

كسر القوالب Breaking the mold

#Breaking_The_Mold Arab Civil Society Actors and their Quest to Influence Policy-Making

Country: **Morocco**

Single Mothers and Personal Status Laws in Morocco

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SINGLE MOTHERS: BETWEEN SOCIETY'S "HAMMER" AND PERSONAL STATUS "ANVIL"

Single mothers refer to women who have children outside of the marriage, which is organized by personal status laws that do not recognize these children and consider them illegal. This fact is exposed to a system of cultural and religious representatives prevailing in Moroccan society, similar to the Arab-Islamic parental societies, which include these women and their children in the list of prohibitions and practice against them the worst forms of religious, psychological, economic and physical punishment, for example, but not limited to, in 2014, there were 781 single mothers, compared to 862 single mothers in 2013¹.

However, the single mothers' phenomenon is spreading and expanding continuously due to social, economic and cultural transformations in the Moroccan society, where the Association of Women Solidarity estimated their number between 2003 and 2010, at a rate of 5,000 children each year². Nevertheless, the study published by the "Insaf" Association (2010), explained that the number of unmarried mothers was 11,000 (2008), to be doubled and reach 27,200 (2009). 60% of them are under the age of 26, most of whom worked in non-organization occupations, such as working as domestic workers, and 65% of them gave birth once, compared to 14% who gave birth twice, 10% three times, and 11% four times or more³.

Aisha Shanna, the prominent activist in this area, believed that the number of children outside of marriage reaches 150 children a day, while 24 children were eliminated by leaving them in the public street⁴.

Based on the information mentioned above, and as a result of the severe conditions experienced by this category, in the absence of a general relevant policy, many civil actors initiated the establishment of organizations aiming mainly at embracing single mothers and children, helping them for professional and social integration and following-up their legal status, after they contributed through their activities, in including them in the agenda of the decision-maker, by prompting him to interact with their demands, through the issuance / amending some of the laws of personal status.

SINGLE MOTHERS PHENOMENON IN CIVIL ORGANIZATIONS' AGENDA

The phenomenon of single mothers is witnessing a remarkable rise in Morocco, especially in the last decade, as in the Greater Casablanca alone, more than 44,000 childbirth were recorded outside of the marriage, i.e., equivalent to 3366 children a year, including 9,400 children abandoned, between 2004 and 2014⁵. In a study in 2016, the "Insaf" Association confirmed that the number of single mothers who were coming to its headquarters reached 4282⁶. The Association of Women Solidarity estimates the number

1 - (National Observatory for Violence against Women .27 .2017).

2 - (Idrisi. 25 .2010 years of work shelter for single women in Morocco.) <https://www.hespress.com>

3 - (2017. Shocked testimonies.. What does it mean to be a single mother?.) <http://ar.telquel.ma>

4 - (Barakat .2013. Shana: 150 children born daily outside of the marriage in Morocco.) <https://tanja24.com>

5 - (Ahdad .2017. In Morocco, do you know the number of children abandoned daily?.) <https://www.maghrebvoices.com>

6 - (Lotfi .2017. Shocking numbers despite the secrecy.) <https://assabah.ma>

of unmarried mothers in Morocco, at 220,000⁷ who live in severe conditions, especially if we know that abortions, for example, estimated at 800 and 1000 cases⁸ per day, 600 and 800 of which refer to the secret abortion in some health facilities, which can expose them to sanctions based on Chapter 454 of the Criminal Code, and imposes a prison sentence on whoever carries out this crime, that can be up to five years (Chapter 449). In the event of a mother's death, the penalty may reach up to 10 to 30 years (Chapter 450).

Under this unfair legislative reality, 150 to 200 women a day resort to random abortion techniques, as 526 single mothers were accused, 2009, of prostitution leading to abortion, according to the data collected from the Court of Appeals in Casablanca⁹, based on Chapter 490 of the Criminal Code that considers: "Each sexual relationship between unmarried man and woman shall be considered as a crime of corruption and punishable by imprisonment from one month to a year". Therefore, single mothers resort mostly to hide their newborns or abandon them illegally, which may kill them.

According to these facts that reveal a part of the phenomenon's extent of single mothers, in the absence of legal guarantees, especially in this category and the occurring ambiguity, many civil organizations has initiated to interact with this emerging reality by responding to the needs and requirements of single mothers, by providing them with administrative and legal guidance, which contributed to the framing of this issue making it more public, so the decision-maker finds himself obliged to adopt a set of legislative measures to mitigate the burden of this phenomenon. Hence, he amended the Civil Status Law (2002), relevant to abandoned children, allowing a personal name, family name, parents or father's name if the mother is known for the child born outside of marriage, on the one hand. The mother can also declare the son of the unknown father or whoever acts as her representative. She chooses a personal name, and a father's name derived from the names of slavery to God Almighty (Abdel Rahman, Abdelkader. etc.) and family name, on the other.

Despite the gaps that the above legislation tried to fill, but it is still dedicated to significant discrimination towards this category by stipulating that the child is an illegal son in documents that remain in the original record, as is the case, which is mentioned in the national identity, and not recognizing a legal relationship to the rest of his relatives from his mother, in the case of their presence, and the born outside of marriage, where the father's name is granted according to each case.

The Family Code of 2004 recorded significant progress when it allowed the father to recognize his child, if he wishes, without being forced to marry. And "if the engaged denies the pregnancy, it could be resorted to all legal means to prove the relativity", (Chapter 156 of the Personal Status Code). This was tackled in publication issue number 4604 for the year 2010 after it allowed single mothers to assign their own titles for their children if they wanted to do so without the need for permission from a relative.

In addition to these measures, the National Council for Human Rights, which is the last one, also contributed to uncovering this phenomenon through its thematic report (2015)¹⁰. In the same

7 - (Shocking testimonies... What does it mean to be a single mother?)

8 - According to a study by Fatima Gas, A. Shaker and A. Fzwan (2009) among married women, %12.4 of women in cities and %6.6 in the Bawadi confessed that they had abortion. The National Council for Human Rights, 2015, and reviewed the status of equality and equity in Morocco. Considering the goals and objectives of the Constitution and its work. Publications of the National Council for Human Rights.

9 (Ibid. P. 24.)

10 - (The National Council for Human Rights, 2015, the status of equality and equity in Morocco.)



context, the government has taken some related measures, such as allowing single mothers to work in Spanish fields, after the approved standards only stipulated, on the one hand, the selection of married, divorced and widowed women. On the other hand, the Ministry of Interior allocated financial funds within the National Initiative for Human Development framework to finance small income-generating projects for this category¹¹.

CIVIL ACTORS: OPEN STRUGGLE FOR SINGLE MOTHERS

Active parties were formed from several civil organizations, making single mothers their highlight. The Association of Women Solidarity, established in 1985 in Casablanca to publicly defend single mothers, represented the first bold initiative that dealt with this category in a traditional patriarchal environment, on the one hand, and in the absence of special legislative guarantees, on the other hand, and in light of a political crisis, from a second hand, and in the unstable political situation, from another side. After the unstable political breakthrough, which resulted in the arrival of the national opposition to power in 1998, a group of private associations was established with the help of single mothers, most notably the "Insaf" Association (1999) in Casablanca, the "100% Motherhood for Single Mothers" (2006) in Tangier, and "the Umm al-Banin" Association, which is active in the city of Agadir. etc. These associations believe that sponsoring a single woman since the start of the pregnancy increases the chances that she will make the courageous decision to keep her newborn, especially since most of them prefer that, even though they think about their families and others¹².

Moreover, civil actors, defending the rights of single mothers, adopted many forms of struggle, including:

- Directing recommendations to the decision-maker, to harmonize national laws with the international standards, to eliminate all forms of discrimination against this category of society, by calling for the abolition of Chapter 490 of the Criminal Law that criminalizes sexual relations outside of marriage, and reviewing the articles of Chapters 449 to 453 of the Criminal Law, to legalize abortion in the case of incest and sexual violence, while amending the provisions of the laws related to DNA testing, which grants the possibility of doing so by vulnerable groups and adopting it as a piece of conclusive evidence for the recognition of paternity;

11 - (Ushua-Levber. Op. P. 39.)

12 - (Ushua-Levber. Ibid. P. 28.)

- Launching campaigns on social media networks, such as the digital campaign launched by the “Collective Alliance for the Right of the Child to Family Protection” under the name of “Between You”, in cooperation with the Italian Agency for Cooperation for Development, which broadcasts appeals directed by artists, athletes, journalists and celebrities¹³, to advocate the rights of single mothers and their children in various media outlets¹⁴;
- Organizing demonstrations, such as the one called by the “%100 Motherhood for Single Mothers” association in Tangiers, against the appeal decision, which annulled a judgment in first scope recognizing paternity of her biological father outside of marriage¹⁵;
- Creating legal clinics and launching a radio station under the name of “Mothers Through the Air”, by the “%100 Motherhood for Single Mothers” Association, concerned with the affairs of single mothers and their children, with funding from the European Union and in partnership with the Ministry of Solidarity, Women, Family and Social Development¹⁶.

By examining the internal structure of civil organizations that support single mothers, it became clear to us the essential role that their leadership plays in internal decision-making, given that these organizations are linked to founding women, who have an orientation that relies on the “global system of human rights”, and charisma that developed in the context of a long experiment. We cannot talk about the Association of Women’s Solidarity without talking about Aisha al-Shanna, or the “100% Motherhood for Single Mothers”, without addressing French Claire Tricheau’s role or the “Umm al-Banin Association” without mentioning Mahjoubia Adbouch. etc.

The reliance of these organizations on the international legal reference and the outcomes of the 2011 Constitution, their specialization on the same topic, whose contexts are similar, if not identical, and the presence of modernist female figures at the head of their leadership helped centralize their roles, by building coalitions to advocate the rights of single mothers and their children. The establishment of the “Collective Coalition for the Child’s Right to Family Protection” in February 2013 by 14 Moroccan associations that handled the task of protecting children born outside of marriage and promoting their rights is an indication of the existence of a common civil will, whose goal is to push the decision-makers to tackle this complicated social phenomenon seriously, for these unified steps led to a real effect on the performance of civil organizations, as they became more professional, which is reflected in the legislative alternatives that they propose, on the one hand, and the small productive projects that they present to the victims, on the other hand.

CIVIL ACTION: STEPS TOWARDS EQUITABLE PERSONAL STATUS

Civil actors and their activities aimed at issuing legislation that guarantees legal protection for single mothers and their children to preserve their dignity and contribute to their social integration. In order to achieve this goal, this category was openly housed and embraced in clinics, which led, over time, to establish a kind of social acceptance towards them after they were included in the list of prohibitions that are being rejected. Civil organizations used a

range of tactics to reinforce their demands, such as issuing reports, statements and digital campaigns calling on the government to include sex education in school curricula, as well as employing the contents of the 2011 Constitution that prohibits discrimination based on personal status, equal treatment and non-discrimination among all children, regardless of their marital status (Chapter 32 thereof). In the same direction, they relied on the international treaties and demanded that national legislation should be harmonized with them, such as Article 490 of the Criminal Law, which is inconsistent with the Convention on the Elimination of All Forms of Discrimination against Women, which Morocco has ratified (1993), and is also inconsistent with the International Convention on the Rights of the Child, approved by Morocco (1993).

Based on the preceding, it is evident that the strategy of embracing single mothers, which civic organizations use as a de facto situation, contributed relatively to influencing the general public consciousness by establishing social acceptance towards the group as mentioned above. As for tactics, we have observed fundamental transformations represented in moving from issuing recommendations and reports to developing coalitions and launching private digital and radio campaigns, addressing the public affected, as a whole, by traditional loads, directly, on the one hand, and demonstrating, on the other hand.

CIVIL ORGANIZATIONS: FROM IMPACT TO FOUNDING TO TRANSFORMATION

Many factors have constituted a real impact on civil organizations’ work tackling the phenomenon of single mothers. They can be classified into two parts: Auxiliary factors and hindering factors:

- The auxiliary factors can be summarized in the support provided by the international organizations. The signals sent by the royal institution, such as the financial support that King Mohammed VI provided to the Association of Women’s Solidarity, as stated by its president, Aisha Al-Shanna¹⁷, using social media outlets, and confronting decision-makers with the contents of the international treaties which Morocco ratified, in light of the current international context in support of women and children issues.
- Hindering factors can be summarized, on the objective level, in the prevailing “traditional culture” hostile to the phenomenon of single mothers and their children, and the emergence of forces with an Islamic background, opposed to the civil sense in general, especially regarding the single mother, in light of a regional context that supports these forces, who have disbelieved/threatened many times the symbols of civil organizations¹⁸. As for the subjective level, limiting these organizations to specific female leaders resulted in the failure to develop institutional work, which led to the decline of their actions and the lack of intrusion into the government agenda due to the absence of a political connection with governmental actors, which led to its inability to build a political network, despite its success in building it, to some extent, at the civil level.

According to the preceding, it seems that what has been achieved may establish qualitative transformative moments in the foreseeable future that limit the psychological, social, economic and political repercussions of this phenomenon on both society and the state.

13 Collective Coalition for Family Protection (2017) Supporters and Supporters of the Campaign. <http://enfancemaroc.org>

14 - (Aisha Al-Shanna. 2017. These are the goals of the “Between You” media campaign). <http://www.2m.ma>

15 - (Al-Maimouni. 2017 protest in Tangiers against the annulment of an appeal decision recognizing the paternity of a child outside of marriage). <https://tanja24.com>

16 - (For the first time in Morocco ... Radio “Mothers on the Air”, the voice of single mothers). <https://www.youtube.com>

17 - (Al-Alawi. 2018. Aisha Al-Shanna is a Moroccan mother who sacrificed her life so that a single woman and her child could live in safety.) <https://alarab.co.uk>

18 - (Rosa Moussaoui. 2017. MAROC. LA DAMNATION SOCIALE DES MÈRES CÉLIBATAIRES.) <https://www.humanite.fr>

CIVIL WORK RESULT

It can be said that civil actors achieved many results in the context of their advocacy on behalf of single mothers, which can be summarized as follows:

- In the field of legal legislation: civil organizations contributed to pushing the legislator to issue/amend personal status laws;
- In the field of small income-generating projects: civil actors were able to launch projects for this category, which enabled them to achieve financial independence, which prompted the state, as well, to allocate financial funds, especially for the same category, within the framework of the projects of the National Initiative for Human Development, supervised by the Ministry of the Interior;
- In the field of social values: civil organizations, as a result of embracing single mothers and their children in public positions, using the media outlets, legal advocacy and direct contact with people, made the public awareness more accepting and coexisting with this phenomenon.

CONCLUSION

Based on the preceding, and through studying this case, the following is evident:

- The ability of civil actors to influence a conservative social environment by adopting several approaches in defending the rights of single mothers and their children;
- Limiting civil action in favor of the cause to specific female leaders, and its inability to develop networking with political parties, which led to its decline in narrow circles, and prevented the optimal investment of the data of the auxiliary international context;
- Refraining the forces of political Islam, especially after the Brotherhood came to power since 2012, for civil work outcomes and preventing them from turning into public policies.



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BREAKING THE MOLD PROJECT

In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.

THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.

THE ISSAM FARES INSTITUTE FOR PUBLIC POLICY AND INTERNATIONAL AFFAIRS AT THE AMERICAN UNIVERSITY OF BEIRUT

The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society and policy-makers.

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