

## **Naima Khaldoun**

### **Our battle today is for the proper implementation of the Family Law**

**Developing legislation and accelerating its pace in tune with the pulse of society is essential to any reform project in any field. Education and the law are two fields on which the present and the future depend.**

Naima Khaldoun has been a member of the Executive Committee of the Independence Party since the 13<sup>th</sup> Party Conference and Chairwoman of the party's Organisation of Women for two terms. She has been affiliated to the party since she became involved in its youth movement at school and through her trade union work. She was the first Moroccan woman to become a member of the Executive Office of the General Union of Moroccan Workers (UGTM) after a protracted struggle, an achievement that she is proud of and that opened the door for other women to the leadership bodies of this and other unions.

**Morocco has undergone a number of reforms in several fields, including reforms concerning women. As a Moroccan citizen, what does the word "reform" mean to you?**

It is the transition from an imbalanced situation to a better one by altering, rectifying and addressing any imbalances that impede development and progress, and by establishing stable and sound relationships between all sectors of society. Thus reform remains an aspiration for all generations in looking forward to a better tomorrow. As a citizen in a society that is living through a difficult stage in its development, a transition period, I think that our choices must be collective, since the goal we should all strive to achieve – regardless of people's positions and affiliations – is for Moroccan citizens, men and women, to live in freedom and dignity.

And for myself as a woman and a campaigner, reform means working for:

- the elimination of all forms of injustice, oppression and violence from which women continue to suffer in our country;
- the consolidation of equality and an end to all forms of negative discrimination against women that still stand in the way of the abilities and energies of people who are able to give and contribute;
- the empowerment of women to practise all their rights in full, and recognition of their qualifications and the value of the role they play in the development of the family and society; and
- an end to illiteracy among women and the improvement of their economic and social status.

Today, our country is undergoing important and fundamental reforms in several areas, particularly as they relate to the just treatment of Moroccan women and their ability to participate by assuming public and local responsibilities. And yet further reform remains a legitimate aspiration and enduring hope. From this perspective, the Moroccan women's movement in general, and the Independence Party's Organisation of Women in particular do not fall within the confines of feminism, narrowly or radically defined, in terms of their struggle and work. We believe that the situation of Moroccan women is an

integral part of the general situation of the country, and that reform of the situation of women is fundamental and can only be achieved through comprehensive reform. Thus there is a dialect relationship between reform overall and reform of more specific social conditions, first and foremost the empowerment of women and improvement of their situation. In our organisation we consider this to be the gateway to true and comprehensive reform and one of the basic conditions for its accomplishment. Hence our struggle as the Moroccan women's movement and as campaigners in the Organisation of Women was firstly for democracy and the rule of law. Just as we struggled for reform of the Family Law and for fair representation, to enable women to take responsibility for local and national affairs, in addition to other women's demands, so we also struggled for democracy and for respect for the popular will in the various elections. In the women's movement we formed a coordination committee over three decades ago, where we have experienced missteps, setbacks and defeats, but also historic moments that have allowed us to overcome our differences and disagreements, to consolidate our ranks, unite our call, and embark on our struggle from a common denominator.

### What are the main factors that determine the success of any reform project?

The project's initiators should be aware of what it is that they wish to reform, and conscious of the principles and reference points that underpin the project, as well as its value and the nature of the objectives envisaged. And, more importantly, there shouldn't be a gap between the reform project and those whom it targets. Thus, the more a reform project is in harmony with people's aspirations, hopes and expectations, and the more it reflects, shapes, approaches and is in direct contact with the depths or the sentiment, thinking and will of the society to be reformed, the more it will be able to generate the necessary confidence, conviction and support.

### If you were to identify what was in most urgent need of reform, in what area would you begin?

If this question is about establishing priorities, then, despite the fact that I am a woman in a society that still has a long way to go if it is to treat half of its population fairly, I would say that developing legislation and accelerating its pace in tune with the pulse of society is essential to any reform project in any field. Education and the law are two fields on which the present and the future depend. For there can be no development, stability, calm or growth without true justice and effective education.

Since the question asks about urgent reform, I would like to relate to the phenomenon of rampant violence and the rise in crime rates. This alarming situation calls for urgent intervention, based on a participatory and inclusive approach.

### The Code of Personal Status and Inheritance modified the Family Law. What is your opinion of this law?

I would first like to point out that the Independence Party has a special history with the Family Law in Morocco. In 1957, the party's leader, Allal El Fassi, was appointed as Rapporteur to the committee that was charged with the task of drafting the Personal Status Code and gathering together its then scattered provisions. Decades later,

demands for its amendment have naturally become legitimate. However, at the time the Personal Status Code was a social revolution. I would also like to point out that the Personal Status Code was amended in 1993. Despite the limited nature of these reforms, they did have value, by establishing the right of adult female orphans to marry of their own accord, abolishing of divorce *in absentia*, etc. Regarding the Family Law, first of all it has passed through several key phases, starting with the submission of a letter to His Majesty the King on the status of women, followed by the appointment of a Royal Commission tasked with revising the law. Its members included, for the first time, three women's organisations, which we viewed as a strong indication of the existence of political will. After continuous communications that went on for roughly two years, the general outline of the project was presented to His Majesty King Hassan VI, who, after reviewing it carefully, submitted it to parliament.

In my opinion, and in the view of campaigners from the Independence Party's Organisation of Women, the Family Law is one of the most important gains that have been made and hugely positive for our country.

**Did the political parties submit memoranda to the Royal Commission in this regard?**

It was the women's and human rights organisations that presented detailed memoranda to the Royal Advisory Commission, setting out their demands and proposals. The Commission also opened an important dialogue with the heads of these organisations.

**As women parliamentarians from the various political parties, were you able to form a lobby in debating the family law bill within parliament?**

There was an automatic bloc and so we didn't need to organise one. We regarded the proposed bill as a national responsibility in our charge, and so were keen for it to be debated thoroughly and seriously, not in overly zealous or emotional manner, which would be of no benefit. And the fact that most of the main demands for reform detailed these memoranda converged and overlapped helped the matter.

**As a women's rights campaigner, do you consider the Family Law to have lived up to the aspirations of the women's movement?**

I actually see it as a significant achievement for the women's movement, as we have moved from a badly deteriorating and unjust situation to a legal situation in which women can obtain many of their rights through recourse to the courts. We have all seen with our own eyes the extent to which Moroccan women have suffered for years from problems of divorce, the impossibility of being granted a divorce and maintenance payments, denial of custody of children, and other problems. Today, however, the rights of the wife, husband and children are guaranteed by law.

When the family law bill was announced in parliament, I felt that an old and deep wound had been healed, and that all the years, decades, of struggling had not been in vain. The Family Law fulfilled a large part of the aspirations of the women's movement. Of course, ambitions remain, and from this standpoint the Family Law today constitutes a solid basis for any future action. The Family Law resulted from a convergence of the will of His Majesty the King with the will of Moroccan society as a whole. What we must turn

our attention to today, and it is a serious problem, is the application of the provisions of the law, since some of the necessary conditions are lacking. Thus, regrettably, we find these provisions being circumvented and abused, especially with regard to polygamy and the exception that allows young girls to be married off below the legal age. Our battle today is for the proper implementation and consolidation of the Family Law.

**This law recognised the principle of equality. What does equality between the sexes within the family mean to you?**

My belief in equality stems primarily from an Islamic perspective, because Islam doesn't differentiate between male and female, either in their human origin or in their duty to fulfil the requirements of the Islamic *Shari'a* law and Muslim faith. In the Organisation of Women, we believe in equality within the family in a way that doesn't disturb the natural order of things, as stated by Allal El Fassi in his book *al-Naqd al-Dhati* (Self-Criticism). Thus to believe in equality is not to forgo love, mercy and complementarity between husband and wife within the family, or between them and their children.

**The state responded positively to the demand of Soualalyate women for the right to benefit from restitution for communal land on an equal basis with men. How did you learn of the problems faced by these women?**

I have been following the issue for a long time, from when I was a regional official in the 1990s. I first encountered the problem in that period. The first complaint was made by a woman from the Zagora area whose son had driven her off their land following the death of her husband. At that stage all the doors were shut and no one was willing to listen to the issue, which is not without its sensitivities. Women have been active in the same issue in the area of al-Kish. Several questions have been raised in relation to this injustice and the remnants of the old ways, which will inevitably die out. And there is also the problem of land that was distributed among small-scale farmers and which, in case of the death of the father, can all be seized by one of the sons, to the detriment of the other rights-holders. And thus the fulfilment of the demands of the Soualalyate women is a positive step.

**Measures have been taken to increase the representation of women in the elected assemblies via the national list for the parliament and the additional lists for the local councils. Do these measures meet your expectations as a woman?**

What happened with this issue also happened with the Family Law, i.e. the adoption of a specific percentage of representation and gaining access to the national list and the additional lists wasn't achieved overnight. We can all recall that before the national list (i.e. before 2002) there were only two women in the Assembly of Representatives. Back then, women's participation was merely symbolic, and it was via the national list that thirty women MPs were able to gain entry to the first chamber. But the situation in the second chamber remains unchanged, i.e. the participation of women remains symbolic. Therefore, we view the national list as a major step forward and as an affirmative action measure that, after a lengthy struggle, has allowed us to go from 0.5% participation to 10%.

Regarding the local elections, before 2009 the number of female counsellors stood at a total of just 127 nationwide. But in the last round of local elections, in 2009, a percentage of 12% was adopted, which produced close to 3,400 local female counsellors. All this, in addition to the previously obscured competence and diligence that they have demonstrated, means that we are now in a position to renew our call for one-third as a minimum level of representation for women in the elected bodies, which falls within Morocco's obligations to fulfil the third UN Millennium Development Goal.

Aspirations are always ambitious, but ambition is one thing and reality is something else. Although Moroccan women have qualifications, experience, loyalty and nationalism, these measures are a positive starting point for continuing the struggle for fair representation in particular. Experience has shown that women in parliament and the local councils do the work that is expected of them. Gaining access to leadership bodies is still important, as an extremely low proportion of these 3,400 female counsellors have accessed them. And it's the same in the Assembly of Representatives, where we find in the current legislative year that the Independence Party's "Unity and Equality Team" is the only one chaired by a female deputy. And there is no sign whatsoever of women parliamentarians in senior positions within the Assembly of Representatives.

**What reforms would you propose within the political parties in order to overcome these problems and make a success of these political reforms?**

The problem doesn't lie only with the political parties themselves, but also, indeed mainly, in the number of women who are in the political parties, which is still too low for women to constitute a force capable of influencing the party apparatus and decision-making.

The highest decision-making body in any political party is the general conference, which consists of thousands of conference-goers, depending on the size of the party. But how many of them are women? What is the percentage of women who attend these party conferences? And the same goes for the national party committees and other decision-making bodies.

Sadly, the administration has worked tirelessly to undermine the Moroccan body politic, and in addition the activity of some civil society organisations has indirectly aggravated the aversion to political action. The reluctance of women's organisations to engage in political party action has left them permanently outside the political game, and their absence is reflected in our goal of increasing the rate of political participation. We don't want women in Morocco merely to represent a reservoir of votes, but rather for women campaigners to make themselves, their presence and their choices felt within the political institutions, and to be fully alert to the fact that the vacuum that they have left in the political parties is not always filled by people with the same convictions.

**What can you as women party activists and members of civil society do to bolster the presence of women in the political parties?**

We can only continue to work on all fronts to broaden the base of our rights and achievements as women politicians within our parties, in order to create hope, stimulate

greater involvement in party political action, and mobilise future generations. And these goals are chief among the *raisons d'être* of any women's political organisation.

**How do you view the development of the status of women in general in the wake of the reforms that Morocco has experienced over the past two decades?**

First of all, greater efforts must be made to advance the social and economic conditions of women, since poverty, vulnerability and violence still weigh heavily upon women and families in our society. Given all the positions and responsibilities that Moroccan women have taken on today, I would argue that the future is bright. However, as women we are required to underline our abilities and our competence in every field where we assume responsibility, because women, unlike men, are always under the microscope, whether they hold ministerial offices or seats in parliament. Female parliamentary deputies, for example, are constantly required to assess their experience and performance, something that men don't have to do. I'm not actually opposed to such assessment, because it also constitutes an evaluation of the affirmative action measures that have resulted in a number of women entering the parliament. And we're certain that the results of such assessment, so long as it remains objective, can only help to support and strengthen affirmative action, so that the principle of equal opportunities and qualifications becomes the deciding factor.

I should also point out that there are a number of female ministers in the current government. Their portfolios aren't limited to the social field, but also include the fields of energy, health, foreign policy and education. There are also growing numbers of women in the diplomatic service, in some positions of power and in the scientific councils, which is a hugely positive sign.

**As a woman, what problems do you encounter in your work, which I think currently includes party political and parliamentary work?**

Beyond the framework we have been speaking in, the problems that remain are problems with the self, or with myself, that I am constantly striving to rid myself of and also to be accountable for.

**What do you think the role of women's associations is in terms of the impact they have on society?**

They play a vital, influential and positive role that is constantly evolving. However, they must eliminate certain practices that may serve to increase the distance between these associations and the goals they are trying to achieve.

**What is your personal relationship with women's associations in terms of the impact they have on you and your interaction with them?**

I have personal relations with them, as the chairwoman of an organisation that contains most of the women's groups. We have worked together in several fields and on several issues, especially within the coordination committees. I have also developed many friendships, some of them close, thanks to the many years of struggle that have brought us together, to the extent that each of us is the best witness to what the other has

accomplished. And I have also gained friendships through women's activities that I have respect for outside these associations and organisations.

Your have spoken about the trade union as if it was a school for you. Has working with women's associations also had an influence on your character?

Of course; it has had an influence, a positive influence, because the more of one's experience that one gives in a particular field, the more one gains and benefits.

What do you dream of achieving as a woman, even if it is difficult or impossible to achieve at the present time?

World peace.

And as a citizen?

I dream of all citizens, male and female, living in freedom, dignity and harmony with themselves and at peace with others, and for us all to put the interests of this beloved country ahead of all other considerations.