



Research Paper, 5 September 2017

The Evolution of Morocco's Human Rights Movement

→ Mohamed Kadiri



Moroccan protesters carry pro-reform placards, with the one in centre reading in Arabic "Bread, freedom, human dignity", during a protest in Casablanca, Morocco, March 2011 © Karim Selmaoui / EPA



Arab Reform Initiative

The aim of this survey paper is to provide an analytical chronology of the evolution of the Moroccan human rights movement in its political, social, internal and international context.¹

Restrictive domestic political conditions constituted a direct cause for the birth of a group of civil associations to defend rights and freedoms, particularly of detained and abducted activists in the 1970s and 1980s. This birth coincided with a global development in which human rights work became one of the main increasingly professionalized civil society actions after the disintegration of the civil rights movements in Europe and the United States in the 1970s. Jumping ahead, the mass popular protests in the region, including in Morocco, in 2010 and 2011 produced a number of new human rights actors. The new Moroccan constitution was an outcome of this activism and consequently gave rise to more human rights work for legal reform in compliance with the constitution.

For a long time, the Moroccan state had been suspicious of the motivations and actions of human rights advocates. This suspicion shaped the nature and dynamics of the relationship whereby the state-imposed its political and security prerogatives on the advocates. This restrictive attitude persisted despite the gradual transformation of the regime in the 1990s away from the unchecked use of violence against political opponents. During the establishment of the post-colonial state and the need to consolidate the grip of the ruling elite in the late 1950s and the two following decades, Morocco was mired in systematic and wide-scale human rights violations in what came to be known the “years of lead”. King Hassan II initiated a slow transition in the early 1990s in a gradual "democratization" of the political life and a downsizing the role of security agencies.

This political context was the main factor shaping the relationship between the government and human rights organizations in which the state worked to weaken or contain these actors or to respond to part of their demands.

Under the regime of King Hassan II, for three decades starting in the early 1960s, the monarchy and state bureaucracy (mainly security agencies, their internal differences and coup attempts aside) acted to create a strong post-colonial state, using violence, bargaining and conditional "democratization". Meanwhile, the



human rights movement in Morocco evolved, its discourse changed, as well as its challenges, political and social relations, internal governance, and impact. The behaviour of the regime was arguably the main factor behind transformations in this movement, while not denying the role of the movement and its activists, the important role they played in achieving, and gradually deepening, gains and transformations that drove the state to acknowledge and guarantee many rights.

In the structure of this paper, we shall seek to trace the human rights movement in its historical and ideological aspects, following the strategies adopted by the state to curb the movement, as well as strategies of resistance adopted by the movement to achieve its objectives. The paper will address the gradual inclusion of economic, social and cultural rights into the work of human rights actors who had exclusively focused for many years on civil and political rights.

The paper will be divided into the following sections:

- 1. *The birth and evolution of the human rights movement in Morocco***
- 2. *Service provision organizations***
- 3. *Women associations***
- 4. *Human rights organizations concerned with the performance of justice institutions***
- 5. *Amazigh organizations***
- 6. *Social movements and state strategies for dismantling/containment***
 1. At the level of official institutions
 2. State and Social Movements: mutual political adaptation
- 7. *Conclusion: the prospects and challenges of the human rights movement in Morocco***

General Civil Society Organizations and the Birth of the Human Rights Movement in Morocco

The Moroccan League for the Defence of Human Rights, LMDDH (*Ligue Marocaine pour la Défense des Droits Humains*), was founded in 1972 following the years of the



Arab Reform Initiative

emergency rule (1965-1970) and the two failed coups (1971 and 1972). There was a clear absence of any role for civil society organizations in policy-making or the monitoring of government performance and policies. The avenues of participation for political parties were largely blocked and there was an escalation of arbitrary arrests, kidnappings, unfair trials and other grave violations of human rights, especially civil and political rights. These conditions were the hallmark of political contention in Morocco in the first two post-colonial decades, when the royal family and its allies (so-called *El Makhzan*^[2] in Morocco) were singularly focused on asserting their authority and building state institutions and the royal regime.

The LMDDH emerged from the ranks of the Istiqlal Party² primarily for practical reasons as a number of political activists were arbitrarily detained or tried without due process. These prisoners included, for example, Anis Belfarij, son of Ahmed Belfarij, a leader of the Istiqlal Party and the king's special adviser.³

This connection continues to exist as a number of leaders and members of Istiqlal remain members of LMDDH, whose documents and statutes reference Islam as one of the foundations for human rights.⁴ This relationship affected the LMDDH and explains why the organization did not strongly criticize some of the severe rights violations that took place during those years when political considerations of Istiqlal might have intervened.⁵

The currently leading human rights organization of Morocco is the Moroccan Association for Human Rights, *Association Marocaine des Droits Humains* (AMDH), which was set up in June 1979. Similarly, the association did not escape the divisions that affected the Socialist Union Party of Popular Forces, some members of which took the initiative to establish the AMDH.⁶ The party faced internal political challenges and wanted to enter the field of human rights to strengthen its legitimacy in its competition with the Istiqlal Party.⁷

Despite the emergence of those two organizations in the 1970s, they remained constrained by the regime's iron fist policy which extended to human rights defenders. Cases of detentions and enforced disappearance of political actors increased. Morocco came under international criticism as the human rights movement around the world continued to emerge as an independent actor, although it was sometimes used or exploited in international political conflicts



Arab Reform Initiative

especially during the cold war.

Exposing human rights abuses also began in the 1970s by Moroccan migrants and French sympathizers who sought to alert French public opinion to the dire human rights situation in Morocco. Those campaigns, some of which were organized by the Association for the Defence of Human Rights in Morocco after its establishment in 1984, did not result in any significant changes due to the French government's support of the Moroccan regime. However, as time passed, letters and documents were leaked from inside Morocco's terrible detention centres. The escape of the children of former general Mohamed Oufqir in 1987 stirred the interest of the French public and international press in the dismal situation of human rights in Morocco.^[9]

However, due to the severe repression of all political and human rights opposition activities in Morocco until the late 1980s, neither the LMDDH nor the AMDH were able to undertake any effective, extensive action on the ground until 1988. For example, AMDH activists suffered from a campaign of arrests from May 1983 until January 1984 after a number of demonstrations that led to the arrest of several political activists. These detentions followed the acceptance into AMDH membership of a number of Moroccan leftists but particularly because AMDH had called in 1983, for the first time in Morocco, for revealing the truth about physical abuse, torture and ill-treatment of detainees in Tazmamart centre.⁸

Despite these pressures, and perhaps even more so because of them, 1988 witnessed the birth of the third important human rights organization in the Kingdom, the Moroccan Organization for Human Rights, *L'Organisation Marocaine des Droits Humains* (OMDH). The new organization pushed the LMDDH and the AMDH into more co-ordination as the latter questioned the motivations behind the formation of a third human rights organization at a time when the existing two big ones were unable to freely function.

Some claimed that OMDH was the result of a political deal and that the state has created it to reduce the influence of AMDH and the LMDDH, and, consequently, the influence of the Istiqlal and the Socialist Union parties, especially as the parties had started to rely more on human rights organizations, in part to get their voices heard in public. The OMDH was founded by a number of independent academics,



Arab Reform Initiative

most prominent of whom was lawyer Omar Azziman and members of leftist parties (Socialist Union, and Progress and Socialism). However, Azziman soon resigned from OMDH because of the parties' efforts to control the organization, which attracted only 150 members at the time, compared to thousands of members of the more radical AMDH.⁹

However, the OMDH later joined the rest of the human rights movement and co-signed the National Charter for Human Rights in 1990 with the AMDH, the LMDDH, the Bar Association, and the Association of Moroccan Jurists. It also participated in the National Human Rights Coalition, which included about 22 independent human rights bodies that endorsed the Charter after its amendment on 12 December 2013. The Charter called for a common struggle to harmonize the Moroccan Constitution with international human rights laws and covenants, the lifting of all reservations Morocco attached to relevant international treaties, amending national legislation to comply with these treaties while recognizing the primacy of international law over national legislation, consolidating the independence of the judiciary, and guaranteeing the freedoms of belief and expression.¹⁰ However, with the diverse visions among the five bodies that ratified the Charter in 1990, and the different social projects of various members,¹¹ the coordination drive within the human rights movement atrophied to a large extent. One of the reasons contributing to that was the divergence of political positions of the political parties, which helped establish the various organizations of the movement to start with.¹²

The government began releasing political prisoners in May 1989. The Palace seemed ready for a calculated opening, especially with mounting international pressure with the end of the Cold War, leaks of compromising documents, and the publication of books exposing horrific violations in Moroccan prisons and detention centres during the “Years of Lead”.¹³ However, the Gulf War in 1990 derailed this process of political opening and the problem of thousands of victims of repression was turned over to the Consultative Council on Human Rights (CCHD), which was founded the same year.

Subsequent government measures were limited to legislative and administrative measures such as the inclusion of the concept of human rights in the fourth constitution, adopted in 1993, and the establishment of a Ministry for Human



Arab Reform Initiative

Rights the same year, headed by lawyer Omar Azziman (one of the founders of OMDH). The ministry took the first step to redress the past by allocating a monthly stipend of 5,000 dirhams to veteran Tazmamart detainees. The stipend was cancelled in 2000.¹⁴

With the advent of the government of "consensual rotation"¹⁵ in 1998, Moroccans hoped that a parliamentary political system would emerge based on a genuine transitional process. However, the *Makhzan's* hegemony over the political and economic arena and the failure of political parties to coalesce behind a political programme to broaden participation in this arena prevented the success of a transition that was almost totally controlled from above.

But this "transition" radically changed the nature of the relationship between CSOs and political parties.¹⁶ Many CSOs were relatively disappointed in the parties that used to be in the opposition but had become enmeshed in the political machinations framed by the Palace, their concern moving away from rights and freedoms to issues they considered more important from their "political" point of view. The chasm was widened by incoherent government policies regarding a number of socio-economic issues (such as employment), and the sudden change in the discourse of the Socialist Union Party after assuming power. The yesteryear opposition also dropped the long-held demands for constitutional amendments to enshrine the separation of powers, consolidate the independence of the judiciary, enhance the legislative power of the parliament, and establish measures to ensure fair and free elections. Instead, the opposition-cum-government settled for second degree amendments such as strengthening the parliamentary jurisdiction and increasing the powers of the prime minister.¹⁷

All the above caused the Socialist Union Party to gradually move away from the human rights community. Human rights organizations, especially the AMDH, considered the "democratic bloc" parties to be merely a facade. The strong relationship maintained by the OMDH with the government had cast doubts on its independence from political decisions made by its patron, thus weakening its activities and impact as a number of its members resigned.¹⁸

In general, the human rights movement suffered from the influence of political conflicts among their patron (or friendly) political parties, to the extent that it



Arab Reform Initiative

appeared sometimes that human rights organizations were only mouthpieces for these parties, especially after a wave of arrests that particularly affected Social Union Party members. The party's leader, Youssoufi, had earlier agreed with this analysis, arguing in an interview in 1995 that it was necessary to provide lawyers for political detainees and care for their families. This was a tall order when the number of detainees became high, thus requiring the creation or help of specialized structures, a reference to human rights organizations. Rollinde believes that this statement illustrated the main tasks, that political parties thought human rights organizations should play at that stage. It was a division of labour of sorts between the political actors and the human rights activists, though the latter did not necessarily oblige the political parties.

Options for political activists in the 1970s and 1980s – at least those who escaped prison – were either to disappear, migrate, or join organizations that were not overtly political. A number of them, particularly from the Marxist left, chose the field of human rights, sometimes as a mere back door into political engagement.¹⁹ In other words, the human rights field constituted a waiting room for some of those activists until the formal political arena was reopened. While this combination of human rights work and political projects can be seen as one of the shortcomings of Morocco's human rights movement, some human rights defenders such as Ahmed Haije, a leader at AMDH, argue that the relationship was not that mechanical, citing, for example, the way quotas were distributed among political parties in the AMDH central bureau in a way that led to political diversity in the leadership, and that the presence or absence of actors belonging to political organizations within AMDH did not undermine its independence, since those organizations did not share the same visions and positions as long as not one single party controlled the organization.²⁰ This is somewhat true, though AMDH had always been largely influenced by a certain group of leftist parties.

In the late 1990s, those responsible for the serious human rights violations during the “Years of Lead” began to be held accountable, especially after the establishment of the Truth and Equity Forum in 1999 against the backdrop of protests by AMDH and OMDH, in addition to pressures by international organizations such as Amnesty International, the International Federation of Human Rights and the French League for Human Rights throughout the 1990s.²¹



Arab Reform Initiative

The government-appointed Independent Arbitration Panel (IAP) in 1999 and the Equity and Reconciliation Commission, (*Instance Équité et Réconciliation, IER*) in 2004 came in response to such protests, although the state did not fully implement the IER's recommendations included in its final report published in 2006. After the release of the report, the human rights community was divided between those working in coordination with the state, and those who preferred to continue to confront the regime, such as AMDH and the Truth and Equity Forum.²²

It seemed that concessions made by the regime after 1998 were a slow and gradual response to social demands while maintaining the *Makhzan's* authoritarian grip and deploying the usual strategies to control CSOs, whether they are involved in service provision, defending human rights, or advocating for policy reforms.²³) The regime relatively succeeded with human rights organizations, despite the support these entities have long had from political parties. It can be argued that the relationship between the rights movement and political parties was a strength and a source of national legitimation on the one hand but was also a weakness in as far as they were viewed by the government. The regime viewed human rights organizations as a new tool in the hands of opposition political parties, especially since these organizations long focused on civil and political rights. The post-colonial regime dismissed these rights since they clashed with its own strongly-held belief in how the state should be built around a firm central authority.

Human rights activism faced another challenge from Moroccans who suspected that human rights clashed with some tenets of Islam. These critics did not accept the assumed universality of human rights norms, its reliance on international laws and regulations, and rejected rights advocates claims that cultural relativism in as far as rights are concerned is but a tool used by those who benefit from abuses in conservative and patriarchal societies. This was a sensitive clash in a country like Morocco, where the state itself employs a special and specific understanding of religion to bolster its legitimacy and imposes that understanding on political parties seeking to be recognized by the state. Opposition to the self-proclaimed religious roots of the monarchy has long been considered a state security crime under the Moroccan law.²⁴ This tension between certain traditions and uses/interpretations of Islam and the human rights discourse has continued to affect in some ways the cross-cutting relationships between human rights actors,



state and society.

In this context, the establishment of Islamist-leaning Al-Karama Forum in June 2005, was a significant act, as it reopened the issues of universality and indivisibility of rights and how this could contradict certain dominant understandings of Islamic rules and regulations in Morocco. The Forum said it wanted to spread the culture of human rights and raise awareness of the importance of human dignity. It also tackled issues that have long beset other human rights organizations such as relations with trade unions, economic and social rights, challenges facing new networks and lack of their legal right to organize, funding, and internal governance. However, Al-Karama Forum did not propose clear solutions to the main contradiction facing most human rights activists with an Islamist background: the contradiction between the specificity of a common understanding of Islam in Morocco and the universality and indivisibility of the universal bill of rights, especially in matters related to gender equality (including in laws and common practices governing marriage, inheritance, etc.) and individual sexual rights.

This socio-political paradox impacted the formation of different human rights organizations such as the Alternative Movement for Individual Freedoms (MALI), *Le Mouvement Alternatif pour les Libertés Individuelles*. Established in 2009, MALI has advocated the universality and indivisibility of rights, focusing on individual rights such as freedom of belief and religious practices. The two founding women, Zeinab al-Ghazawi and Ibtisam Lashkar, also wanted to amend certain articles in the Moroccan Penal Code on the grounds that they limit individual freedoms of citizen, in particular chapter 222, which criminalizes deliberate and public eating or drinking during the day in Ramadan (when Muslims fast from dawn to sunset).²⁵

The group faced strong opposition from religious social media activists, claiming MALI was seeking to "subvert religious beliefs of Moroccan Muslims." The founder of the group was accused of receiving funds from abroad to influence Morocco's religious and political life. Islamists severely criticized one of the founders after her public declaration that she was an atheist and that the Moroccan state compels her through the existing laws to behave like a Muslim.²⁶ However, some Islamists agreed with MALI's call to amend chapter 222, on the grounds that the state should not interfere in people's beliefs and intentions.²⁷



Arab Reform Initiative

The political opening that began during the last years of King Hassan II and deepened after King Mohammed VI took office in August 1999²⁸ deployed various strategies of concessions, co-optation and restrictions in dealing with human rights defenders. This openness was accompanied by social transformations that enabled distinct actors in Moroccan society (associations, trade unions, political parties, prominent individual actors, etc.) to play new roles. However, this did not constitute a clean radical break with many of the administrative practices associated with the postcolonial state, which may be reflected in the slow pace, complexity of procedures and the mistreatment of citizens by state officials and administrators, who probably never viewed people as citizens but rather as subjects. On the other hand, daily social interactions between citizens and government representatives continued to be fraught with tensions and disregard for the authorities and its representatives, whereby the people indicated that they did not take state control over their lives seriously or at face value, nor admitted that the state was responsible for rule of law and has a monopoly over the use of violence for the benefit of the whole society.

Thus, the state and society came to face a dilemma of historical development, in which the first is concerned with its needs for security and order to protect its foundations, while the latter is more concerned with individual and collective rights. State and civil society struggled (together but more often against each other) to reach a compromise between those matrices of conflicting demands. These contentions took place in a context extending beyond normative and pragmatic boundaries (e.g. economic limitations and cultural norms) affecting the options available to all parties. The conflicting ideologies and material interests of the palace, on the one hand, and political parties and civil society, on the other hand, compounded this process in the midst of changing regional and international considerations.

In the late 1950s, the political conflict in Morocco was dominated by the palace which sought to found a “modern state”, and national movements, especially leftists, aspiring to create a system of governance that often clashed with the material interests and a certain Islamic ideology espoused by the royal institution. The king was not merely presented as head of this “modern state” but also as the Sultan of the realm and *Amir Al Mu'mnin* (Commander of the Faithful). In spite of



Arab Reform Initiative

the institutional achievements that characterized the reign of King Hassan II,²⁹ and the conditional democratic opening that he offered during the final years of his term, the state's political structure itself continued to protect the vast powers of the palace where policy making was rather opaque especially when it came to the treasury, labour relations, and civil and political rights.³⁰

The political transition and transformations³¹ that took place after King Mohammed VI came to power in 1999, were a necessity in view of several factors that heightened aspirations and expectations of the Moroccan people, who hoped that the reign of the new king would bring change after the 38-year rule of his father. As he started his reign, the young king gained general popularity and support from opposition political parties, especially after he quickly dismissed the feared Minister of Interior Driss Basri, who had been responsible for systematic human rights violations, including horrible systematic torture practices for decades. The political power balance was changing fast as the opposition forces became more popular forcing the palace to seriously consider ceding some power or shifting some of it from the ruling so-called pro-palace administrative parties to the genuine political opposition parties.³² We will return to this issue in detail in section VI of this paper.

Service Provision Civil Associations

The state has long encouraged the service-provision sector of civil society organizations at the expense of the human rights sector, especially with the shrinking role of the state in providing social services under economic austerity and structural reform programmes. A large number of new CSOs in the 1980s prioritized social services. The state bias in favour of these CSOs was evident in the funding it provided to them, which reached 80% of the total CSOs government funding at a time when human rights NGOs received only 1.9% of this funding according to 2007 statistics.³³ The state also showed obvious double standards when it facilitated the formation of this type of CSOs as opposed to intransigent and somewhat hostile position regarding human rights NGOs. This strategy became more evident with the launch of the national initiative for human development by King Mohamed VI in 2005. This royal initiative resulted in a 40% increase in the number of development CSOs.³⁴



Arab Reform Initiative

Most of the resources of these new CSOs were directed towards poverty reduction, and programmes in excluded and vulnerable communities, especially in densely populated poor neighbourhoods.³⁵ This led to the creation of relatively smaller community-based associations that benefited from major state contributions but could not have a real policy impact at a national level in what remains a centralized state.

This government policy served the social and economic aspirations of King Mohamed VI, who together with his father's throne, had also inherited 2.8 million poor people and 5.4 million socially or economically vulnerable people.³⁶ Morocco quickly achieved a significant leap in its social indicators compared to any other comparable period in its history. This relative improvement, in addition to the strength of the palace and its political allies, may have contributed to lessening the vigorousness of protest movements during the "Arab Spring" of 2010 and 2011 compared to Tunisia, Yemen, Syria, Bahrain and Libya.³⁷

Women Associations

Human rights organizations in Morocco tended to defend political rights and freedoms, an approach that antagonized the ruling regime, driving it in turn to undermine these organizations. Women's organizations, on the other hand, had faced stronger and more complex resistance, since they were struggling against a whole social system and the state at the same time. These antagonistic forces viewed with suspicion the ideals of gender equality, or at least ceasing the systematically practiced, almost "natural", discrimination against women.

Ignoring efforts by the women's movements on legal, political and social issues, the palace continued to issue laws that undermined women rights in the early years of the post-colonial state, including the personal status law (currently family law) in 1957, the public freedoms law in 1958, and the penal code in 1959. Those laws were influenced by a certain patriarchal view of women, and subsequently the child and the family, within a political system that adopted its own male-dominated understanding of Islam as the main legal reference for personal affairs.³⁸

The women's movement fought these laws, especially the personal status code,



Arab Reform Initiative

which assigned women an inferior legal position. Several women's associations and unions were established in this process, such as the Progressive Women's Union in 1962, affiliated to the leftist Moroccan Labour Union. The union led a huge march on the streets of Casablanca on May 1, 1962, raising for the first-time banners calling openly for gender equality.

The women's movement stalled until early 1975, largely due to the increasingly restrictive political environment in Morocco. Moroccan women continued to face more and deeper problems, especially on family-related matters such as the husband unilateral right to divorce, losing rights of residence in marital property, increasing number of homeless children, etc. By the mid-1970s, women's organizations had drafted a list of demands regarding these and other similar issues (including for example the rights of adult women to have full and independent legal status), in preparation for the extraordinary conference of the Socialist Union Party in January 1975.³⁹

In the early 1980s as a result of a momentum on the political scene, several official initiatives were proposed to amend the personal status law. However, those efforts failed due to the lack of national consensus among political and religious forces in Morocco, while CSOs were not in a position to play a significant role.⁴⁰ The Women's Action Union, *L'Union de l'Action Feminine* (UAF), which was established in 1987, breathed a new life and energized the women's struggle. The UAF demanded an amendment of the personal status code including gender equality in inheritance, a daring move seen by conservative state and social sectors as contradictory to the dominant Islamic jurisprudence (*Fiqh*) in Morocco.

Before the 1993 amendments responded to these demands, two women associations had been born and played a major role in further developing advocacy strategies. Those were the Democratic League for Women's Rights, which led a campaign to protect female domestic workers under the labour laws, and the Moroccan Association for the Defence of Women's Rights, which focused on sexual harassment at the workplace. Both demands were widely supported in a campaign advocating women's rights and labour in 1994.⁴¹

Several women's rights advocacy organization joined hands to create a group entitled, "Spring of Women's Equality" group in 2001 as they believed the 1993



Arab Reform Initiative

amendments of the personal status code were cosmetic and did not address the fundamental problems.⁴² Two years later, the King decreed major amendments to the personal status act.

Regardless of the success of the women's movement in defining its issues, articulating its strategies, and raising awareness of demands that have been opposed by the state or social forces on religious or traditional grounds, the most important result has been the continuity and diversity of this movement in its structure (associations, unions, etc.), and its work, which evolved in parallel to socio-political transformations.

Justice Institutions

Rabitat Al-Koda (The League of Judges) was established in 1961 to represent all Moroccan judges. Among its main objectives were “working to guarantee the rights of its members, their interests and dignity as members in a higher institution in the country, and spreading the ... ideals of justice, integrity, selflessness and human dignity.” In the 1960s, this association focused on the independence, Moroccanization, and Arabization of the judiciary institutions and practices (Arabic becoming the exclusive language of laws and courts and dismissing foreign judges). In parallel, the association worked then and later on to advocate for professional and trade union rights, consolidating the independence of the judiciary, protecting judges from the interference of security agencies, and reforming personnel systems (appointment, secondment, transfer, and remunerations). It also issued 22 editions of a journal until 1987 focusing on professional and corporate issues in the 1960s and on distinguished legal decisions and innovations in the 1980s (no issues were released in the 1970s).⁴³

The *Rabitat* continued until 1989 when it came under pressure by the state and suffered from internal conflicts between northern and southern judges over top leadership positions within the association.⁴⁴ The ministry of justice impeded the convening of the *Rabitat's* General Assembly until 1996, when its statute was amended, its name changed to *Al-Widadiya Al-Hassaniya Lil Qodat* (Hassaniya Association for Judges) with judge Mohamed Mikko elected as its chairperson. A large number of *Rabitat* members left, dissatisfied with the way its structure



Arab Reform Initiative

changed, arguing that the amendments had undermined the organization's independence and integrity, pointing out the new condition that candidates for top leadership positions must have had 30 years of working experience in the judiciary. This condition was meant to keep away young judges and to keep the association in "safe hands" subordinate to the ministry of justice.⁴⁵

In 2002, a royal speech called on *Al-Widadiya* to take part in judicial reform, enable all judges to effectively participate in its work, renew its bylaws to accommodate the changes that have taken place in the judicial arena, and, finally, renew its governance structures to attract new active members who can assume senior positions within the organization.⁴⁶ After the speech, members of *Al-Widadiya*, with the help of a committee of judges belonging to the ministry of justice, amended the bylaws. A new regulation made it more subservient to the palace as the *Al-Widadiya* now would nominate three judges, from whom the king would choose the president. However, the king did not exercise this right neither in 2004 nor in 2006 when two lists of three names each were submitted to the palace.⁴⁷ It is unclear why the king ignored these submissions but this indicated a dissatisfaction by the palace with the way *Al-Widadiya* was functioning and the credibility of its nomination process.

The failure of *Al-Widadiya* was mainly due to the electoral procedures for senior office holders, since it produced a group of judges who were more loyal to the Ministry of Justice than the judges who elected them to defend their professional interests.

Although the palace declined to select the president of *Al-Widadiya* twice in a row, thus affecting its performance, a royal speech in March 2006 criticized *Al-Widadiya* demanding that it should reform, cease internal disputes and develop bylaws after it became evident that the organization had weakened to the extent that it became unable to perform its representative mission.

However, the problem was that a true representation by *Al-Widadiya* of its constituency could have most probably led to confrontations with far stronger state institutions, especially since the judiciary did not enjoy real and complete independence. Moreover, *Al-Widadiya* itself failed to contain a wave of discontent among judges as a result of internal conflicts due to non-competitive elections,



Arab Reform Initiative

where some judges (chief and senior judges, and attorney-generals and their deputies) exploited their moral authority and influence to control *Al-Widadiya* under the patronage of the ministry of justice. This patronage became stronger, thereby weakening even more the relationship between the higher *Al-Widadiya* officers and the rank and file of the judiciary body.

Al-Widadiya considered itself to be the sole and legitimate interlocutor of the judges, but its basic bylaws had excluded youth, since the candidacy for its presidency required thirty years of judicial practice.⁴⁸ This exclusion, the graduation of a new batch of judges in 2010 and the social explosions during the Arab spring in 2011-2012 played a role in the launch of a new professional association of judge. This association started as a Facebook page, which attracted judges from all over the Kingdom, and led to the foundation of *Nadi Qodat Al-Maghreb* or Morocco's Judges Club.

About 400 predominantly young judges gathered from across the Kingdom on August 20, 2011 to attend the founding general assembly that was to take place at the lecture hall of the National School of Metallurgy. However, as soon as they arrived at the gate, they were denied entry despite earlier agreement with the school. The organizing committee decided to have the general assembly meeting outdoors. After the vote count, Yassin Makhli, a young judge from Taounate and the founder of the judges Facebook page, won the presidency. After his election, Makhli gave a speech, in which he said that judges had long dreamt of the establishment of a professional association to represent them and contribute to the maturation of the process of independence of the judiciary; and that this was achieved thanks to the initiative by judges to create their page on social media.⁴⁹

At the level of civil society, *Adalah* (Justice) Association was founded in October 2005 to ensure the right to a fair trial through advocating legal and judiciary reforms to guarantee the independence, impartiality and efficiency of law enforcement and judiciary institutions. *Adalah* sought to achieve its objectives by carrying out studies and compiling reports that monitor the situation of justice in Morocco and to develop books and guidelines to assist relevant practitioners, especially lawyers, judges, justice assistants and human rights defenders. The organization also monitored trials and relevant violations of the right to due process and a fair trial. It has submitted memoranda and proposals for amending



laws and for justice sector reform to relevant authorities, organized national and regional training activities and seminars, as well as round tables on the justice system that dealt with relevant national and international laws.⁵⁰

Amazigh Organizations

When Morocco became independent, Islam was proclaimed as the official religion of the state. An Arab-Islamic identity was reinforced and exploited by the nationalist independent movement against the colonizing French, then used as one of the building blocks of the new post-colonial state. With the spread of an Arab-Islamic identity in Morocco and the fact that the ruling monarchy anchored itself in a religious legitimacy, defenders of human rights had to face multiple obstacles which were often difficult to cross.⁵¹ Advocates of Amazigh rights were accused of having had links with the French colonial administration during years of struggle for national independence. After independence, the Amazigh movement faced a hostile Arab-Islamic ideology seeking hegemony to build a collective Moroccan national identity in service of the post-colonial state in some cases (as the monarchy did) or in opposition to it in other cases as certain Islamist groups did.

The first Amazigh association, the Moroccan Association for Research and Cultural Exchange, was founded in 1967 with a non-descript name. This association sought to indirectly defend Amazigh's language, identity and social/cultural practices. The Amazigh issue as a politically-charged question and a rights problem was publicly avoided in Morocco until the end of the 1970s, when the *Association Nouvelle pour la Culture et les Arts Populaires* (New Association for Culture and Popular Arts) was founded in 1978 in Rabat. It later came to be known as the Tamaynunt Society. This association was concerned with popular culture in general and the Amazigh culture in particular. This was followed by the foundation of the Amazigh Cultural Association in Rabat in 1979 and the Cultural Society of Souss in Casablanca in 1980.

Amazigh associations signed a memorandum on Amazigh Cultural Rights, which it addressed to the World Conference on Human Rights held in Vienna in the summer of 1993, in addition to signing a letter to political parties, the government and



Arab Reform Initiative

parliament at the same time. The National Coordinating Council of Amazigh Associations in Morocco was established in February 1994 to play a major role in mobilizing national and international public opinion in solidarity with the detainees of the Télély Association, who were arrested for raising banners written in *Tifinagh* (Amazigh alphabet) on 1 May 1994 demonstration.

The number of associations affiliated with the Amazigh movement proliferated. Coordination efforts largely failed. At present, there are several coordinating bodies which expose the fault lines within the Amazigh communities in Morocco, geographically and somewhat politically in terms of their relationship with the state. There are two coordination councils in northern Morocco; the National Federation of Amazigh Associations (established in 1998), known in French as the *Fédération Nationale des Associations Amazigh*, and the Qadi Qaddour Committee. In the south, there is the Confederation of Amazigh Associations of the Moroccan South, better known as "Tamont in Ifus", while in the centre of the country, the Amyafa Coordination group for Central Morocco (better known in French as *Coordination Amyafa des Associations Amazighs du Maroc Central*).

The activism of the Amazigh movement was one of the main reasons that led to state changes regarding the acceptance of Amazigh/Berber language, Tamazight, in schools and more openness and support towards Amazigh cultural representation, though not necessarily towards the more politically-oriented Berber activists (those who work for land rights or constitutionally-guaranteed cultural rights). This change has started in 1994 with King Hassan II sounding positive notes about Amazigh language and culture, thus allowing, though not formally, many newspapers and associations to work more freely. In 2001, this policy was strengthened and formalized by King Mohammed IV in a *Dahir* (Royal Decree) establishing the Royal Institute of Amazigh Culture (*L'Institute Royal de la Culture Amazighe* or IRCAM) and three years later including Berber language (Tamazight) in schools in areas that are predominantly Amazigh in Morocco. Some critics saw the admission of cultural rights in these changes as a co-optation by the state and part of its attempts to push back the rising transnational political Islam. They also claimed IRCAM with its tens of millions of dollars in annual budget had a corrupting influence that undermined local institutions and co-opted Amazigh activists and intellectuals away from the language of rights and more into political



compromises.⁵²

Protest Movements and the Strategy of Dismantling and Co-optation:

For a long time, the Moroccan state had deployed legal restrictions to control CSOs in general, and human rights organizations in particular, but it has increasingly resorted also to strategies of co-optation and/or undermining the structures of such organizations. This led either to the dilution of human rights demands from the civil society or lesser concessions from the state. The dismantling or co-optation of the human rights movement were meant to help the state absorb (without necessarily reacting positively or negatively in a solid way) the demands of the rights movement and concede as little as possible. The apparent “positive” response from the state often helped dissipate popular feelings of discontent and anger. One of the most important examples is the calculated political opening in the second half of the 1990s when the leading parties were asked to rotate in forming the cabinet and share in executive power. In reality, the Palace continued to reign supreme while these changes were portrayed as a qualitative leap in democratization, despite the persistence of the king's wide powers, while leaving the prime minister with limited powers in devising social and economic policies.⁵³

However, political actions usually have unintended consequences, as happened with Morocco's conditional political opening and its impact on the human rights situation and movement. The mass media strongly flourished at the beginning of this century, while several books, for the first time, addressed the “years of lead” or the horrors of political repression in detention centres and the cases of enforced disappearance. Ahmed al-Marzouqi's memoirs, "Tazmamart, cell No. 10", was published in 2000, and sold about 25,000 copies. In October 2000, a demonstration of human rights defenders marched to Tazmamart, and put out a list of names of "torturers in the former regime, including some officers who were still in service." The palace soon realized that it had to intervene. Towards the end of 2000, the state security agencies waged a campaign of arrests against journalists, Islamist dissidents and human rights defenders. It also denied Amazigh activists a license to form a political party in June 2001. However, it was not only political opposition



figures and civil rights activists who disturbed the palace. Economic conditions were fast deteriorating due to a severe drought, which ignited popular protests and tensions, including almost permanent rallies in front of the parliament building in Rabat, organized by unemployed graduates despite repeated assaults on them by security forces.⁵⁴

The Development of Official Institution

King Mohammed VI has attached great importance to creating a symbolic and actual break with the legacy of systematic violence practiced by state institutions for decades. About a year after he was enthroned, a royal commission to compensate former political prisoners was established. It carried an unusually long name: “The Independent Arbitration Panel to compensate for the physical and moral harm to victims or rights holders, who have been subjected to enforced disappearance, arbitrary detention, and their families”. The Panel, which commenced on 1 September 1999, received 11,000 compensation requests but declined to consider 6,000 of them as they were submitted after the very short deadline of end of December the same year. It issued 5,844 decisions by the end of its work in 2003, awarding nearly one billion Moroccan Dirhams (about USD100 million) to 3,681 cases.

Despite criticisms, the Panel represented a giant symbolic step and a unique measure in the Middle East and North Africa as a state acknowledgment of wrongs committed and the beginning of a break with former repressive tactics and massive rights violations. However, the Panel’s mandate did not allow for real accountability and criminal procedures against the perpetrators of these crimes, nor did it include institutional reforms to ensure that such crimes are not repeated. Several observers criticized the Panel also for lack of transparency and openness, the ambiguity of procedures, the arbitrariness of its deadline that led to the dismissal of more than half the submissions, having a mandate restricted to financial compensations without considering the broader concept of reparation, nor allowing a mechanism of appeal to its decisions.⁵⁵

The more important step was the establishment of the Equity and Reconciliation Commission (*Instance Équité et Réconciliation*, IER) in 2004 after King Mohammed



Arab Reform Initiative

VI ratified a recommendation by the Consultative Council on Human Rights to investigate past grave violations, especially those related to enforced disappearance, arbitrary detention, and ensuring that such violations would not be repeated. The IER was also mandated to continue the work of the Independent Arbitration Panel. On 30 November 2005, IER president Driss Benzekri presented his final report to the King with a set of recommendations in order to ensure that serious human rights violations in Morocco are not repeated, to consolidate the necessary institutional reforms, and create a national strategy to combat impunity and strengthen constitutional foundations for human rights. The IER stressed that for rule of law to be entrenched there should be reforms in security and judicial institutions, and enactment of relevant legislations.⁵⁶

Although many years had passed after the IER recommendations, many of them have not been implemented, particularly with respect to reparation for collective harm, disclosing the fate of all those who have been forcibly disappeared or the development of a national strategy to combat impunity. Moroccan human rights activists have complained that the main IER objective has not been achieved: to ensure that the decades of systematic repression by the state do not recur. "Instead of the state reviewing its human rights policies, it wasted a historic opportunity to move towards a democratic society in which social justice and citizens' rights prevail," commented Abdel-Salam bin Abdel Salam, an AMDH member, on the fate of the IER recommendations more than 10 years after it submitted its recommendations.⁵⁷

Amnesty International agreed with this assessment in its "Broken Promises" report, acknowledging that the IER creation "signalled that there was strong political will at the highest level of the state to improve the human rights situation in Morocco and Western Sahara ... However, the IER was born with serious flaws that partially explain its failure to deliver on all the promises of equity and reconciliation. The IER's mandate did not encompass all human rights violations committed between 1956 and 1999, and regrettably, despite outcries by victims and human rights organizations, excluded the identification of perpetrators of grave human rights violations."⁵⁸

Although the IER addressed issues beyond its mandate, it was not able to address two major issues in its recommendations or in the manner in which other



institutions attempted to implement those recommendations in the following years: accountability of perpetrators of violations and reform of the legal and institutional framework that allowed those violations to occur. Having said that, the IER was another major milestone in the evolution of the rights movement in Morocco and in how the state acknowledged it and worked with it including with leading activists to uncover parts of the state institutions' bloody and dark history.

The National Council for Human Rights (CNDH) was established as a national institution in March 2011 to replace the CCDH.⁵⁹ The CNDH terms of reference included expressing views on issues for which the king seeks consultation, such as those related to protection and respect for human rights, freedom of citizens, groups and institutions as well as their defence and promotion.^[62] The CNDH presents annual reports on the situation of human rights in Morocco to the Parliament as well as thematic reports on specific human rights issues. It is a national institution accredited by the International Coordinating Committee of National Human Rights Institutions since 2002, which means commitment to the Paris Principles governing this type of institutions, as adopted by the United Nations in 1993.

In spite of the CNDH's achievements in the promotion of rights and freedoms, it has been criticized by a number of human rights defenders on grounds that it has not brought to a conclusion many of the open files related to enforced disappearances that have been referred to it by the IER. Critics claimed the CNDH never responds to individual complaints against government institutions.⁶⁰

State and Social Movements: Mutual Political Accommodation

Accommodation is the political conduct of the state and protest movements (organized and non-organized) in order to overcome or resolve crises through bargaining and compromise. Accordingly, protest movements settle for what they can obtain, while the state makes concessions or carries out reforms responding, often partially, to social demands by these movements. This kind of interaction was characteristic of the way the Moroccan state handled the domestic version of the Arab Spring waves that reverberated through the region. *Hirak 20 Febrayer*



Arab Reform Initiative

(the 20 February Movement) in Morocco rattled the regime to the extent that it made quick concessions but it did not shake it nor reformed it in any sustainable or major manner.

The 20 February Movement constituted a major challenge to the Palace pushing it to agree to constitutional reforms in response to a number of demands put forward by this movement. However, at the same time, the political space did not open up to discuss and rationalize those reforms or look into the causes or original conditions that created the need for them. The reforms were packaged to demonstrate the Palace's positive interaction with "the people". Strategically, these constitutional amendments helped Morocco avoid some of the calamitous developments in other Arab countries affected by the hot winds of the Arab Spring.⁶¹

20 February Movement

The motivations of this movement may be similar to those of protest movements that led to the uprisings of the Arab Spring, where millions took to the streets in Tunisia, Egypt, Morocco, Libya and other Arab countries. However, what distinguished Morocco was that the protest movement did not target the ruling regime under the King head on, but demanded reforms of various sectors of the state as well as more effective policies to address unemployment, marginalization and poverty.⁶²

The initial main demand of the movement was introducing a parliamentary monarchy. However, even this demand did not hold for long due to the diverse ideological backgrounds of the various constituencies of the movement, which finally settled for lesser demands.⁶³ The top political demand was reduced to calling for a democratic constitution based on the will of the Moroccan people, and not just a "given" constitution based on the sovereignty of the monarch as has always been the case since independence.⁶⁴

The momentum created by the 20 February movement constituted a turning point in the political history of Morocco, since it formulated direct demands, including political ones, took them to the street, and called for their realization without passing through formal intermediary institutions (either political or



Arab Reform Initiative

administrative) or through registered civil society organizations, which the state was accustomed to use to address and interact with the people. This meant that the 20 February momentum, which is ultimately a rights movement (in the very broad sense of the term "human rights" including unorganized popular demands to gain political, economic and social rights) had bypassed intermediate institutions in the relation between state and citizens, and came to address its demands directly through a non-institutional framework, creating a new oppositional social space, going beyond the traditional forms of associations and institutionalization, which had always been closely monitored by the state. All of the above makes the 20 February movement a unique experience as the predominantly youthful movement shunned traditional political elites and official civil society organizations and addressed the people at large. A cursory survey of members' Facebook postings would show how they were sceptical of the hegemonic traditional moral foundations of the country, believing in a legitimacy that is drawn from the general principles of human rights. For the first time, Morocco had influential political actors who do not hold to a grand narrative of nationalism or resistance to the possible foreign interventions. Social media, especially Facebook, played an important role, as an alternative social space and communication channel, in coordination and mobilization for the movement, which succeeded in bypassing the state-monitored mainstream media channels.⁶⁵

For a while, the movement held to its main demand of a fundamental constitutional amendment. King Mohammed VI, however, appointed a committee to review the constitution that the movement disagreed with in terms of mandate and composition. The movement called for a protest rally on 20 March 2011 in Rabat, against the royal decree. It claimed that the recommended constitutional amendments were meant to silence the movement and deprive it of political legitimacy.⁶⁶

However, the position of the movement was undermined by the fact that it failed to present an alternative grand project or even a constitutional project. Meanwhile, the major political parties had agreed to cooperate with the palace and joined the King-appointed committee to draft the constitutional amendments. As a result, the movement, which refused to join the committee, became more



isolated, exposing its inability to play a political role through actual participation or to force the regime into another compromise. Instead of becoming an advocacy group pushing alternatives, the movement appeared to be opposing just for the sake of opposition, leading increasing numbers of citizens to lose confidence in it. The movement, which never established hierarchical or permanent structures, continued to exist in spirit but it fizzled away.⁶⁷

Conclusion: The Prospects and Challenges of the Human Rights Movement in Morocco

Despite a period of relative hibernation for human rights associations from the late 1970s until the late 1980s, they rapidly developed since that time in the ways they worked, where they worked, their structures, and their impact.

For example, the AMDH structures expanded with the number of branches reaching 100 with a total of 14,000 members by 2016. It started to submit parallel reports to UN bodies in 2004, when it presented a shadow report to the UN Human Rights Commission, covering the period from 1999 to 2004 and criticizing the official governmental reports. Since its seventh national conference in April 2004, the AMDH sought to strengthen its branches and structures, and prioritized work among women, youth, workers and intellectuals. The AMDH decided since then to focus on advocating for a democratic constitution that complies with the principles and values of universal human rights, and for that constitution to derive its authority from the sovereignty of the people whose representatives should draft it. It finally called for a solid separation of powers and for separating the political and religious realms (which are still somewhat conflated in the person of the monarch).⁶⁸

Organizationally, the AMDH remains one of the largest NGOs in Morocco in terms of membership, hence the significance of its decision to include economic, social and cultural rights in its programmes. Represented by its former chair, Khadija Riadi, the AMDH led the Moroccan coalition for human rights bodies, which included almost all Moroccan human rights organizations including those



Arab Reform Initiative

affiliated to the Islamist Justice and Development party and the Islamist Justice and Charity movement. The AMDH also chaired the Maghreb association for the coordination of human rights organizations (24 organizations from Morocco, Algeria, Mauritania, Tunisia, Libya and France).⁶⁹

The LMDDH supported most of the AMDH positions through a process of continued coordination.⁷⁰ The OMDH has been active in the national coalition for human rights, and has a relatively more positive attitude towards the CNDH and its predecessor, the CCDH, arguing that human rights advocates should and could defend rights from inside official institutions.⁷¹

Despite the importance of these three historical organizations and their continuing significance, the human rights movement in Morocco has expanded and diversified way beyond the confines of the founding generations, especially in the last ten years. This paper tried to present the diversity in some of its forms, especially associations, organization or networks concerned with individual rights or working in the fields of personal rights, justice reform, freedom of belief, and sexual rights.

Despite the diversity and richness of the human rights movement in Morocco, most organizations share similar challenges, foremost among which is the need for greater coordination, ensuring funding sustainability in transparent and accountable ways, as well as reaching an effective working relation (despite its contentious nature) with the state, thereby reducing government restrictions and suspicions. There is also still work to be done to build a productive working relation between classical human rights defenders who rely on the international human rights bill and Islamist human rights activists who are more recent to the field and of lesser impact. Last, but by no means least, the human rights movement needs to expand its social support base.

Despite strenuous efforts by rights CSOs to ensure funding, whether through the government or from foreign donors, funding remains limited and is linked to donor and government priorities. This undermines rights NGOs which require sustainability and independence. In this regard, the state has an important role to play, not only regarding direct funding, but also through easing restrictions imposed on human rights organizations and putting together a flexible legal



Arab Reform Initiative

framework that allows a greater freedom of action for human rights defenders under clear and transparent regulatory mechanisms. Clear legal frameworks and their impartial implementation should enhance the credibility of civil society organizations and create a healthy relationship with the state.

Maybe the greatest challenge of all is the expansion of a social base for the human rights movement. In that regard, the movement faces a daunting challenge especially in its relation to the Islamist discourse. Islamists still face a dilemma in “harmonizing” their own certain understanding of Islam, especially in issues related to freedom of belief and women’s and sexual right, with the universality, comprehensiveness and indivisibility of human rights principles as adopted by most human rights organizations in Morocco. Despite this crucial disagreement around important issues and rights, joint work has enabled actors from both sides to create common grounds on various aspects. Prominent in these collaborations was the AMDH work to expose violations suffered by Islamists (whether for political reasons or in terrorism-related cases), and defending their rights. Some Islamists acknowledge the honesty and integrity of such secular human rights organizations and defenders. Former minister of justice and freedoms Mostafa Ramid, who is member of the Islamist Justice and Development Party, described Abderrahmane Ben Amro, a former AMDH chair and one of the main founders, as the “Imam of Moroccan human rights defenders and a great man.”⁷² The human rights committee of the Justice and Charity group sent a message of congratulation to Khadija Riadi when she was awarded a UN human rights prize.⁷³

However, there is still a long way to go and a lot that has to be done by all components of the human rights movement in Morocco to reach an effective common ground and act more clearly and credibly on contentious and controversial political, cultural or religious issues. The greater burden therein may fall on the shoulders of the Islamists in view of their greater social strength and impact. Meanwhile, there is also a lot of work to be done to strengthen and enhance state human rights policies and institutions (such as the CNDH) and to deal seriously and constructively with real and formal concessions made by the state in this regard. There is also a need to push organizations such as the CNDH to work more seriously on social and economic rights.

All these hopes and possible developments will not occur without a more solid,



rights-based and equitable collaboration between human rights activists on the one hand and political parties, labour groups and other components of civil society on the other hand. Otherwise, the human rights movement in Morocco, or elsewhere for that matter, could turn into professional think tanks which document and analyse violations while the task of reform and change is left in the hands of politicians under the mercy of entrenched social and political systems.

[9] Pierre Vermeren, “*Histoire du Maroc depuis l'indépendance*”, Paris : La Découverte, 2002. The Arabic translation was consulted for this paper and is available under

الطبعة الأولى : 1997 ، الطبعة الثانية : 2002 ، الطبعة الثالثة : 2007 ، الطبعة الرابعة : 2014 ، الطبعة الخامسة : 2017 ، الطبعة السادسة : 2020 ، الطبعة السابعة : 2023

الطبعة الأولى : 1997 ، الطبعة الثانية : 2002 ، الطبعة الثالثة : 2007 ، الطبعة الرابعة : 2014 ، الطبعة الخامسة : 2017 ، الطبعة السادسة : 2020 ، الطبعة السابعة : 2023

الطبعة الأولى : 1997 ، الطبعة الثانية : 2002 ، الطبعة الثالثة : 2007 ، الطبعة الرابعة : 2014 ، الطبعة الخامسة : 2017 ، الطبعة السادسة : 2020 ، الطبعة السابعة : 2023

الطبعة الأولى : 1997 ، الطبعة الثانية : 2002 ، الطبعة الثالثة : 2007 ، الطبعة الرابعة : 2014 ، الطبعة الخامسة : 2017 ، الطبعة السادسة : 2020 ، الطبعة السابعة : 2023

الطبعة الأولى : 1997 ، الطبعة الثانية : 2002 ، الطبعة الثالثة : 2007 ، الطبعة الرابعة : 2014 ، الطبعة الخامسة : 2017 ، الطبعة السادسة : 2020 ، الطبعة السابعة : 2023

[62] Official website of the National Council for Human Rights bit.ly/2tY9NuP

www.almaghribtoday.net/326/الطبعة الأولى - الطبعة الثانية - الطبعة الثالثة - الطبعة الرابعة - الطبعة الخامسة - الطبعة السادسة - الطبعة السابعة :title Arabic , الطبعة الأولى - الطبعة الثانية - الطبعة الثالثة - الطبعة الرابعة - الطبعة الخامسة - الطبعة السادسة - الطبعة السابعة "الطبعة الأولى "الطبعة الثانية "الطبعة الثالثة"





Endnotes

1. Paola Gandolfi, "La société civile au Maroc, signification et issues des processus de changement sociale et politique", *4th Mediterranean Social and Political Research Meeting*, 19-23 March 2003, available at goo.gl/3pFcY9, p. 8.
2. Istiqlal, one of the oldest parties in Morocco, was well established across the kingdom when it turned in 1954 from demanding a reform of the French colonial administration to calling for independence. After independence, Istiqlal, which has an Islamic Salafist leaning, joined a number of governments. In the "democratic transition" phase in the 1990s, Istiqlal became part of the National Bloc, which was formed in 1992 along with the Socialist Union party of Popular Forces, the National Union of Popular Forces, the Progressive Socialist Party and the Organization for Democratic Action, and then participated in the government of "Consensual Rotation" in 1998. See official website of the party istiqlal.info/a/, and Mohamed Dharif, "Moroccan Political Parties", *Moroccan Journal for Political Sociology*, 1993, p. 200.
3. Marguerite Rollinde, "Les associations des droits de l'homme au Maroc : entre adhésion nationale, appartenance politique et engagement citoyen", *les cahiers du CRASC*, n°5-2002, p. 128.
4. Chapter 3 of LMDDH bylaws states that it seeks to disseminate and spread the concepts and principles of human rights and fundamental freedoms as stipulated by Islam and affirmed by the Universal Declaration of Human Rights and international and Arab treaties.
5. González Riera, op. cit., p. 36.
6. The Socialist Union Party (SUP) was founded in 1975, adopting the ideology of "Scientific Socialism". It advocated a comprehensive strategy "for the construction of a socialist society and civilization that is in harmony with the specificity of our people". See Durif, op. cit., p. 263. The SUP formed the first government under the system of "consensual rotation" (see footnote 19) of political parties in 1998 and its Secretary General Abderrahmane Youssefi became the prime minister. The influence of the party dwindled in recent years, until it won only 20 out of 395 seats in the last legislative elections of 2016.
7. Gandolfi, op. cit., p. 10.
8. Rollinde, op. cit. p. 127, 167.
9. *ibid.*, p. 174.
10. Yasser Arwin, "Exclusive: Andalus News Network publishes draft for a new national charter for human rights", 20 October 2013 in *Maghress*, in Arabic available at is.gd/ctzbZx
11. Among the demands which were partly met were the release of a number of political detainees, ratifying a number of international conventions such as the Convention Against Torture, CEDAW, the Convention on Migrants' Rights in addition to inclusion by the state of the concept of human rights in the constitutional amendment of 1992. See Khadija Riadi, "Reading in the draft national charter for human rights", Tangier, 24 November 2013, available at is.gd/ps0H2R in Arabic as "مطالعة في مشروع الميثاق الوطني لحقوق الإنسان".
12. González Riera, op. cit., p. 37.
13. "Lead years" refer to the period from the early 1960s till the mid-1990s, during which security agencies committed massive systematic violations of civil and political rights, deployed brutal techniques of torture, disappeared dissidents and suspects, imprisoned activists without trial, and when trials were held they lacked due process and guarantees of fairness.
14. Vermeren, op. cit., p. 179-180



conscious political approach, releasing political prisoners, and setting up an advisory human rights council and a ministry of human rights. He then opened up the political space through the “consensual rotation” cabinets where the two major political parties alternated (or rotated) at the head of the cabinet. The first premier under such a system was the leader of the Socialist Union Party Abderrahmane Youssofi in 1998. Meanwhile, the palace retained the final power and authority as the head of the executive authority, approving cabinet nominations, appointing certain ministers, etc., thus effectively undermining the principle of checks and balances and separation of powers as the monarch continued to be the final arbiter above all powers. See Karim Al-Marzouki, “Is the Power of the King of Morocco above all Powers?”, *Ultrasawt*, 4 November 2016, available at is.gd/N9jS2k in Arabic. Original title: "الملك فوق الجميع؟"

15. The human rights discourse had become more integrated in international relations in the 1980s and early 1990s
16. ~~15. The human rights discourse had become more integrated in international relations in the 1980s and early 1990s~~
16. ~~16. International non-governmental organizations such as Amnesty International and Human Rights Watch~~
gradually came to exercise more influence over the behaviour of state actors. King Hassan II adopted a more rights-
17. The House of Representatives is the lower chamber of Morocco’s bicameral parliament. It is directly elected by Moroccan citizens.
18. González Riera, op. cit., p. 38.
19. Rollinde, op. cit., p. 130.
20. Undated YouTube interview by Mr. Ahmed Elhajj with Mr. Hamid Mahdawy, available at www.youtube.com/watch?v=srmfS7ZvPTc
21. Malika Hadda, “Lecture le mouvement marocain pour les droits de l’homme entre consensus national et engagement citoyen”, *Confluences Méditerranée*, 2004/4 (N°51), p. 87.
22. González Riera, op. cit., p. 39.
23. Gandolfi attributes the delayed impact of the Moroccan civil society until the early 1990s to the *Makhzan tactics* to tame civil society whose chief actors failed to seize and retain sufficient space and maintain a critical distance from *Makhzan* to ensure its independence, even if only relatively. Other researchers indicate the absence of a civil society culture in Morocco (Denoeux Gateau, 1995) mentioned by Gandolfi, op. cit., p. 9; while Abdallah Hamoudi argued that Moroccan society has developed faster than the elite resulting in a state of societal maturity not supported by an accomplished institutional backup, or what was called "incomplete institutionalization" (Gandolfi, op. cit., p. 5.
24. Hadda, op. cit., p. 84.
25. As part of Kif Kif campaign in May 2014 to abolish Chapter 489 of the Criminal Code, which criminalizes homosexual relations, MALI posted a photo of co-founders Zainab al-Ghazawi and Ibtisam Lashkar, with the caption: "We are not lesbians but we support homosexuals,". The picture was criticized by gay rights activists who refused to be “imitated or stereotyped” even if it was meant in their defense. See: The Andalus News Network, “Mali in Solidarity with Homosexuals in Morocco”, 17 May 2014, available in Arabic at bit.ly/2tYduR0
26. An undated YouTube Arabic language interview with Mali’s co-founder Ibtisam Lashkar, “See what Ibtisam Lashkar said about Ramadan, Islam, Sexual Freedom and Abortion – Urgent and Dangerous”, available at www.youtube.com/watch?v=DJdJNkRnHc .
27. Ahmed Al-Raysoni, “I support Mali in amending Ch 222 of the Penal Code”, Al’omk Al-Maghrabi YouTube Channel, 20 June 2016, available in Arabic at www.youtube.com/watch?v=IYV5O8R8I7I
28. Some analysts saw the transition as a closely-watched political opening. See Habib Belkouch, “Droit de l’homme et démocratisation au Maroc, bilan et perspective”, 2005, p. 35, available at habibbelkouch.wordpress.com/2014/08/31/droits-de-lhomme-et-democratisation-au-maroc-bilan-et-perspectives/



stress that Morocco adopted human rights as it was internationally recognized, ratified several international human rights treaties in 1993 (on women, anti-torture, children, and migration), created a human rights ministry in 1993, and, finally, launched a political dialogue for the formation of a democratic government which led in 1998 to the “consensual rotation” system.

29. These achievements occurred over two phases: King Mohammed V established the Royal Armed Forces and the National Security Agency in 1956), then enacted several laws such as the general freedoms law in 1958 and the Penal Code and the electoral Law in 1959. King Hassan II, established the Consultative Council for Human Rights in 1990, and finally, launched a political dialogue for the formation of a democratic government which led in 1998 to the “consensual rotation” system.
30. These achievements occurred over two phases: King Mohammed V established the Royal Armed Forces and the National Security Agency in 1956), then enacted several laws such as the general freedoms law in 1958 and the Penal Code and the electoral Law in 1959. King Hassan II, established the Consultative Council for Human Rights in 1990, and finally, launched a political dialogue for the formation of a democratic government which led in 1998 to the “consensual rotation” system.
31. These achievements occurred over two phases: King Mohammed V established the Royal Armed Forces and the National Security Agency in 1956), then enacted several laws such as the general freedoms law in 1958 and the Penal Code and the electoral Law in 1959. King Hassan II, established the Consultative Council for Human Rights in 1990, and finally, launched a political dialogue for the formation of a democratic government which led in 1998 to the “consensual rotation” system.
32. Gandolfi, op. cit., p 8.
33. Mohamed El Hachimi, “Société civile et démocratisation au Maroc. Le grand malentendu”, Édition : Institut européen de la Méditerranée, June 2014, p. 15.
34. ibid., p. 11.
35. Yucef Suna, "Morocco, human and citizen's rights", Casablanca: El Nagah El Gadida publications, 2002, p. 264. (Arabic).
36. A vulnerable person is one who can easily slip into poverty or social exclusion upon a relatively minor disturbance in his or her life conditions.
37. Myriam Catusse, “Le « social » : une affaire d'Etat dans le Maroc de Mohammed VI”, 2011/3 (N° 78), p. 64.
38. Hadda, op. cit., p. 84.
39. Yatto institution - Morocco, "History of the Moroccan women's movement in relation to the Family Code," published in Arabic at *Alhiwar Al-Motamden*, issue No. 113, available in Arabic at is.gd/bQVoky. **Arabic Title:** تاريخ الحركة النسائية المغربية في إطار التغيير الدستوري
40. Rachid Zizaoui, “The Historical Evolution of Moroccan Family Code”, 14 January 2016, available in Arabic at goo.gl/aPXb4j. Arabic Title: التطور التاريخي للشفرة العائلية المغربية
41. Yatto institution-Morocco, op. cit.
42. ibid.
43. Anas Sadoun, “Rabitat Al-Kodaa: When Judges Won the Battle for the First Constitution in Morocco”, and “Rabitat Al-Kodaa in Morocco,”, *Legal Agenda*, 2 July and 12 August 2015 (Arabic), available at www.legal-agenda.com/article.php?id=1165 and www.legal-agenda.com/article.php?id=1175&folder=articles&lang=ar Arabic titles:
44. Omar Benaish, "From Rabitat Al-Kodaa to the Club of Moroccan Judges", *Hespress*, 21 August 2012, available in Arabic at www.hespress.com/writers/60923.html. Arabic title: من ربات الكوداء إلى نادي القضاة
45. Mohammad Sami, “Moroccan Judges between the Dependency of the Al-Widadiya and the Independence of the Club,” *Duniya Al-Watan*, 31 August 2011, available in Arabic at pulpit.alwatanvoice.com/articles/2011/08/31/236358.html, Arabic title: القضاة بين التبعية والاعتمادية
46. Benaish, op. cit.
47. ibid.



48. Karima Massali, "400 judges founded a professional association in open air", *Sabah Newspaper*, 24 August 2011. (Arabic) available in Arabic at assabah.ma/20531.html , Arabic title:
49. *ibid.*
50. See Adalah Facebook Page at www.facebook.com/adala.justice/
51. Hadda, *op. cit.*, p. 82.
52. David Crawford and Paul Silverstien, "Amazigh Activism and the Moroccan State", *MERIP*, Vol. 34 Winter 2004, available at www.merip.org/mer/mer233/amazigh-activism-moroccan-state
53. Jean-Noël Ferrié, Baudouin Dupret, "La nouvelle architecture constitutionnelle et Les trois désamorçages de la vie politique marocaine", *Confluences Méditerranée* 2011/3 (N° 78), p. 27.
54. *Vermeren*, *op. cit.*, pp. 201-204.
55. Abdel Karim Abdellaoui, *Tagrobit Al 'Adalah Al-Intiqaliyya fil Maghreb* (The Transitional Justice Experiment in Morocco)", (Arabic), Cairo Institute for Human Rights Studies, University Dissertations Series (10), 2013, p. 28. Also see Amnesty International, "Broken Promises: The Equity and Reconciliation Commission and its Follow-Up", 2010, available at www.amnesty.org/en/documents/mde29/001/2010/en/ and Veerle Obgenhaven and Mark Freeman, "Transitional Justice in Morocco: A Progress Report", New York: The International Center for Transitional Justice, November 2005, p. 20, available at www.ictj.org/sites/default/files/ICTJ-Morocco-Progress-Report-2005-English.pdf
56. Abdellaoui, *op. cit.*, p. 119 and pp. 218-219
57. Mohammed Al-Ragui, "IER: What Results 10 Years Later?", *Hespress*, 6 February 2016, available in Arabic at www.hespress.com/societe/293722.html , Arabic Title: "الجمعية المغربية لحقوق الإنسان: 10 سنوات من التجربة" "الجمعية المغربية لحقوق الإنسان"
58. Amnesty International, *op. cit.*, pp. 5-6.
59. The Consultative Council, set up in 1990, was a partial response by King Hassan II to the growing criticism of the regime's violations of the rights of political opponents in particular and human rights in general, in an international context, in which human rights principles and issues became doubly important with the fall of the Berlin Wall in late 1989 and the end of the Cold War era. Morocco increasingly found itself in a defensive position with a dismal human rights record. However, the CCDH did not institute a genuine break with systematic rights' violations by state security agencies. The CCDH was severely criticized by Moroccan and international rights organizations regarding its mandate, composition and achievements (or lack thereof), but it remains an important milestone in the evolution of human rights institutions in Morocco and the state slow transition towards acknowledging them. For more details, see Abdellaoui, *op. cit.*, pp. 71-115.
60. Al-Maghreb Al-Youm, "A Human Rights Seminar in Morocco Criticizes CNDH's Chair Mohammed Al-Sabbar", 15 December 2014, available in Arabic at
61. Jean-Noël Ferrié et Baudouin Dupret, "La nouvelle architecture constitutionnelle et les trois désamorçages de la vie politique marocaine", *Confluences Méditerranée*, 2011/3 (No. 78), p. 29.
62. Nadia Hajji, "Mobilisation et démorçage du mouvement du 20 février au Maroc : La théorie des cadres à l'épreuve d'un contexte autoritaire", Master paper in political science, University of Quebec, February 2015, p. 18, available at www.archipel.uqam.ca/7331/1/M13801.pdf
63. The 20 February movement brought together, for example, the Marxist Leninist leaning "Democratic Path" party and the Islamic "Justice and Charity" movement.
64. Five constitutions preceded the 2011 constitution, in 1962, 1970, 1972, 1992 and 1996.



About the author

Mohamed Kadiri

Mohamed Kadiri holds PhDs in Political Science and in Sociology. He is an Assistant Professor of Sociology at the Faculty of Arts and Humanities at the Ibn Zahr University, Agadir, Morocco.

About Arab Reform Initiative

The Arab Reform Initiative is the leading independent Arab think tank working with expert partners in the Middle East and North Africa and beyond to articulate a home-grown agenda for democratic change. It conducts research and policy analysis and provides a platform for inspirational voices based on the principles of diversity, impartiality and social justice.

- We produce original research informed by local experiences and partner with institutions to achieve impact across the Arab world and globally
- We empower individuals and institutions to develop their own concept of policy solutions
- We mobilize stakeholders to build coalitions for positive change

Our aim is to see vibrant democratic societies emerge and grow in the region.

Founded in 2005, the Arab Reform Initiative is governed by a Plenary of its members and an Executive Committee.

arab-reform.net

contact@arab-reform.net



© 2017 by the Arab Reform Initiative.
To view a copy of this licence, [click here](#)