957/58 by a religious commission, *oulema*. Interestingly it was the only set of legal codes in Morocco to fall under Islamic law and interpretation: all other legislation is secular, including penal and constitutional law which occur in a civil court system. It was highly patriarchal, characterising the male as the head of the household, and the woman as an adult minor under his guardianship.

In February 2004 the Moroccan parliament unanimously approved changes to the *Moudawana*. The new reforms: eliminated the principle of obedience to the husband; established equal responsibility between husbands and wives over the household and children; gave women the right to decide legal matters without male guardianship; and required consent from both husband and wife to dissolve a marriage.

Although the reformed law still contained various weaknesses and

contradictions it has provided a platform to help transform power relations within the family, strengthen women's rights, and improve the quality of life for women. Moreover, the reform of a religious law which was historically considered sacred and untouchable created an inspiring model for legal change in other Muslim-majority countries.

New political opportunities and old barriers

During the 1980s and 1990s Morocco moved towards more democratic and liberal economic structures, which created the space for civil society groups, including women's rights associations, to flourish. Women activists achieved superficial reforms to the *Moudawana* in 1993, which demonstrated that Islamic law could be reformed, and fundamentally challenged one of the opposition's main arguments, that the *Moudawana* was a sacred and unalterable text. However, social and institutional barriers constrained further progress until two political opportunities arose in the late 1990s. The first was the

1997 election victory of the socialist opposition and the appointment of Abderrahmane El Youssoufi as Prime Minister in 1998. This created a more favourable political climate as socialist/leftist parties were more likely to support modernist re-interpretations of family law. The second major opportunity was the ascendance to the throne in 1999 of the liberal King Mohamed VI - a supporter of women's rights.

The women's movement was one of the key drivers of change and took advantage of these political developments. Activists created a national advocacy platform called the Plan of Action for the Integration of Women in Development (PANIFD). The plan, which integrated the key tenets of the UN's Beijing Platform and included proposals for *Moudawana* reform, won the endorsement of the Prime Minister El Youssoufi in March 1999. However, due to persuasive lobbying and mobilisation by the opposition, the government quickly retracted their

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support for PANIFD. The women's rights activists regrouped and re-mobilised with a multi-layered mobilisation effort to broaden the public support of *Moudawana* reform through grassroots outreach, in addition to their lobbying efforts, and in March 2001 activists formed The Spring of Equality Coalition responsible for grassroots and lobbying campaigning. In 2001, King Mohamed VI created a Royal Commission to investigate potential reforms to the *Moudawana*, and used his position as 'commander of the faithful' to claim rights to *ijtihad*, or religious interpretation, as the means through which he justified the reform of the *Moudawana*. After the *Moudawana* was reformed in 2004, the movement shifted its emphasis to public education through channels including television and radio announcements to raise public awareness on the new rights.

Appealing to different audiences

To build wide support for the reforms the activists framed their arguments in relation to both local cultural/religious values as well as universal human right principles and democracy. They used the religious principle of *ijtihad* as a rationale for reform, and argued that because Islam values equity and justice it is not opposed to women's equality and dignity.

The movement also successfully increased the relevance of its claims by adapting their messages to a range of different audiences and contexts. One example is The Guide for Equality in the Family in the Maghreb, an activists' resource drawn up by Collectif 95 Maghreb Egalité - a regional coalition of women's activists' organisations, intellectuals, leaders and researchers from Algeria, Tunisia, and Morocco. The guide provided a range of sociological, human rights, religious and legal

arguments for reforming family law that activists then adapted to their own national context in quite different ways. Another example can be seen in the movement's media and education campaigns. As well as targeting women with real examples of injustices, they also appealed directly to men by asking them if they wanted their daughters protected from such injustices.

Effective and flexible campaign strategies

One of the reasons for the movement's success was its strategic use of new political opportunities, and its effective and flexible mix of campaign strategies as outlined above. The activists also formed a variety of networks and alliances with grassroots organisations, national organisations, and progressive figures within government, each of which contributed to the campaign's success. The Collectif 95 Maghreb Egalité, for example, provided vital intellectual and technical expertise, and also prompted activists to press for the stronger rights as guaranteed in Tunisian law.

Insights

This Research Summary shows how change is possible even when traditional attitudes and behaviours are deeply entrenched. One of the unique strengths of the campaign was the way activists appealed to different audiences by framing their arguments in relation to both local religious values, and to universal human rights principles. Another strength was their strategic use of new political opportunities.

Credits

This Research Summary was written by Ruth Mayne, Independent Consultant, and is based on a study by Alexandra Pittman, an Independent Consultant and research and evaluation specialist focusing on gender and social change, with Rabéa Naciri, the President of Association Démocratique des Femmes du Maroc, Rabat.

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