

International Center for Transitional Justice

Foundation for the Future

# Morocco: Gender and the Transitional Justice Process

September 2011





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### **International Center for Transitional Justice (ICTJ)**

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## ABBREVIATIONS

ADFM	Democratic Association of Women of Morocco (Association démocratique des femmes du Maroc)
AMDH	Moroccan Association for Human Rights (Association marocaine des droits humains)
CCDH	Advisory Council on Human Rights (Conseil consultatif des droits de l'homme)
CNDH	National Human Rights Council (Conseil national des droits de l'homme)
FCDG	Deposit and Management Fund Foundation (Fondation caisse de dépôt et de gestion)
FVJ	Moroccan Forum for Truth and Justice (Forum vérité et justice)
ICTJ	International Center for Transitional Justice
IER	Equity and Reconciliation Commission (Instance équité et réconciliation)
IIA	Independent Arbitration Commission
OMDH	Moroccan Organization for Human Rights
PRC	Community Reparations Program
UGP	Program Management Unit
UAF	Union de l'Action féminine
EU	European Union
UNIFEM	United Nations Development Fund for Women

## Introduction

During political transitions following periods of violence or repression, societies face the burdensome legacy left by the massive human rights violations committed in the past and seek to provide both judicial and non-judicial responses to them. These responses may include programs for distributing reparations to victims, implementing mechanisms to investigate the truth of the abuses, judicial prosecutions, the reform of institutions involved in the repression such as the police, and the removal of public administration officials responsible for human rights violations from their posts. In implementing these transitional justice mechanisms, societies are paying increasing attention to women victims, recognizing that modern violence affects a growing number of women and girls, and that it affects people differently depending on their social positions and their diverse roles in society.

Morocco was the first country in the Arab region to follow this path when it decided to confront the consequences of political violence and serious human rights violations committed after the country's independence in 1956. Initially, in 1999 Morocco established the Independent Arbitration Commission (IIA: l'Instance indépendante d'arbitrage), mandated to provide compensation to the victims of past violations before establishing, in 2004, the Equity and Reconciliation Commission (IER: l'Instance équité et réconciliation) with the much broader mandate to investigate serious and systematic human rights violations and make recommendations on the prevention of further violations. The IER sought to introduce a gender perspective to its approach.

As Morocco is presently implementing a series of recommendations by the IER, we consider it timely to examine the process of integrating a gender perspective in these transitional justice mechanisms so as to identify good practices that may be of interest to the national actors involved in following up on the recommendations and to cast light on comparative international experiences.

## Background

A French protectorate to the south and a Spanish protectorate to the north from 1912 to 1956, Morocco gained independence in 1956, under the reign of King Mohammed V. Established as a constitutional monarchy in which political powers are concentrated in the person of the king, the Kingdom of Morocco has, since independence, seen several periods of political instability and problems accompanied by the implementation of a policy of terror carried out by the state security apparatuses: arbitrary detentions, extrajudicial executions, torture, and enforced disappearance of thousands of persons were common currency along with the excessive and disproportionate use of force by the authorities during demonstrations for social causes and strikes in 1981, 1984, and 1990. There were massive human rights violations during this period – which came to be known as the “Years of Lead” (“Années de Plomb”) – for which there had not been any institutional response.

A change took place in 1990 when a slow process of liberalization was set in motion. Initial gains were made during the final years of the reign of King Hassan II, which saw a number of projects and initiatives for legal, political, and institutional reforms.<sup>1</sup>

In regard to human rights violations, after years during which the authorities denied their very existence, several measures have been adopted: the release in the late 1980s of political prisoners held for years at the Tazmamart labor camp was followed by the 1991 release of the victims of enforced disappearance held at Agdz and Qalaat M’gouna; the royal pardon of July 8, 1994, which made it possible for the Advisory Council on Human Rights (CCDH: Conseil consultatif des droits de l’homme) to study the files of political prisoners and to request the release of nearly 450 detainees and the return of political exiles. In 1994, a mixed committee was formed by the ministries of interior, justice and human rights, and members of the CCDH, to study the issue of enforced disappearances and to make recommendations. This committee drew up a preliminary list of 555 cases and recommended the establishment of a broader committee to continue to work on the matter. This “Committee of 12” continued to review the cases of the disappeared; it concluded that based on international criteria there were 112 cases of disappearance, and recommended that the King allow the creation of a committee to examine those cases in greater depth, publish that committee’s conclusions, and deliver death certificates to the families.

With a view to stabilization, democratization, and founding a new social pact, these gains continued to be pursued and accelerated under King Mohammed VI, who succeeded his father on July 23, 1999. The reforms, which dealt with both public freedoms and the legacy of human rights violations,

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<sup>1</sup> Among the most noteworthy initiatives are the creation of the Advisory Council on Human Rights in April 1990; the creation of the administrative tribunals; the 1991 revision of the Code of Criminal Procedure concerning times for incommunicado detention; the 1992 reform of the Constitution (including affirmation in its preamble of Morocco’s adherence to human rights as universally recognized and to the relevant conventions ratified by the Kingdom; the introduction of provisions aimed at consolidating the principle of separation of powers strengthening the powers of the legislature; the creation of the Constitutional Council; the implementation of a waiting period for the promulgation of statutes); and the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child.



were, however, carried out without any institutional or political instability.

It was not until 1999 that an initial attempt was made to make reparation for the harm inflicted on the victims;<sup>2</sup> while King Hassan II had acceded to the request shortly before his death, King Mohammed VI established the Independent Arbitration Commission (IIA: l'Instance indépendante d'arbitrage) on August 16, 1999<sup>3</sup> and designated its members.<sup>4</sup> Its mandate was limited to paying financial compensation for material and moral injury to the victims of enforced disappearances and arbitrary detention<sup>5</sup> to which those exercising their political rights, union rights, and the right to association had been subjected between 1956 and 1999. By virtue of the arbitration role vested in it, the IIA had decision-making power and not merely the power to make proposals.<sup>6</sup> Beginning its work on September 1, 1999, the IIA determined that the deadline for receiving claims would be December 31, 1999. This extremely short period was immediately criticized by the civil society organizations, but it remained unchanged.<sup>7</sup> The IIA received a total of 5,127 claims within that timeframe.<sup>8</sup> Those filing a claim had to sign a document undertaking not to appeal the IIA's decision,<sup>9</sup> thereby making the decisions irrevocable. Any IIA decisions to reject a claim had to be accompanied by an explanation.

After nearly four years,<sup>10</sup> the IIA granted approximately US\$ 100 million to the admissible claims,<sup>11</sup> and so proceeded to compensate 7,700 victims and heirs. The lowest compensation was approximately US\$ 600 and the highest US\$ 300,000. Nonetheless, the absence of transparency at that time regarding the criteria used to determine the differing levels of compensation was subject to substantial criticism. Thanks to the subsequent work of the Equity and Reconciliation Commission (IER) some of the IIA's criteria in evaluating the compensation amounts are in the public domain today.<sup>12</sup>

The experience of the IIA has encountered several waves of criticism. In addition to those already mentioned one must add its focus on a limited number of human rights violations,<sup>13</sup> and the sole focus of its efforts on compensation (with an outlook that is much closer to the standards used for compensating workplace or traffic accidents), excluding other forms of reparation and impeding a more comprehensive effort to determine the truth and publicize the facts. Moreover, "the absence of gender concerns is clear there: an all-male body, the absence of any reference to violence against women, a compensation formula based largely on the traditional Islamic jurisprudence, which continues to discriminate against women," especially as regards the

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2 On April 2, 1999, the CCDH formally recommended to the King that a commission be established to implement the arbitration rules so as to begin compensating the victims of certain categories of human rights violations and their successors. On July 2, 1999, a second recommendation followed, including a list of proposed members for that body.

3 Royal decision of August 16, 1999. During his speech from the throne, King Mohammed VI recalled: "we are extremely attached to constitutional monarchy, multiparty politics, economic liberalism, the policy of regionalization and decentralization, building the rule of law, safeguarding human rights and individual and collective liberties, and maintaining security and stability for all.... Our concern for national issues stems from the principles the foundations of which were laid by our late lamented Father, drawing on Arab and Islamic values, on according the interest due to the different problems of our Arab brothers and sharing their concerns so as to promote reconciliation, concord, and cooperation so as to transcend the negative aspects of reality and to look to the future." <http://www.maroc.ma/NR/exeres/E27E83A7-4EC5-4DDF-90E9-21FD53362247>

4 Three members of the Supreme Court (one of whom became the president of the IIA), four members of the CCDH (all attorneys, three of whom are former heads of the bar association), one representative of the Ministry of Interior, and one representative of the Ministry of Justice. There were no women.

5 The IIA was to include among the cases of enforced disappearance those of forced exile abroad and banishment to the interior of the national territory, thus broadening the definition.

6 The IIA drew up its own rules of operation, adopted in bylaws that were based on arbitration rules. It provides for, inter alia, the procedure be free of charge, the right of the applicant to be assisted by counsel or by a trusted person, the summoning of the applicant (and the person who assists him/her) within seven days, the right of applicants to submit all documents and information they deem useful, and the designation of a rapporteur for each case.

7 Bearing in mind work days, all the cases received by January 3, 2000, were finally taken into consideration. Interview with Mohamed Mustapha Raissouni, May 18, 2009.

8 It received over 6,000 after the deadline. These files were declared inadmissible on procedural grounds, and were not examined on the merits by the IIA; they were put on stand-by and finally passed on to the Equity and Reconciliation Commission. Interview with Raissouni.

9 Interview with Raissouni.

10 The IIA concluded its work on July 10, 2003.

11 Interview with Raissouni.

12 For an exhaustive review of the IIA's experience, see Instance Équité et Réconciliation (IER), *Rapport Final. Équité pour les victimes et réparations des dommages et préjudices*, Vol. 3, CCDH, Rabat, 2009, pp. 19-28 and pp. 97-116.

13 For an exhaustive list of human rights violations not taken into account by the IIA, see IER, *Rapport Final*, Vol. 3, 2009, pp. 25 and 101-102.

unequal distribution between male and female beneficiaries.<sup>14</sup> Another criticism goes to the fact that the IIA's final report, submitted to the King on November 20, 2003, was not made public.

Despite these criticisms, the very act of granting compensation constituted official recognition by the state that human rights violations had been committed, and that it was necessary to assume responsibility – albeit partially – for their consequences. In this sense the IIA set a regional precedent in the field of reparations for human rights violations.

Nonetheless, far from having been solved, the issue of human rights violations was to become the subject of increasingly strident and specific grievances on the part of a human rights movement that was just taking off. Public debate started up anew and has come to have a permanent presence in the form of the mobilization by victims' families and national organizations calling for determining the truth about the violations while arguing for a broader definition of the concept of reparations. Both the IIA's weaknesses and successes laid the groundwork for a more comprehensive approach that led to the establishment of the Equity and Reconciliation Commission (IER).<sup>15</sup> The IER was established as an independent national commission for truth, equity, and reconciliation pursuant to the royal decree (*dahir*) of November 6, 2003.<sup>16</sup>

The IER's general objective includes the missions of "evaluation, inquiry, investigation, arbitration, and making proposals concerning serious human rights violations committed during the period covered by its mission, all with a view to developing and promoting a culture of dialogue, laying the bases for reconciliation with a view to consolidating the democratic transition, building the rule of law, and promoting citizen values and a culture of human rights."<sup>17</sup> No specific mention is made in the statutes of the IER of the violations suffered directly by women or of the differentiated impact of violations on women;<sup>18</sup> and the systematic and cross-cutting consideration of gender is not among its objectives. The gender component, however, was not completely absent in the approach of the IER, and, like other experiences of truth commissions (e.g. South Africa, Guatemala, and Peru), once established the IER had to address the difficulties of making gender visible.

The IER submitted its final report to the sovereign on November 30, 2005. It takes stock of the work of the Commission in relation to the three strategic objectives assigned to it:

- (1) to determine the truth about serious human rights violations committed between 1956 and 1999 and associated with political, union, or other organizing activities, and to determine institutional responsibilities;
- (2) to make reparations for the victims and/or their next-of-kin; and
- (3) to draw up recommendations and proposals for reforms to ensure the non-repetition of such violations.

More than five years after submission of the IER's report there have been notable gains in effectively making compensation and a program for community reparations. Individual reparation programs have recently been launched providing health and social rehabilitation as well as establishing projects

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14 UNIFEM - CCDH, "Rapport d'évaluation du projet: Promotion des droits humains des femmes et leur rôle dans le processus de justice transitionnelle au Maroc," 2010, p. 18. It should be noted, nonetheless, that the creation of the IIA preceded the reform of the Family Code and the debates that accompanied it. Public opinion had not been sensitized to issues of gender and the human rights of women.

15 Freeman, Mark and Veerle Opgenhaffen, "Transitional Justice in Morocco: A Progress Report," ICTJ, 2005, p. 11.

16 The IER was officially inaugurated at Agadir on January 7, 2004. In his speech at the opening ceremony, the King referred to the IER as a commission to pursue an "original and balanced overall approach, based on equity, readaptation, and reinsertion, so as to pursue a calm reconciliation," but the King also mentioned several times that the IER would be the last stage in resolving the cases of disappearances and arbitrary detentions and that in so doing "we definitively close out the final phase of this thorny dossier." [http://www.ier.ma/article.php3?id\\_article=420](http://www.ier.ma/article.php3?id_article=420)

17 IER, *Rapport Final*, Vol. 1, 2009, pp. 14-15.

18 Examining the differential impact of violations on women implies taking into consideration that the same violation has a different impact and leads to different secondary injuries depending on whether the victim is a man or a woman (for example, the objective and subjective risks associated with forced stripping or forced nudity in front of male prison guards; the loss of the capacity to procreate or forced abortion as a result of torture; a forced pregnancy as the result of rape; being subject to mutilation, abuse, or different forms of ostracism because of rape, forced pregnancy, or the loss of the ability to procreate; the precarious legal and/or economic situation as a result of disappearance/detention of the spouse; etc.).

on history, memory, and archives. Nonetheless, the recommendations on institutional and legislative reforms in large measure have yet to be carried out.<sup>19</sup>

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<sup>19</sup> The very recent revision of the Constitution, following the establishment of a plural ad hoc commission in March 2011 and the approval by referendum of the draft revision in July 2011, has modified the role of the executive, the courts, the oversight bodies, and the legislature, and introduced fundamental gains regarding the protection of human rights. The constitutional reform has a considerable potential impact on the implementation of certain recommendations of the IER.

# The Experience of Women During the Years of Lead

## Women and Human Rights Violations

Even though Morocco has undergone a process of change and modernization over the last 40 years, it is still marked by the perpetuation of traditional cultural structures, in particular male domination of the sociocultural and political order, and the patriarchal system that cuts across state and society. Indeed, during the Years of Lead men were the main target of violations. Women were also directly affected, but differently and in smaller numbers. They were victims of the same serious violations as those experienced by men (arbitrary detention, torture, summary executions, disappearances), but they also experienced violations particular to their status as women (rape, harassment, humiliation, abortion, separation from their children, etc). Women also accounted for the majority of “indirect” violations as mothers, wives, daughters, and relatives of the men who were detained and disappeared. Thus, women account for 15% of the cases received by the IER from “direct victims” and 46% of those filed by “indirect victims.”<sup>20</sup>

For a long time “the history of these women was hidden and rendered invisible by a hierarchical reading – because it was male-centered and patriarchal – of the Years of Lead.”<sup>21</sup> The IER was the first official attempt to cast light on the human rights violations suffered by women, and to recognize that the period of violence affected women and men differently. Begun in 2005 thanks to the determination of certain members of the IER,<sup>22</sup> the qualitative study by anthropologist Nadia Guessous on women and political violence during the Years of Lead<sup>23</sup> marked a turning point in the national conscience and in the analysis of this issue.

According to Guessous, this study sought to elucidate three series of major questions:

1. Were women, like men, victims of political violence from 1956 to 1999?
2. Was this violence sexual or gender-based? In other words, did state violence distinguish between

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20 Guessous, Nadia, “Women and Political Violence during the Years of Lead in Morocco,” CCDH and UNIFEM, Rabat, 2009, p. 15, footnote page 2. It should be borne in mind that these figures are probably not fully representative of the number of women who have suffered direct violations, mindful of the difficulties they have making their voices heard and speaking of the harm they suffered.

21 Guessous, Nadia, “Les souffrances des femmes pendant les Année de Plomb. L’approche genre dans le processus de justice transitionnelle au Maroc: état des lieux et perspectives,” *Presentation made at the national seminar on the gender approach in the transitional justice process: Assessment and prospects*, CCDH, Rabat, November 25, 2008. Also in Guessous, Nadia, “Résultats de l’étude menée par l’Instance équité et réconciliation sur les femmes, le genre et la violence Politique,” *Presentation made at the seminar on the results of the work of the Equity and Reconciliation Commission on the treatment of serious human rights violations*,” CCDH, Rabat, March 21, 2006.

22 Especially Latifa Jabadi and Driss El Yazami. Guessous, 2006 and 2008. Interview with Mustapha Naoui, January 31, 2011. This study will be published in its entirety separately and after the publication of the final report of the IER.

23 Guessous, 2009.

men and women? And if so, how?

3. Was this violence experienced in a particular way by women in the short and long term? Do the effects of this violence on the lives of women have notable specificities?<sup>24</sup>

Therefore, the goal was to collect the life stories of women who suffered at the hands of the state during the Years of Lead<sup>25</sup> and to develop a detailed and nuanced understanding of the forms of violence experienced by women.<sup>26</sup>

The study shows that two categories of women suffered directly at the hands of the forces of order from 1956 to 1999: women politically involved in leftist movements, and (accounting for the vast majority of women victims of political violence in Morocco) women who had a male family member who was considered an enemy of the state because of his political activities.<sup>27</sup> The first category was made up, in general, of young students from the large cities of Morocco, whereas the second category was generally made up of women living in the rural or peripheral urban areas who were illiterate and semi-literate, and whose work was mainly running their households, taking care of their families, and participating in the family economy by tending animals or crops.<sup>28</sup>

Even if it is evident that each woman, bearing in mind socioeconomic, regional, cultural, educational, generational, political, and ideological differences, has experienced violence uniquely, certain recurring trends in the experience of women victims of political violence can be discerned.

The study by Nadia Guessous finds that most of the women were profoundly surprised and shocked by the state violence of which they were victims, which results from a patriarchal system that considers that women have no place in the public sphere.<sup>29</sup> They were surprised because most of the time they were unaware of the political activities of their husbands, fathers, brothers, etc.; and shocked because very few among them were in contact with people who were not part of their community or family circle before this violence erupted in their daily lives. “Even the politically involved women who were educated living in urban contexts and who enjoyed much more freedom of movement and access to information in relation to rural women who were arrested and mistreated by the state were stupefied, shaken up, and terrorized by what they endured.”<sup>30</sup>

The study shows how women have experienced the same violations as men, and the same forms of torture and abusive treatment as men; their status as women – even as pregnant women – did not offer any form of protection.<sup>31</sup> Yet it also shows how the state used political violence to punish and domesticate activist women who dared to transgress and call into question the established order, i.e. to behave like men on joining leftist movements and on ceasing to behave life submissive and docile beings, confined to the private sphere (and therefore like women, as per the patriarchal way of thinking).<sup>32</sup>

The study also documents a series of violations particular to their status as women, in particular a

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24 Guessous, 2006.

25 The life stories of 42 women were re-transcribed based on in-depth interviews; discussion groups bringing together five to seven women have also been organized. In all, the study’s researchers spoke with approximately 80 women from different regions of Morocco (Figuig, Nador, El Hoceima, Khenifra, Imilchil, and Laayoune as well as Rabat, Casablanca, and Mohammedia) and who had gone through a variety of experiences.

26 Guessous, 2009, p. 22.

27 *Id.*, pp. 30-38.

28 Guessous, 2006 and 2008.

29 Guessous, 2009, pp. 46-52.

30 Guessous, 2006 and 2008.

31 As Fatna El Bouih has said, “Men and women were equal in the face of torture and in the face of state violence.” Interview with Fatna El Bouih, February 8, 2011.

32 Both Fatna El Bouih and Maria Ezzaouini (February 14, 2011) told of how their femininity was denied by their torturers, who systematically called them by male names. See also the work by Fatna El Bouih, who published the first testimony in book form by a Moroccan female political detainee, under the title of *Hadit al atama* in Arabic (2001) and *Une femme nommée Rachid* in French (2002), by Editions le Fennec. She is also the author of *Atlasiate* (2006, Editions le Fennec), in which women from the Middle Atlas region give testimony of their ordeal during the Years of Lead.

system of humiliation and mistreatment,<sup>33</sup> of sexual violence and rape, sometimes repeatedly and by several persons, while in detention, in the course of receiving medical care at the hospital, or when they were in their own homes.<sup>34</sup> In most cases these rapes were initiated by individuals (guards, soldiers, nurses) who abused their power to take advantage of these women's vulnerability. The state does not appear to have adopted a policy of systematic rape, but nor is there evidence suggesting that the state has done anything to protect women from sexual violence while detained, maintaining instead a climate of impunity and complicity.<sup>35</sup> Accordingly, most of the women in detention generally lived in a climate in which the fear of rape and sexual violence prevailed at all times.

The study also provides extensive accounts of the use of children and motherly love as an additional form of moral and psychological torture of women: certain women were tortured in the presence of their children, or their children were tortured in their presence; some saw their infants and children who were detained with them suffer hunger, malnutrition, cold, or heat; some were separated from their children who – even the very young ones – were abandoned, with no protection.<sup>36</sup> This situation of the children caused their mothers profound anguish and a sense of permanent guilt with respect to their children.<sup>37</sup>

Even when they themselves were not victims of detention, as family members of detained persons women were regularly harassed – including sexually – by the authorities and accorded degrading treatment (placed under surveillance, their property sacked and pillaged, their identity papers confiscated, etc). This contributed to marginalizing women whose husbands, fathers, brothers, sons, or other family members were detained.<sup>38</sup> Visits to prisons, when authorized, were another occasion for undergoing harassment, degrading treatment, violence, and cruelty by the prison guards and other authorities.<sup>39</sup>

In all cases, whether as a result of sexual violence – real or suspected – or permanent surveillance and harassment by the authorities, most of these women victims have been stigmatized and marginalized and, in fact, live in a situation of very precarious material conditions, without financial or professional stability.<sup>40</sup>

All these violations affected the physical and mental health, sexuality, and reproductive capacity of these women as illustrated by the testimony taken.<sup>41</sup> They also affected these women's relationships with their family and community in the form of rejection, abandonment, and divorce, polygamy, or violence on the part of their spouses; rejection by the family; stigmatization by the community, the impossibility of marrying, etc.<sup>42</sup> Guessous considers that “these women have therefore been punished twice: once by the men who abused their power to satisfy their need for domination and their sexual desire; and a second time by a society that continues to consider women guilty of their own rape and that a woman victim of sexual violence is an immoral and soiled woman who should live in shame and secrecy.”<sup>43</sup>

For Nadia Guessous, what characterized this violence against women during the Years of Lead was “the way in which the violence of the state has depended on and has perpetuated and reinforced the patriarchal ideas and practices of Moroccan society. This interaction and this mutual reinforcement

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33 Such humiliation and mistreatment included methods and practices such as forced nudity where women in detention were guarded nude and deprived of any form of clothing despite the presence of male guards; being under the permanent surveillance of male guards even in the bathrooms; and the lack of access to sanitary napkins during menstruation.

34 Guessous, 2009, pp. 54-58.

35 Guessous, 2006 and 2008.

36 Guessous, 2009, pp. 63-68.

37 *Id.*, p. 90.

38 *Id.*, pp. 68-74.

39 *Id.*

40 *Id.*, pp. 87-89.

41 Many of them are in poor health and suffer from several chronic and serious illnesses. Most have major psychological sequelae, and many have all the symptoms of profound trauma. *Id.*, 2009, pp. 89-99.

42 *Id.*, pp. 93-97.

43 Guessous, 2006 and 2008.

of the violence of the state and societal discrimination against women has made women victims of political violence suffer twofold if not threefold.”<sup>44</sup>

### **Women as Agents of Change**

As often happens in situations of political violence, the roles are modified and redefined, which requires men and women to put themselves in untraditional situations. The fact that men are the main target of state violence has particularly impacted and modified the immediate space in which women were accustomed to operating. These changes go essentially to the disarticulation of families and the disintegration of the family economy and community organizations.

These new conditions have posed new challenges to those women who have become the most stable element of their immediate and extended family, as well as their community, and the condition for maintaining that stability. Women have had to move from the private to the public sphere, from the family to the community, taking on roles typically reserved for men, and reinforcing their position as social actors. The study by Guessous shows how women who had never worked outside the home have found themselves needing to provide for the needs of their children, in-laws, and families.<sup>45</sup>

Nonetheless, women have not just been victims; they have also played a dynamic role in the struggle for the truth as to the fate of their loved ones who were detained or disappeared, and for human rights, which is another reason they have experienced violations, as has been discussed above. They have organized among themselves, forming solidarity and action groups; they have secretly transported and circulated letters written by detainees; they have drafted letters and petitions; they have confronted the authorities; they have organized demonstrations and sit-ins; they have informed national and international public opinion. As in many Latin American experiences, the mothers above all have been pioneers in the movement for the rights of political prisoners and the disappeared. The vast majority were women who did not have basic education, whose mother tongue was not always Arabic, who had scant resources, and who had to reach out to the public and interact with new actors.

Although this movement did not specifically mobilize with respect to women's rights (grievances were focused on the fate of male victims), the experience made it possible for some of them to develop know-how of political and public organizing and action, become aware of the status of women in Morocco, and develop political awareness. A certain number of these women, especially those who have benefited from education and enjoy a degree of financial autonomy, have since joined many social movements, including the first actions of certain components of the feminist movement.

The movement of the families of the victims of enforced disappearance and political detainees, comprised essentially of women, was an important part of the national dynamic that gave birth to the first generation of the human rights movement and to the new generation of the women's movement that appeared in the early 1980s.<sup>46</sup>

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> Interview with Latifa Bouchoua, February 18, 2011.



## The Women's Rights Movement and Calls for Transitional Justice Mechanisms

The women's rights movement in Morocco is a political and social movement whose roots go quite far back in Morocco's modern history; it represents the culmination of a long process of the consolidation of action for the democratic, economic, and social development of the country. It did not take shape as a movement pursuing equality between men and women in all spheres until the 1980s, with the rise of a group of feminist and autonomous associations that made the emancipation of women the priority and purpose of its struggle, independent of any other consideration.

The first stage in the life of this movement was characterized by an urgent concern to dissociate from its political affiliations. Emerging from women's sections of leftist political parties, activist women faced the challenge of drawing the lines of demarcation between their feminist commitments and their political allegiances. Beyond their concern to implement effective structures, their priority was to affirm their autonomy and independence vis-à-vis both politics and the state. The movement then focused on protesting those provisions of Moroccan legislation that discriminated against women. This action targeted the Family Code, which was the main source of legitimation for sex-based discrimination, for it upheld the principle of the guardianship of women and their status as second-class citizens. The third stage was characterized by a turn towards advocacy, thereby transforming the movement into a force for mobilization and proactive initiatives.<sup>47</sup>

Women's organizations and the women's rights movement played a significant role in including the question of women's rights and living conditions in the Moroccan political and social agenda. They were also crucial in the much greater consideration given to women in the design and implementation of public policies and programs.<sup>48</sup> The specific impact of their mobilization in recent years has been reflected in a considerable improvement in the status and living conditions of Moroccan women.

The feminist movement and women's rights organizations have not, however, participated in the civil society's dynamic call for the implementation of transitional justice mechanisms to address serious

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47 Interview with Naima Benwakrim, February 22, 2011.

48 The specific impact of these mobilizations was translated into the principle of non-discrimination, including between men and women, being incorporated in the Labor Code in 2003; the 2004 promulgation of the new Family Code; the 2007 partial revision of the Nationality Code; the revision of certain provisions of the Code of Criminal Procedure; and the 2008 revision of the Organic Law of the Chamber of Representatives (Article 1) and of the Electoral Code, which now include measures for promoting the participation of women in national and local elective office. Thanks also to the strong initiative of the feminist organizations, the Moroccan government implemented a "national strategy to fight violence against women" in 2002; a "national strategy for equality and equity between the sexes" in 2006 with a view to integrating the gender dimension in all sectoral public policies; medium-term programs for institutionalizing equality between the sexes in the communications sector (December 2006), the civil service (January 2007), the educational system (October 2008), and the sector of employment and professional training in 2010; and since 2005, a process of "gendering" the state budget by the Ministry of Economy and Finance in the context of reforming public spending.



human rights violations. First, no specific effort was made to include them. Second, this movement did not formulate grievances related to the serious human rights violations which women experienced during the Years of Lead and did not mobilize to influence the emerging process of transitional justice.<sup>49</sup>

Several explanations – and the combination thereof – can be put forth for the women’s movement’s failure to mobilize around transitional justice mechanisms or to look specifically at sexual violence experienced by women or the differentiated impact of human rights violations on women:

- The feminist organizations focused their concerns and capacities on women’s rights today (present and future),<sup>50</sup> thus tying in with the international agenda<sup>51</sup> and with the national debates on the reform of the Family Code and the Nationality Code (i.e., the status of women), yet simultaneously distancing themselves from another aspect of the national context: reflecting on past violations.
- The social origin of the feminist movement (a combination of women NGO activists and women researchers/activists from the middle and upper classes operating primarily in urban areas<sup>52</sup>) differs substantially from that of most women victims, who live in rural regions or peripheral urban areas and are illiterate or semi-literate. The concerns of these two groups differ with regard to past violations.
- Women’s associations determined at the time “not to disperse,”<sup>53</sup> and considered that each human rights group should specialize in a certain area.<sup>54</sup> They felt there were already many actors involved in the transitional justice mechanisms and thus it was not necessary to add a new voice.
- More broadly, gender mainstreaming as an approach to development and transitional justice that not only remedies the injustices of the past but also promotes gender equality was still emerging in the 1990s.<sup>55</sup>

Women have in theory depended on generalist human rights associations and victims’ associations to transmit their concerns regarding truth, justice, and reparations. Yet as seen in the preceding section, victims’ organizations have not pressed any specific grievance regarding women’s rights, positioning themselves as the mothers, wives, daughters, and sisters of men who have been detained or disappeared, and hiding their own suffering. In addition, there has been no discussion of including gender equality and equity among the focuses of the human rights organizations’ work.<sup>56</sup>

The lack of any effective involvement of the women’s rights and feminist movement has no doubt been one of the main causes for the late inclusion of a gender dimension in the IER’s process.

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49 Interviews with Mustapha Iznasni, February 7, 2011; Rabea Naciri, February 15, 2011; Leila Rihwi, February 15, 2011; Naoui; Ezzaouini; and Benwakrim.

50 Interview with Naciri.

51 Local priorities are in effect driven by international instruments such as CEDAW, and international human rights and women’s rights conference such as those held in Vienna (1993), Cairo (1994), and Beijing (1995).

52 Interview with Ezzaouini.

53 *Id.*

54 Interview with Benwakrim.

55 Interview with Benwakrim.

56 Interview with Bouchoua. Bouchoua attributes this blindness to the fact that gender has not been entirely institutionalized in the human rights organizations: women’s influence in these organizations is very weak, even if they are running the institution, and even if one finds women’s committees therein.

## A Neutral Equity and Reconciliation Commission from a Gender Perspective

As discussed, the experience of the Independent Arbitration Commission was far from satisfactory for the victims, their families, and the human rights organizations. Throughout the mandate of the IIA, the organizations – in particular the Moroccan Organization for Human Rights (OMDH), the Moroccan Association for Human Rights (AMDH), and the Moroccan Forum for Truth and Justice (FVJ: Forum Vérité et Justice)<sup>57</sup> – presented their grievances, focused mainly on the need to cast light on and disseminate the truth about the violations, and to use a broader definition of the concept of reparations.

Following a November 2001 symposium held at the initiative of the OMDH, AMDH, and FVJ in which other organizations and representatives of leftist political parties also participated, a proposal was made to create a truth commission that would proceed based on the following principles:

- establish the truth regarding massive human rights violations;
- recognition by the state of its responsibility for violations and official and public apologies;
- restore dignity to society and preserve memory;
- restore the victims' dignity through material and symbolic reparation for the damages suffered;
- implement legal and institutional reforms to prevent massive human rights violations in the future.<sup>58</sup>

The women's organizations and women's rights organizations were not present at the colloquium, and issues of a gender perspective and women's experience during the Years of Lead were not addressed during the debates or in the final proposal.<sup>59</sup> Yet it is well-known that the actions of key actors in civil society have not only led to the creation of the IER, but also laid the bases for its mandate and its work.

In effect, the proposal for the 2001 symposium was picked up on by the Advisory Council on

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57 Since October 1999, in the wake of a conference held in Casablanca, a group of former political prisoners and human rights activists came together and were active within the Forum Vérité et Justice (Truth and Justice Forum), adding a new voice to the choir of civil society. Driss Benzekri – a longstanding opponent who was detained for 17 years – was the first president of the Forum.

58 OMDH, AMDH, and FVJ, "Minutes of the national symposium on serious human rights violations in Morocco" (in Arabic), Rabat, 2001. Cited by Belal, Youssef, "Genre et justice transitionnelle: une modélisation de l'expérience marocain," CCDH and UNIFEM, Rabat, October 2009, p. 10.

59 *Id.*

Human Rights, which was recently reformed,<sup>60</sup> and which made a formal recommendation to King Mohammed VI with the goal of instituting an ad hoc commission called the “Instance équité et réconciliation” (Equity and Reconciliation Commission).<sup>61</sup> The presence of Driss Benzekri, the first president of the Moroccan Forum for Truth and Justice, as Secretary-General of the reformed CCDH played a role in the Council’s adoption and appropriation of civil society’s proposal.<sup>62</sup> The CCDH’s recommendation nonetheless does not contain any specific mention of the gender dimension or of the particular experience of women.

Pursuant to the royal *dahir* of November 6, 2003 approving the CCDH’s recommendation, the IER was established as an independent national commission for truth, equity, and reconciliation. It was officially inaugurated in January 2004.<sup>63</sup>

## Composition

The IER was made up of a president and 16 members (or commissioners), all chosen and designated by the King upon recommendation of the Advisory Council on Human Rights.<sup>64</sup> The criteria proposed by the CCDH stated that members should be “persons with authority based on their intellectual competence and integrity and their sincere embrace of the principles of human rights.”<sup>65</sup>

The president of the IER is Driss Benzekri.<sup>66</sup> Nine of the 17 IER members are also members of the CCDH (including the president); six are former political prisoners (including the president); and two had been driven into exile. Only one of the 17 is a woman: Latifa Jbabdi, a former victim, human rights activist, and well-known feminist who is a founding member of the Moroccan Association for Human Rights (AMDH) and president of the Union de l’Action féminine (UAF).<sup>67</sup> It has not been shown, however, that her appointment was the result of a conscious initiative to include a gender dimension in the institution. The presence of merely one woman amongst 17 members demonstrates

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60 The accession to the throne of King Mohammed VI coincided with the restoration and reorganization of the Advisory Council on Human Rights to bring it into line with the Paris Principles of 1993 (Paris Principles, Principles relating to the status of national institutions [for the promotion and protection of human rights], adopted by the United Nations General Assembly, Resolution 48/134, December 1993 [www.ohchr.org/English/law/parisprinciples.htm](http://www.ohchr.org/English/law/parisprinciples.htm)). Following this reform, ordered by a new *dahir* (Dahir No. 1-00-350, 15 Moharem 1422 of April 10, 2001), the CCDH’s composition was modified: ministry representatives are only involved in an advisory capacity, allowing for a significant increase in the number of seats for civil society, particularly for human rights organizations (Article 4). The attributions of the CCDH were significantly expanded, which included: issuing advisory opinions at the request of the Palace on all issues related to the protection of human rights; submitting to the Palace any proposal or report; preparing and submitting annual human rights reports and on the situation of and prospects for the Council’s action; studying the harmonization of the national statutory and regulatory texts with international human rights instruments; encouraging ratification of or accession to the international human rights conventions and treaties; examining the cases of human rights violations submitted to it and making recommendations that are imposed on the competent authority; and contributing to the establishment and development of a human rights culture (Article 2).

61 The CCDH’s recommendation on the creation of the IER states that such a move falls within the guideline of the “firm royal will underscored several times by His Majesty to bring closure, on fair and equitable terms, to the cases of enforced disappearance, arbitrary detention, and political exile, and to rehabilitate the victims and society in the context of continuity and the development of a Morocco based on solidarity and reconciled with itself, resolutely turned towards a better future” and “with a view to deepening the democratic transition” and to “definitively turning the page from the past, peacefully and based on the principles of justice and equity, as well as Morocco’s commitment to reparation and reconciliation in a humanitarian and civilized framework.” The CCDH refers to the experience of the IIA as: “knowing that the reductionist vision that had been dictated by the juncture of the past is gone forever so as to give way to a global vision of human rights that Morocco can adopt and should implement.” [http://www.ier.ma/article.php3?id\\_article=24](http://www.ier.ma/article.php3?id_article=24)

62 The CCDH recommendation regarding the IER’s establishment also declares that the initiative is aimed at “assuaging the responsible and constructive initiative of human rights activists and politicians as well as the victims on occasion of the National Symposium on the Fair Resolution of the serious violations of the past.” [http://www.ier.ma/article.php3?id\\_article=24](http://www.ier.ma/article.php3?id_article=24)

63 In his speech at the opening session, the King referred to the IER as a commission for pursuing an “overall approach that is audacious and balanced, founded on equity, readaptation, and reinsertion, so as to pursue a peaceful reconciliation,” yet he also said, on several occasions in this speech, that the IER will be the final stage in resolving the cases of disappearances and arbitrary detentions and that with that “we are definitively closing the final phase of this thorny dossier.” [http://www.ier.ma/article.php3?id\\_article=420](http://www.ier.ma/article.php3?id_article=420)

64 The complete list of the members of the IER is available at [http://www.ier.ma/article.php3?id\\_article=204](http://www.ier.ma/article.php3?id_article=204).

65 Recommendation of the CCDH on the establishment of the IER [http://www.ier.ma/article.php3?id\\_article=24](http://www.ier.ma/article.php3?id_article=24). King Mohammed VI referred to IER members as, “impartial, upstanding persons who profoundly embrace the principles of human rights, in addition to their high level of preparation in the broad range of matters to be addressed by this commission.... We have taken care to choose members with different sensitivities, experiences, and specialties, with an equal number drawn from among the members of the Advisory Council on Human Rights and from outside the Council, all united around the same objectives of human rights protection and promotion.” Opening speech by King Mohammed VI, [http://www.ier.ma/article.php3?id\\_article=420](http://www.ier.ma/article.php3?id_article=420).

66 Biography available at [http://www.ier.ma/article.php3?id\\_article=2](http://www.ier.ma/article.php3?id_article=2).

67 Biography available at [http://www.ier.ma/article.php3?id\\_article=2](http://www.ier.ma/article.php3?id_article=2).

instead a failure to adopt a gender approach in terms of the composition of the IER.

“According to those actors who have participated in the discussion of IER member selection, two other women were asked to join, but did not accept for personal reasons. So the final composition of the IER did not reflect any taking into account of gender.”<sup>68</sup> Researcher Khadija Rouggany explains the weakness of women’s representation in the composition of the IER by noting that the human rights movement has not devoted the necessary attention to this issue (being more concerned about IER authority and autonomy) and that the women’s movement had not stated a specific position on the issue (being focused at the time on reform of the Family Code and the status of women).<sup>69</sup>

Nonetheless, the appeal to human rights activists and former political prisoners helped give credibility to the decision of the authorities to seriously address the violations of the past. In addition, reaching out to these individuals – many of whom had participated in the 2001 symposium – was an opportunity for subsequently taking into account a gender perspective, for in spite of everything they shared a common frame of reference with the women’s rights organizations and were sensitive to the principle of equality of the sexes.<sup>70</sup>

IER members organized themselves in three working groups: (1) the working group on investigations; (2) the working group on research and studies; and, (3) the working group on reparations. The absence of a balanced representation of the sexes in the composition of the IER evidently affected the gender composition of these working groups. The working group on investigations included the only woman member of the IER. As will be evident, the impact of her presence on introducing a gender approach to the inquests was nonetheless limited.

In terms of personnel, women accounted for 163 of the 319 staff of the IER. Although there was a majority of women on staff, this outcome was not the result of a deliberate policy to have a gender approach among the criteria for recruiting or assigning personnel.<sup>71</sup> The idea of having a balance in the number of men and women in the IER staff quickly ran up against the limitation and difficulty of finding competent and qualified professionals.<sup>72</sup> Women had little presence at the decision-making level, but participated mainly in the working units on communication and media, documentation and archives, etc. Moreover, no gender training was given to the staff or to the members of the IER.

## Statutes

Officially inaugurated in January 2004, the IER used its first four months as a preparatory phase for drawing up its statutes, plan of action, and internal operating mechanisms, and for hiring its technical and administrative staff.

The statutes of the IER, which were approved by a *dahir* of April 10, 2004 (published in the official bulletin of the Kingdom on April 12, 2004), finds its inspiration in the CCDH’s recommendation, but also in the royal speech given at the inauguration of the IER as recognized by the IER itself in its very first official declaration.<sup>73</sup> The statutes have 27 articles in six chapters: general provisions, attributions, operation, administration and financial management, communication and information, and final provisions.<sup>74</sup>

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68 Belal, 2009, p. 12.

69 Rouggany, Khadija. “The Moroccan Experience in Dealing with the File of Gross Human Rights Violations and Gender Approach. Analysis Study,” December 2008, Advisory Council for Human Rights, p. 17.

70 Belal, 2009, p. 10. Interview with Iznasni.

71 Rouggany, 2008, p. 21. The criteria for recruitment were competence, familiarity with human rights, and knowledge of Tamazigh (the Berber language).

72 Interview with Rihwi.

73 “This royal speech remains the reference for the activities of the IER and henceforth has been the basis of the appropriate approach for promoting equity and reconciliation so as to consolidate the gains made to date and to complete the equitable and out-of-court resolution of the violations of the past, in the framework of a global and enlightening perspective.” Statement by the IER, January 7, 2004, [http://www.ier.ma/article.php3?id\\_article=222](http://www.ier.ma/article.php3?id_article=222).

74 *Dahir* No. 1.04.42, 19 safar 1425 (April 10, 2004) on the approval of the statutes of the IER [http://www.ier.ma/article.php3?id\\_article=221](http://www.ier.ma/article.php3?id_article=221).

Charged with bringing final closure to the matter of enforced disappearances and arbitrary detentions, as called for by King Mohammed VI, the IER's general objective includes the tasks of "evaluation, inquiry, investigation, arbitration, and proposal-making concerning the serious human rights violations committed during the period set out in its mission, with a view to developing and promoting a culture of dialogue, laying the bases for reconciliation so as to consolidate the democratic transition, building the rule of law, and promoting citizen values and a culture of human rights."<sup>75</sup>

The specific objectives are indicated in Article 9 of the statutes, and include:

- to determine the nature and extent of the serious human rights violations committed in the past;
- to pursue research – and reveal the truth – about cases of enforced disappearance in which the person's fate remains unknown;
- to determine the responsibilities of state organs or any other party in the violations and facts being investigated;
- to provide compensation for the material and moral injuries to the victims;
- to make proposals in order to assuring the psychological and medical rehabilitation and social reintegration of victims who qualify for benefits and the completion of the process of resolution of the administrative, legal, and professional problems, and of issues related to the restitution of property;
- to prepare a report containing the conclusions of the inquiries, investigations, and analyses done of the persons who suffered the violations and their contexts, and recommendations of measures to be adopted to preserve memory and guarantee the non-repetition of the violations, remedy the effects of the violations, and restore trust in the primacy of the law and respect for human rights; and,
- to develop and promote a culture of dialogue and lay the bases for reconciliation.

The statutes of the IER are therefore neutral vis-à-vis gender-based violence and the victims of such violence, and do not explicitly demand studying women's history in the context of the repression.

As with the IIA's jurisdiction, the statutes of the IER determine that the "serious human rights violations" that fall under its jurisdiction and are the subject of its work are limited to enforced disappearances and arbitrary detention based on political, union, or other organizing activity.<sup>76</sup> The statutes specify, however, that the IER should "determine the nature and extent of the serious human rights violations committed in the past,"<sup>77</sup> opening the door to a broad interpretation of the mandate so as to include other violations.<sup>78</sup>

In fact, in the April 2004 document entitled "Présentation des statuts de l'IER," the Commission underscored that "the mandate of the IER encompasses serious human rights violations that are systematic and/or massive in nature, knowing that the attributions of the IER as regards investigations and the determination of the truth allow it to establish the categories, seriousness, and massive and/or systematic nature of past human rights violations."<sup>79</sup> Moreover, at the forum organized in Rabat from September 30 to October 2, 2005, the IER distributed a document that includes a list of the "violations in relation to enforced disappearance as per the philosophy of the IER." This document confirms an expanded conception of the violations that fall within its mandate:

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75 IER, *Rapport Final*, Vol. 1, pp. 14-15.

76 Article 5, *Dahir* No. 1.04.42, 19 safar 1425 (April 10, 2004) concerning the approval of the IER statute [http://www.ier.ma/article.php3?id\\_article=221](http://www.ier.ma/article.php3?id_article=221). The IER understands enforced disappearance to mean "the kidnapping or arrest of one or several persons and their abduction against their will, in secret places, and unlawfully depriving them of their liberty, at the hands of officials exercising public authority, or individuals or groups acting in the name of the state, where the non-recognition of these facts and the refusal to reveal their fate, remove them from the reach of any judicial protection" and arbitrary detention as "any abduction or detention not in keeping with the law, and entailing the violation of fundamental principles of human rights, in particular the right of individuals to liberty, life and physical integrity, because of their political, trade union, or other organizing activities."

77 *Id.*, Article 9.1.

78 Freeman and Oppenhaffen, 2005, p. 14.

79 Presentation of the IER statutes, [http://www.ier.ma/article.php3?id\\_article=1273](http://www.ier.ma/article.php3?id_article=1273).

- cases found of persons disappeared according to the definition adopted in the IER statutes and in international human rights instruments, especially the 1992 Declaration [on the Protection of All Persons from Enforced Disappearances] and the draft Convention [for the Protection of All Persons from] Enforced Disappearances, being drafted;
- persons who died while detained/disappeared with respect to whom the state has recognized the death and compensated the next-of-kin and successors, but for whom the remains have not been identified or returned to the victims' families;
- persons who died during the events involving confrontations or social or regional disturbances (such as those of 1958, 1965, 1981, 1984, and 1990) after interventions to maintain order and the excessive or disproportionate use of force by the authorities;
- persons who died after abusive treatment, torture or conditions of detention in the prisons or places of detention while being held incommunicado or in prolonged arbitrary detention;
- persons "considered disappeared" in contexts that remain obscure and/or in indeterminate circumstances, not involving the direct or indirect responsibility of the state; and
- persons "who died in situations of armed conflict, in what is called the Moroccan 'Western' Sahara, especially during military skirmishes with the armed militia or Polisario squads supported by the Algerian military."<sup>80</sup>

The interpretation of the mandate by the IER members and this expanded concept of violations under the scope of its jurisdiction did not include gender-based violations. Consideration of gender and the human rights of women were not, however, totally absent from the work and action of the IER.

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80 IER, "Traitement des cas présumés de disparition force." Succinct methodological data sheet, August 2005. Cited by Human Rights Watch, "Morocco's Truth Commission: Honoring Past Victims during an Uncertain," November 2005, Volume 17, No. 11(E), p. 31.

## A Certain Growing Awareness of the Gender Perspective

In terms of incorporating gender concerns in the organizational structure of truth commissions, some adopt a cross-cutting and systematic approach at all stages of their work, while others incorporate gender by creating a special unit entrusted with addressing all gender-related matters.<sup>81</sup> In a societal context that is disinclined to make women visible, and in the absence of civil society advocacy efforts raising the importance of gender considerations, there was not an awareness from the outset of the need to adopt a gender perspective, and the IER did not create a special unit for that purpose. It declared that it adopted the gender approach as a methodological option cutting across its areas of action.<sup>82</sup>

As the IER itself indicated in its final report, the adoption of this cross-cutting approach entailed the meticulous study of the specific violations experienced by women, the harm that resulted from them, women's particular experience, and their role in fighting the violations.<sup>83</sup> The IER adds that its gender approach found expression in:

- collecting the largest possible number of oral testimonies from women regarding the legacy of the violations, the emotional trauma caused by these violations, and the moral, physical, and social suffering that stemmed from them;
- processing the quantitative data on women in the database in order to determine the types of violations and the harm experienced as well as the socio-demographic characteristics of the victims;
- qualitative study of a sample of men and women victims, and the outline of the conclusions regarding the violations and harm by sex;
- conducting a sociological survey on “gender and political violence” in seven regions, taking into account the diversity of age, sociocultural factors, sensitivities, political paths taken, and historical periods by a team of young Moroccan female researchers.<sup>84</sup>

The final report of the IER is, however, modest in terms of processing and analyzing gender-sensitive data.<sup>85</sup> It is therefore difficult to verify the specific results of this cross-cutting approach to gender, all the more so as the comments of the different actors directly involved on its implementation are often contradictory. The next sections of this document will examine to what extent the IER succeeded in adopting and integrating a gender approach in all these stages and activities.

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81 Nesiah, Vasuki, “Truth Commissions and Gender: Principles, Policies, and Procedures,” International Center for Transitional Justice, New York, July 2006, pp. 6-7.

82 IER, *Rapport Final*, Vol. 1, p. 86.

83 IER, *Rapport Final*, Vol.1, 2009, p. 74.

84 Study done by Nadia Guessous.

85 The gender dimension is irregularly incorporated and addressed throughout its six volumes. See ‘The Final Report and Recommendations,’ *infra*; see also Rouggany, 2008, pp. 33-48.



## Activities and Work of the IER

### Documentation, Information, and Archives

The IER adopted a system for documentation, information, and archives made up of a file management service, documentation and information service, and audio-visual unit.<sup>86</sup>

According to Rouggany, the IER made an initial classification of the claims and conducted a preliminary analysis of the data received, then copied the data in a pre-prepared form for analysis and classification, working up data sheets on the victims of violations. The first source of information for the IER was constituted by the petitions received by the IIA after the deadline had passed, which as mentioned above, did not adopt a sex-specific methodology. This gap can be found as well in the tools developed by the IER (forms, data cards, filing systems, database, etc.) that seek to obtain information on the victims independent of their sex, suggesting that the IER did not seek to bring to light information on the women victims, distinguish the specific forms and modalities of the violations experienced by women, or the specificity of the resulting harm.<sup>87</sup> The gender approach was not considered in the design of the documentation, information, and archives system.

### Investigations

From the outset, the IER put in place a working group charged with the investigations. The key objective of this group was to look into all presumed cases of enforced disappearance and death through field research, documentary research, and review of archives, and to elucidate the fate of these victims. It was not an exhaustive research effort into the truth of all human rights violations that could have included the violations of which women had been the victims and the differential impact of the violations on women, but instead a very targeted effort.<sup>88</sup> Whether the person who was disappeared or died in uncertain conditions was male or female did not make any difference in the investigations.<sup>89</sup>

This being the case, field visits by the investigative team did not show any particular concern to meet with women<sup>90</sup> and the objective remained to cast light on presumed cases of enforced disappearance and death; there was no particular interview method or technique to get women to talk about gender-based violations.<sup>91</sup> Nor did the investigative team receive any specific training on incorporating a gender perspective in individual or group interview techniques.<sup>92</sup>

The investigative work nonetheless led to an examination, for example, of the detention conditions women experienced and got women to tell (and then retract) their experiences of being raped.<sup>93</sup> Unfortunately, the absence of any clear integration of a gender perspective in the team's methodology did not encourage research into the elements that concern women nor did it facilitate the separate archiving and processing of these data in the final report.<sup>94</sup>

### Studies

For its part, the working group on the studies and research focused on collecting and analyzing data from the other working groups so as to include them in the final report, and on producing studies.

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86 Rouggany, 2008, p. 21.

87 *Id.*, p. 22. As noted in an interview with Mustapha Sabri, February 1, 2011, "the information system established by the IER provides data on the direct and indirect victims, but is a blind system when it comes to the specificities of the violations whose victims are women."

88 In the words of the person in charge of the investigations team at IER, "the priority was to find out the person's fate; the other issues were matters of detail." Interview with Abdelhak Moussaddak, February 1, 2011.

89 *Id.*

90 Interview with Naoui.

91 Interview with Moussaddak.

92 *Id.* According to Rouggany, "it is likely that the major gap, in terms of international experiences, in the area of gender and transitional justice in general, and in particular in the investigations, did not help the IER and the working group on the investigations to formulate a clear conception of how to adopt a gender approach in the investigation." Rouggany, 2008, p. 19.

93 Interview with Moussaddak.

94 See [http://www.ier.ma/article.php?id\\_article=1333](http://www.ier.ma/article.php?id_article=1333) and [http://www.ier.ma/rubrique.php?id\\_rubrique=291](http://www.ier.ma/rubrique.php?id_rubrique=291).



The working group has drawn on outside experts and specialists, mainly from universities, in this effort.<sup>95</sup>

These studies have been both contextual – going over the different events that unfolded during the Years of Lead – as well as thematic.

On the whole these studies have not benefited from a common methodological approach including gender. Produced quasi-independently, they do not echo one another, and research on the social, political, cultural, and structural causes of sexual violence and the differential impact of human rights violations on women is absent.

Nonetheless, there can be no doubt but that the production of a specific study on women<sup>96</sup> marks a turning point. It is, in effect, the first official attempt to shed light on women’s human rights violations and to recognize that the period of violence affected women and men differently. Yet its impact on the IER remained limited, given that it was issued late, and completed during the final days of the IER’s activity.<sup>97</sup> IER members had access to the first version of the text just as they were working on the recommendations. The production of this study therefore did not make it possible to have a gender assessment prior to the commission’s overall work or to enlighten the IER’s teams in their activities, nor did it have a cross-cutting impact on the drafting of the final report.<sup>98</sup> Finally, since it was published after and separate from the final report, it did not benefit from the publicity around the final report’s publication and distribution.

### Private Hearings

In order to complete the activities discussed above and to help the IER achieve its mandate as regards looking into the truth, the Commission organized private hearings, which were not intended for dissemination or coverage by the media. Those invited to participate in these private hearings were called “the major witnesses.” At the initiative of the group entrusted with the investigations, a list of 70 persons<sup>99</sup> was presented that did not include a single woman.

The absence of a woman in this list of “major witnesses” reflects a failure on the part of the IER in its implementation of a gender approach, and above all, a societal reality regarding the visibility of women as political and public actors.<sup>100</sup> “The fact that there was not a single woman among the witnesses who gave their testimony in the closed-door hearings may suggest that women did not take part in the events that Morocco went through, have not been affected by their consequences, or have no point of view on the subject. Whatever the case, it is at any rate at odds with the option announced by the IER to liberate women’s voices.”<sup>101</sup>

### Public Hearings

The question of having recourse to public hearings came up very early within the IER, as did the question of the criteria for selecting those persons and cases to be presented. Several approaches and scenarios have been discussed among IER members wishing to use this tool and benefit from its pedagogical dimension, while avoiding turning the public hearings into a reality show.<sup>102</sup>

Accordingly, the first decision was to determine that no more than 120 persons would testify in public

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95 It should be noted that the groups of women, women experts, women university professors, feminists, activists, etc. did not spontaneously present the IER’s research projects or information on the history of women in gender-based repression and violence.

96 See chapter one of this document for a detailed examination of the content of this study.

97 Correspondence with Nadia Guessous, August 2011.

98 The ten pages dedicated to women in Volume I of the final report pick up, in essence, on the content of the study.

99 In the end, only 23 persons gave their testimony by this means.

100 In fact, the involvement and role of women in the leftist parties remained marginal and subordinate. A critical look at the left movements and their relationship with women reveals the reproduction of discriminatory attitudes within these movements. Interviews with El Bouih and Naciri.

101 Rouggany, 2008, p. 31.

102 Interview with Moudden.

hearings and that they would be chosen based on a balanced representation among the regions, in light of the historical events, the types of violations committed, and the detention centers.<sup>103</sup> Also considered were which testimonies would be the clearest and most compelling; the psychological aptitude of the witnesses; and the diversity of witnesses so as to avoid repetition.<sup>104</sup> One other criterion used to select cases was the representativity of the women.<sup>105</sup> Nonetheless, “the IER did not establish a clear conception or specific objectives for the testimony given by the women in the public hearings.”<sup>106</sup>

Testimonies could be proposed by IER members or staff, but also by human rights organizations.<sup>107</sup> As far as could be verified, the feminist and women’s rights organizations did not propose cases to the IER, but some of the women’s testimonies were proposed at the express request of Latifa Jbabdi, the sole woman member of the IER.<sup>108</sup>

The public hearings no doubt gave visibility to women and to the particular violations they had experienced. Some 27% of the witnesses who participated in the seven public hearings organized by the IER were women.<sup>109</sup> The IER’s statistical approach does not make possible a more refined sex-specific analysis of the content of these hearings. The other statistical information available indicates that 85% of the persons who have given testimony are direct victims, both men and women, and that the violations of which they speak are: arbitrary detention (76%), enforced disappearance (11%), forced exile (6%), death in the course of the violation (5%), and collective injury (2%).<sup>110</sup> Yet the data have not been broken down by the IER based on sex, and therefore do not allow precise determinations of whether, for example, women tended to speak out on acts committed against members of their family or about acts committed against themselves. Likewise, violations of which women have been victims (in particular sexual violence) and the differential impact of violations against women are rendered invisible. With a systematic and sustained approach to gender mainstreaming, it would have been important for the IER to adopt a sex-specific statistical approach in order to process and make visible such data beyond the dissemination or viewing of the hearings.<sup>111</sup>

Such a scientific analysis would also make it possible to avoid contradictory interpretations. According to the administrator responsible for the public hearings, for example, when one wishes to speak of a deceased victim, it is the women who were close to him who speak, but that has not, however, limited those women from evoking their own suffering.<sup>112</sup> Nonetheless, according to Belal, “most women victims evoked the sufferings of their loved ones rather than those they experienced themselves. Many women preferred to stay silent regarding the violations of rights that they experienced.... Often out of dignity the women have spoken more of the suffering of their loved ones than of their own suffering. They have rarely evoked what they themselves went through and, understandably, several women have not been able to talk about certain types of violence.”<sup>113</sup> Similarly, according to Rouggany, most men who gave testimony were direct victims, whereas most of the women who did so were indirect victims; most of the men who gave their testimony did not speak of the suffering of women while most of the women spoke, often in detail, of the suffering of their loved ones and only rarely did they mention their own experience.<sup>114</sup>

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103 Each event is represented by a number of victims proportional to the total number of victims of this event. Interviews with Moussaddak and Moudden.

104 See “Critères et sources du choix des témoins,” available at [http://www.ier.ma/article.php3?id\\_article=582](http://www.ier.ma/article.php3?id_article=582).

105 The issue of the quota was debated and, even if the memories of the persons interviewed diverge, it appears that this alternative was not adopted.

106 Rouggany, 2008, p. 23.

107 See “Critères et sources du choix des témoins,” available at [http://www.ier.ma/article.php3?id\\_article=582](http://www.ier.ma/article.php3?id_article=582).

108 Interview with Ezzaouini.

109 Statistics on the public hearings of the victims of serious human rights violations organized by the IER are available at [http://www.ier.ma/article.php3?id\\_article=1239](http://www.ier.ma/article.php3?id_article=1239).

110 *Id.*

111 As the witness statements in the public hearings are all available, it is a doable task, which could be taken on by the National Human Rights Council or civil society groups so as to continue to make visible gender-based violence and the suffering of women during the Years of Lead.

112 Interview with Moussaddak.

113 Belal, 2009, p. 27.

114 Rouggany, 2008, p. 24.

The opportunity created by the IER for the public hearings was designed to afford dignity, security, and a favorable setting, as reflected in the Charter of Honor concerning the commitments of the IER and the victims who participated in the public hearings: “The IER undertakes to respect the principle of voluntary participation by the witnesses, to accord priority to ensuring conditions of participation, to ensure the presence of their families and loved ones, to give them psychological assistance, to ensure the preservation of their dignity, not to subject them to any segregation, to allow them to exercise their right to choose the language in which they wish to express themselves, and to assume the expenses of the operations for preparing the sessions, including the travel and lodging of the persons concerned.”<sup>115</sup>

The implementation of these principles has not always been without difficulty. The layout of the rooms in which the hearings were held did not respect the IER’s guidelines on the matter: face-to-face with the public, with many photographers and cameramen and harassment by journalists, etc. In light of such concerns, victims were not given security nor encouraged to testify with calm and tranquility.<sup>116</sup> Moreover, the accompaniment that is a prerequisite to participating in the public hearings was limited to the presence of a psychologist on the day, to whom the witnesses may or may not have had recourse, depending on their wishes,<sup>117</sup> and subsequent accompaniment has been absent.<sup>118</sup> No particular support services were provided to the victims of gender-based violence, or to women in general to encourage them to speak and help them overcome the cultural, social, and religious obstacles to women speaking in public generally, and about sexual violence in particular. This lack of specific preparation on the IER’s part, in addition to the lack of particular support by the organizations (both human rights and feminist organizations), has contributed to silencing the violations against women and the differential impact of the violations on women.<sup>119</sup> According to some who gave testimony, the time allocated to each was quite short, generating a certain sense of frustration.<sup>120</sup> Language was also a subjective and objective obstacle to participating in and following the hearings: simultaneous interpretation was not always adequately provided<sup>121</sup> which impacted women more than men, since illiteracy is particularly high in the rural areas and among women.

Despite the fact that these elements call into question the way in which a cross-cutting gender approach has effectively been implemented by the IER in regards to public hearings, the presence of women in those hearings was historical, and gave a particular value-added to the work of the truth commission. Collecting testimonies of the women, providing a forum for listening, and publicly rebroadcasting the testimonies on radio and television all combined to make visible specific violations (in particular, unhygienic detention conditions and disrespect towards women’s privacy), and for their rehabilitation<sup>122</sup> and their recognition by the state and society as a whole.

### Thematic Hearings and Public Activities

Thematic hearings in the form of televised roundtable discussions were promoted by the IER, beyond the scope of its own work. Six such hearings were organized around two main lines of analysis: (1) historical and political contexts of the violations and the question of democratic transition, and (2) institutional, political, economic, cultural, and educational reforms needed to establish a state under the rule of law and the protection of liberties.<sup>123</sup> The IER has also organized colloquia in several Moroccan cities to discuss the issues that could help it carry out its mission such as “prison

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115 See: [http://www.ier.ma/article.php3?id\\_article=639](http://www.ier.ma/article.php3?id_article=639). “The rules governing the organization of the sessions” were also aimed at protecting the witnesses and victims from interference by the public. See [http://www.ier.ma/article.php3?id\\_article=638](http://www.ier.ma/article.php3?id_article=638).

116 Interview with Benwakrim.

117 Interview with Ezzaouini.

118 This absence has been explained in these terms by the person with administrative responsibility for the IER hearings: “The hearings were organized in a decentralized manner and there was no structure particular to the IER in place to make support services possible on a case-by-case basis subsequently.” Interview with Moussaddak.

119 Rouggany, 2008, pp. 25-26.

120 Interview with Ezzaouini.

121 Rouggany, 2008, p. 26.

122 The forum of the public hearings made it possible to feel a sense of relief, often unexpected, and has been considered fundamental because it made it possible to reach public opinion, and the youths in particular, regarding past excesses. Interview with Ezzaouini. See also Rouggany, 2008, p. 26.

123 The program and the content of these hearings are available at [http://www.ier.ma/article.php3?id\\_article=849](http://www.ier.ma/article.php3?id_article=849).

literature,” state violence, the concept of truth, political prosecutions and trials, and the concept of reparation.<sup>124</sup>

These public activities, which victims, civil society activists, and political decision-makers have attended, have helped disseminate the transitional justice process to Moroccan public opinion. It appears, however, that the design of these activities has not benefited from a gender approach. In effect, none of the activities had as its main theme women, sexual violence, or the differential impact of violations on women.<sup>125</sup> Gender was not integrated in a cross-cutting way in the agendas or in the presentations, and most of those who speak in these public activities have been men.<sup>126</sup>

### Individual Reparations

Given a broader mandate than the IIA, the IER adopted a concept of reparations that considers a set of measures aimed at comprehensively remedying the harm suffered by the victims of human rights violations.<sup>127</sup> As regards individual reparations, the IER recommended the following programs: financial compensation for material and moral injury; regularization of legal status; social reinsertion, the pursuit of education/professional training, and regularizing professional, administrative, and financial situations; property restitution; and medical and psychological rehabilitation. The definition of criteria and the implementation of the financial compensation were developed by the IER itself.

The IER represents continuity from the IIA, which has been a limitation as regards having a gender perspective given that the IIA had not adopted a gender perspective in its work.<sup>128</sup> Accordingly, the IER proceeded first to undertake an evaluation of the IIA's activity so as to then distinguish itself inasmuch as possible from it.<sup>129</sup> It adopted its own principles, criteria, and units of calculation and took into consideration the following elements to determine the amounts:

- Type of violation. The IER has adopted deprivation of liberty as a unified criterion with respect to all victims, which has translated into granting the same compensation yet bearing in mind the duration of the disappearance or arbitrary detention, detention conditions, and associated violations (such as torture, abusive treatments, and attacks on dignity), impact, and the loss of income and opportunity.<sup>130</sup>
- Social and administrative situation of the victim. The IER took into account the social situation of the victims (whether the professional, administrative, and financial situation of the victim was regularized; whether the victim was able to pursue his or her studies; whether the victim was able to become reinserted after his or her release); and the administrative situation of the victims in relation to the degree of benefit from other reparation programs.<sup>131</sup>
- Gender dimension. The IER has opted in favor of affirmative action with regard to women.
- Equality of and solidarity among the victims.

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124 See [http://www.ier.ma/rubrique.php?id\\_rubrique=278](http://www.ier.ma/rubrique.php?id_rubrique=278).

125 Only the national symposium on reparation has had a workshop on gender and community reparations, [http://www.ier.ma/article.php?id\\_article=1311](http://www.ier.ma/article.php?id_article=1311).

126 According to Rouggany's assessment, most of the participants in these activities were also men. She cites the example of the colloquium on political prosecutions and trials in which only two women attorneys participated compared to 15 male attorneys. Rouggany, 2008, p. 28.

127 IER, *Rapport final*, Vol. 3, p. 32.

128 In particular, the IIA had compensated the surviving direct victims, men and women, on an egalitarian basis, but it was not very demarcated from the *Shari'a* inheritance rules in case of death, thereby injuring women successors. Interview with Iznasni. The distribution of the total amount of compensation among the successors was done as follows: 40% to the spouse (instead of the one-eighth she is accorded by *Shari'a*); 40% to the children, distributed unequally between the males and females (the *Shari'a* rule granting twice as much to the male is not, however, followed to the letter) taking into account, *inter alia*, the children's age, with the older ones receiving less, bearing in mind the suffering and the lack of impact, the youngest being considered more vulnerable; 10% to the father; 10% to the mother. Interview with Raissouni.

129 This strategy has no doubt been positive for the victims, who have been compensated by the IER, yet not without raising a problem of equity between these victims and those compensated by the IIA. The victims who had benefited from the IIA's 1999 to 2003 compensation are the subject of IER recommendations on other forms of individual reparation, but they have not seen any change in their compensation (see interview with Iznasni), resulting in discrimination between the two groups of victims. This discrimination particularly affects those women who had received reparation from the IIA, for the major difference between the approach of the IIA and the approach of the IER was the new treatment reserved for women in the compensation paid.

130 IER, *Rapport final*, Vol. 3, pp. 34-35.

131 *Id.*, p. 35.

An evaluation of the IER's compensation policy from a gender perspective leads one to highlight highly positive and innovative aspects<sup>132</sup> but also some faults.

In effect, the use of criteria for calculation associated with the loss of income and of studies shows a certain bias in implementing the gender dimension and fails to take account of the situation of women, particularly those in the rural or marginal urban areas, most of whom have neither formal remunerated work or schooling, and who are illiterate. In addition, it is not clear whether the criteria associated with the loss of opportunity includes the differential impact of violations on women and the secondary injuries such as the loss of the capacity to procreate as a result of torture; being mutilated, abused or ostracised because of rape, forced pregnancy, or the loss of the ability to procreate; and the precarious legal and/or economic situation as a result of the disappearance/detention of the spouse. As the IER's information system was not designed from a gender perspective, it is likely that the working group on reparations did not have this information on the impact of the harm suffered by women.<sup>133</sup> At this level, affirmative action with regard to women in calculating compensation is even more interesting, for it allows one to invert this bias: the IER has, in effect, assumed that in addition to the violation itself (the detention), women – simply by virtue of being women – have suffered other types of violations without it being necessary to identify or to have declared them in the request for compensation. This being the case, and without any evidence or request, the IER granted surviving women direct victims an additional 10% to 20% on all categories under which they are to receive compensation.<sup>134</sup>

One other element has to do with the beneficiaries of compensation. The IER determined the following list:

- surviving victims of enforced disappearance;
- surviving victims of arbitrary detention;
- victims of exile abroad;
- victims of banishment to the interior;
- successors (spouse, children, parents) of victims who died during enforced disappearance;
- successors of victims deceased during arbitrary detention;
- successors of victims deceased in urban riots;
- successors of victims deceased after the violation.

Accordingly, access to compensation by family members is conditioned on the direct victim being deceased. Not including family members of surviving victims (most of them women) in the compensation program despite the harm that the violation has caused them<sup>135</sup> reveals a certain bias on the IER's part and a failing in the implementation of the gender approach.<sup>136</sup> As the IER's information

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132 A review of a set of arbitral decisions "shows that there is a significant, particular innovation exemplary of the IER in respect of gender and its integration in individual reparation.... The decisions show the adoption of equality as between the sexes and the rules of equity as regards estimating the appropriate compensation for each violation, based on its specificity, and its distribution to the successors." Rouggany, 2008, p. 32.

133 Because there was a gender-blind system "the IER's information system did not serve the working group on reparations ... to guarantee rehabilitation of women and to design compensation appropriate to the harm experienced." Interview with Sabri.

134 Interviews with Raissouni, Iznasni, and Rouwane.

135 Beyond the direct victims, the violations create a "community of harm" that includes all persons emotionally attached to the victims or who have a co-dependent relationship with them. The violation of human rights destabilizes not only the persons against whom the acts were directly aimed, but also a broader circle of persons in which each person's rights are in balance with the well-being and security of others, producing a "domino effect." Accordingly, independent of the moral injury caused, the detention or disappearance of the man (husband, father, brother) has consequences on the social status of the women around him. They find themselves in a situation of abandonment, vulnerability, and stigmatization in the community, which entails exposure to direct violations, the loss of opportunities, the impossibility of acceding to stable resources for their subsistence, etc.

136 Since the 1990s, the belief according to which the victim of a serious human rights violation is the only holder of individual rights subject to injury has been challenged and has progressively been transformed. Accordingly, Article 8 of the "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law" (A/RES/60/147, March 2006) recognizes a concept of victim that revolves around damages and considers the immediate family of the direct victim or the persons under their charge as possible victims. Moreover, the inter-American human rights system has developed abundant caselaw concerning reparations for the families of surviving direct victims.

system was not designed taking into consideration a gender perspective, it is likely that the working group on reparations did not have this information either.

The distribution of percentages among the successors was done as follows:<sup>137</sup>

- 40% for the spouse, whether man or woman;
- 10% for the parents of both sexes;
- 40% distributed equally amongst the descendants of both sexes.

The IER thus decided to ignore the concept of heirs as defined in the Moroccan law of succession and to adopt that of successors (*ayants-droit*) so as to be able to accord equal treatment to men and women and go beyond the rules of *Shari'a*.<sup>138</sup>

Despite undeniable efforts and progress towards adopting a gender perspective in the practice of compensation, many victims challenged their financial reparation.<sup>139</sup> The fact that the IER has opted not to make public the units of calculation<sup>140</sup> and the fact that the decisions and the supplemental compensation for women are not adequately explained does not make it any easier to understand the amounts received. This lack of transparency has led to speculation and accusations of clientelism among certain victims.<sup>141</sup>

It also appears that the justification for these decisions is made in general terms, often the same from one decision to the next, whatever the sex of the victim and the specificity of the violations, making no reference to a sex-specific approach as the basis for calculation.<sup>142</sup> The (limited) work of the IER to try to convey the symbolic dimension and explain the total reparation did not make up for these shortcomings.<sup>143</sup>

Accordingly, “the secular, revolutionary approach adopted by the IER [through affirmative action with regard to women and the adoption of equality between the sexes beyond the rules of *Sharia*] did not draw the attention of the general public and found no echo intellectually or politically.”<sup>144</sup> Not having been accompanied by clear dissemination, the symbolic and pedagogical impact of this approach was, unfortunately, limited.<sup>145</sup>

## Final Report and Recommendations

Reproducing the unequal treatment by the working groups and the activities of the IER, issues such as a gender perspective, sexual violence, and the differentiated impact of the violations on women are not examined and treated in the same way and with the same intensity throughout the six-volume report of the IER.<sup>146</sup> Volume 1 of the report dedicates ten pages to examining the information on gender and serious human rights violations<sup>147</sup> but the qualitative study on women and political violence during the Years of Lead, by Nadia Guessous at the request of the IER, is not an integral part of the final report and was to be published subsequently by the CCDH and UNIFEM. In addition, the report contains language that is neutral at best, insofar as it is not masculine; women are not considered an entirely different social group; and most of the figures and statistics are not broken down by sex.

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137 “The decision on the percentages comes from a subjective analysis of the emotional and material needs of the victim’s family members. The fact of dividing the percentage among the successors has been offset by access to other forms of individual reparations. Compensation and coverage by social benefits is the minimum received by a victim or successor.” Interview with Iznasni.

138 Interview with Iznasni.

139 Interview with Ezzaouini.

140 Interview with Rouwane.

141 Interview with Ezzaouini; interview with Khadija Marrouazi, February 16, 2011.

142 Rouggany, 2008, p. 33.

143 Interview with Iznasni.

144 Interview with Moudden.

145 Interview with Iznasni. It should be noted that nonetheless the ADFM works today on the question of inheritance and uses among its arguments, as positive precedent, the distribution of compensation to successors done by the IER. Interview with Naciri.

146 For an exhaustive look at the final report of the IER from a gender perspective, see Rouggany, 2008, pp. 33-47.

147 IER, *Rapport final*, Vol. 1, pp. 74-82.



The IER nonetheless made recommendations reflecting its awareness that guaranteeing the non-repetition of serious violations and consolidating the process of reforms in which the country is engaged implies fighting discrimination against women and building a future based on equality and equity.<sup>148</sup>

Accordingly, the IER recommendations fit within the context of the revision of the Family Code, strengthening legal guarantees for the rights of women, and consolidating the foundations of the family based on justice and equity. Independent of the general recommendations that go to the entire population, the IER has specifically recommended:<sup>149</sup>

- “strengthening the constitutional guarantees of equality, providing for the equality of men and women in political, economic, social, and cultural rights” and “the prohibition, in the constitution, of all forms of discrimination that are prohibited internationally;”
- “ratification of the optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women and lifting the reservations issued by Morocco on certain provisions of that convention;”
- in terms of improving criminal justice policy and legislation, “strengthening the latest revision of the criminal code by introducing a clear and precise definition of the concept of violence against women;”
- on submitting the final report, “organize a national demonstration to pay tribute to the women victims of serious human rights violations committed in the past, in recognition of the suffering endured and the sacrifices made;” and
- on what it called “the completion of the process of promoting and protecting women’s rights,” the IER recommends “building and capitalizing on important gains in the area of the promotion of women’s rights, and the completion of the process of reforms in that area by implementing a comprehensive, integrated, and prospective national strategy aimed at the empowerment of women with a view to ending the precarious nature of their condition by struggling against illiteracy, poverty, discrimination, and violence, and by strengthening their participation in public life and decision-making, bolstering measures that provide incentives; creating a national mechanism for the promotion and protection of women’s rights, and for monitoring the implementation of public policies in this area...; institutional and geographic strengthening of call centers, legal and psychological assistance for women victims of violence, and facilitating access for women victims of past violations to their benefits.”

Factors both internal and external to the IER explain this incorporation of a gender perspective in the Commission’s work, final report, and recommendations.

According to several of the actors involved, it was the sensitivity of some IER members and staff that facilitated, to a certain extent, an awakening to gender issues and the progressive incorporation of a gender perspective in certain aspects of its work. As noted above, several members of the IER were former victims and key figures in human rights organizations. Moreover, several staff members were from those same organizations or feminist organizations. Of course the mere fact of belonging to civil society groups does not automatically mean that one is sensitive to a gender perspective or understands the dynamics inherent to sex-specific violations. Nonetheless, in the absence of any advocacy campaign in favor of incorporating the gender perspective into the IER’s work by the women’s movement or the victims’ associations, and in the absence of any gender training, it appears that the presence of these persons – who were knowledgeable of gender-related issues, shared a common frame of reference with the women’s rights organizations, and/or were sensitive to the principle of equality between the sexes – constituted favorable ground for becoming aware of and incorporating a

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148 *Id.*, pp. 101-113.

149 *Id.*

gender perspective in part of the work of the IER.<sup>150</sup>

In addition to the awareness that women were at the point of fighting for the truth as to the fate of the disappeared and for the release of the detainees<sup>151</sup> one should note a triggering element (the result of the IER's work) that found particular echo among these persons, namely the preliminary analysis of the requests for reparations.<sup>152</sup> This analysis brought a greater awareness that the victim was not an isolated individual but that he or she was part of a family and impacted by the victimization of women as such. This made it possible for people to realize that women had not only suffered the same violations as men, but had also suffered specific violations and had been forced to assume roles for which they were not prepared vis-à-vis the state and within their own families and communities.

To these aspects internal to the IER one must add the national context favorable to taking into account women's rights given the discussions and debates around reform of the Family Code at the same time as the IER was established and engaged in its activities.<sup>153</sup>

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150 Interviews with Naoui and with Iznasni. Certain persons interviewed expressly named Latifa Jbadi and Driss El Yazami as having been the internal promoters of gender mainstreaming. Others also made reference to the impact of the discussions with ICTJ experts and consultants, such as Pablo de Greiff and Ruth Rubio, in this progressively greater awareness on the part of the members of the IER of the importance of a gender perspective.

151 Interview with Iznasni.

152 Interview with Abdelhay Moudden, February 11, 2011. Interview with Iznasni.

153 Interviews with Naciri, Rihwi, Benwakrim, Iznasni, Moudden. See also Belal, pp. 12-13.



## After the IER: Strengthening and Maintaining the Gender Perspective in Implementing Recommendations

The IER concluded its mandate and presented its final report to the King on November 30, 2005. On January 6, 2006, King Mohammed VI approved the publication of the report and asked the CCDH to ensure follow-up to and supervision of the implementation of the IER's recommendations, providing considerable continuity to the process. The president of the IER, Driss Benzekri, was in effect appointed president of the CCDH, and several former members of the IER were also appointed as members thereof. Similarly, several staff members of the IER were recruited by the CCDH. This continuity has favored the early sensitivity of the CCDH and its clear decision to ensure gender mainstreaming in the implementation of its recommendations.<sup>154</sup>

The United Nations Development Fund for Women (UNIFEM), which had kept a distance from the IER process, was to echo this conviction<sup>155</sup>, and the two institutions proceeded to work together to design a project on the promotion of the human rights of women and of their role in the transitional justice process in Morocco,<sup>156</sup> which has offered an interesting interplay between national and local actions.

This project is aimed at bolstering the efforts of the CCDH by integrating gender concerns in the monitoring of the IER's recommendations. It is structured around four main areas of intervention:

- support for institutionalizing the gender approach in the framework of mechanisms following-up on the recommendations (i.e., within the CCDH);
- support for associative activities for economic, social, and cultural development, integrating the gender approach and the protection of women's human rights in the regions targeted by the IER report with a perspective of reparation/reconciliation/preservation of memory;
- promotion of dialogue among local actors concerned with gender and the protection of the human rights of women;
- development of support to raise awareness of the issue of serious human rights violations in Morocco in the past, based on an approach informed by gender and the human rights of women.

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154 "The CCDH is aware of the importance of defining the approaches beforehand and tries to program, from the beginning, incorporation of a gender perspective." Interview with Ahmed Zainabi, February 1, 2011. "In the wake of the IER's findings on gender, there is an early awareness of the need to integrate a gender perspective right away." Interview with Khadija Assari, February 7, 2011.

155 Interview with Leila Rihwi, February 15, 2011. She also mentions that "for UNIFEM, it is a question of strengthening women's voices in the process of evaluating the impact of what women experienced on the population, because that had not been done by the IER."

156 The women's organizations did not participate directly in the design of the UNIFEM project. Interview with Assari.

The beneficiaries targeted by the project are at the same time the CCDH working groups in charge of following up on IER recommendations, the partners of the CCDH in implementing follow-up to those recommendations; and the groups of victims of serious human rights violations in these regions, especially women.

### **Institutionalization and Raising Awareness**

Two years after the implementation of the project (2007-2009), further efforts to raise awareness of women's experience in the Years of Lead gave rise to the production of a set of written and audiovisual communication tools: the synthesis of the study on "Women and political violence during the Years of Lead," conducted in the context of the IER, was rewritten and published; women's life stories have been published in the form of a booklet "Femmes brisant le mur du silence" ("Women breaking the wall of silence"); an audiovisual compilation has been done of the women's testimony during the public hearings; and contributions made to the BBC documentary series *Women in the Frontline*.

These tools have been used in public meetings to raise the awareness of various actors and the general population regarding the violations suffered by women and their experiences of resistance and preservation of memory. It appears, however, that beyond the specific activities of the UNIFEM-CCDH project these documents have not been made accessible or have not been broadly disseminated.<sup>157</sup> It could be important to develop the dissemination policy for these tools, which are at the same time scientific, pedagogic and symbolic, and whose scope should have extended beyond this specific project to the actors charged with carrying out the Community Reparations Program, but also to the new actors, both civic initiatives (e.g., the feminist movement and youth associations) and public institutions (e.g., the Ministry of Education).

The support for institutionalizing gender – that is, incorporating gender in the organizational structure of the implementation body – has made it possible to establish, within the CCDH, a committee for gender mainstreaming<sup>158</sup> commonly called "the gender committee." This committee is made up of the CCDH president and secretary-general, the chairpersons and rapporteurs of its working groups, national experts specialized in the issue, and feminist experts and leaders. It became possible to establish the committee after a series of trainings and activities to increase knowledge and awareness offered to the CCDH staff.<sup>159</sup>

The establishment of this specialized unit within the CCDH is certainly the major strategic gain of the process of institutionalization and goes beyond the project's expectations.<sup>160</sup> "Nonetheless, its work and its productivity are still very limited, despite the successive meetings and the great mobilization of its members. The implementation of its plan of action is not yet complete ... the committee is still very fragile and handicapped by the lack of resources and its weak organizational structure."<sup>161</sup> Moreover, progress in implementing the IER's recommendations regarding archives, memory, and history, for example, or regarding institutional reforms, is not yet visible enough to know whether this "gender committee" has a real impact on implementation or if one can speak of a cross-cutting gender approach in the follow-up to the recommendations of the IER.

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157 Lahsika, Khalid and Baptiste Buob. "Rapport d'évaluation du projet: Promotion des droits humains des femmes et leur rôle dans le processus de justice transitionnelle au Maroc," UNIFEM and CCDH, Rabat, 2010, p. 8.

158 <http://www.ccdh.org.ma/spip.php?article1690&>.

159 A training activity organized on March 24 and 25, 2008, to bolster their capabilities for gender mainstreaming and the human rights of women, and to enable the beneficiaries to integrate the gender question in the design of and monitoring of their programs; a workshop for analysis organized on July 10, 2008, that sought to draw out the strong points and weak points in integrating the gender dimension in the management process of the CCDH, in its programs and projects, especially the community reparations program; a seminar on "Gender and Transitional Justice" organized on November 25, 2008, with the participation in particular of the representatives of the 11 local coordinating offices of the community reparations program, the project's partners at the local level, national NGOs working on the issue of women's rights, and the members of the CCDH, for more in-depth analysis of the ways of integrating the "gender" dimension in the transitional justice process in Morocco. On this occasion, the study on gender and political violence by Nadia Guessous and the life stories addressing the experience of women victims of political violence were disseminated. For an exhaustive evaluation of these activities, see Lahsika, 2010, pp. 47-54.

160 Interviews with Benwakrim, Rihwi, and Assari. One of its strong points is that given its composition, it draws the feminist movement into the transitional justice process, even if an effort to mobilize associations for women's rights is still necessary. Lahsika, 2010, p. 57.

161 *Id.*, pp. 55 and 57.

## Gender in the Community Reparations Program

The IER statutes had established the principle of collective measures of reparation. The result of a participatory approach,<sup>162</sup> the concept of “community reparation” has been defined as being aimed at remedying the harm suffered by communities and regions after massive and systematic violations whose impacts and legacy have hit society as a whole. Community reparation is intended to make restitution of a community’s dignity based on the nature and degree of the damages provoked by violations that occurred on the occasion of social events, at detention centers, and the disappearances that took place in regions where such centers were located, and to restore trust in state institutions and the rule of law.<sup>163</sup> According to the recommendations of the IER, there will be 11 beneficiary regions of the Community Reparations Program: Figuig, Nador, Al Hoceima, Errachidia, Khénifra, Ouarzazate, Zagora, Hay Mohammadi (Casablanca), Tantan, Azilal, and Khémisset.

The Community Reparations Program has two parts:

- first, and more important in budgetary terms, concerns the projects implemented directly by different government ministries and agencies in the program’s 11 beneficiary regions and which could be defined as “affirmative action in relation to socioeconomic development;”<sup>164</sup>
- second (with a total amount of 56 million dirhams - approximately US\$ 6.5 million) concerns projects submitted by the local associations from the Program’s beneficiary regions through calls for proposals and implemented by them. In the case of eight of the 11 regions, this “program to support actions of reparation to benefit the regions affected by serious human rights violations” is financed by the European Union (EU) (approximately US\$ 3.7 million);<sup>165</sup> in the other three the program is financed by the regions themselves.

Undertaking an evaluation of the gender perspective in the first part of the Community Reparations Program goes beyond the scope of this paper. We will, then, dwell on the second part, in which UNIFEM and CCDH are also involved both prior to and in tandem with the effective implementation of the EU project.

Three of the 11 regions targeted by the Community Reparations Program have in effect benefited from a UNIFEM-CCDH pilot program that translated into the implementation of three projects<sup>166</sup> accompanied by the promotion of a dialogue among actors at the local level, through workshops for analysis and training focused on integrating a gender approach.

- (1) In Zagora, the Réseau associatif de Zagora pour le développement et la démocratie (Razded: Associative Network of Zagora for Development and Democracy) carried out a project to support local NGOs with a view to creating a space “for empowerment of women.” More than 24 NGOs benefited from activities to strengthen the capacity and cooperative efforts to establish a network of women’s NGOs and to bolster advocacy capabilities so as to include the local authorities among those supporting the actions of this network.

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162 The conviction of the IER members regarding the importance of its measures has been reinforced during the field visits and activities organized apart from the public hearings. The IER has engaged in consultations to define what these measures were going to be: the local population, the local authorities and elected officials, the human rights organizations, the development organizations, and the government development agencies were associated with the effort through visits by the IER in the different regions where collective injuries represent a concern. That enabled the IER to meet the various actors in situ and to collect information so as to define the possible lines of the Community Reparations Program. The National Forum on Reparations (Rabat, September 30, October 1 and 2, 2005) was then the occasion for bringing together more than 200 organizations as well as 50 Moroccan and international experts.

163 IER, *Rapport final*, Vol. 3, p. 46. Strengthening citizen spirit and the sense of citizenship, consolidating the social fabric and national solidarity, and consolidating social cohesion (and consequently contributing to reconciliation) are also at the heart of the spirit of the community reparations program (IER, *Synthèse du rapport final*, p. 29).

164 Interview with Driss El Yazami.

165 El Hoceima, Nador, Figuig, the provinces of Khénifra and d’Errachidia, of Zagora and d’Ouarzazate, the Hay Mohammadi district in Casablanca.

166 “The selection of three zones and three projects was made in conjunction with the CCDH, based on a review of the projects submitted by the NGOs at the National Forum on Reparations and criteria such as the nature of the violations suffered, the representativity of the sites based on the type of violation, and the organization or network of organizations that might potentially carry out the project. The content of the projects was then defined in participatory fashion at the local level. The women participated in the conceptualization, management, and leadership of the project, beneficiaries.” Interview with Assari.

- (2) In Errachidia, the Réseau des associations de développement des oasis du sud-est (Radose: Network of Development Associations of the Oases of the Southeast) has drawn up a project to benefit the village of Sountate, near Imilchil, entitled “Preservation of Memory and Reconciliation of the women of Sountate/to the memory of Fadma Ouharfou,” who was an emblematic resistance figure during the Years of Lead. Actions for reconciliation and the preservation of memory have been carried out with village women and youth (especially by weaving tapestries bearing the legend “To the memory of Fadma Ouharfou”). Several awareness-raising sessions were held concerning Fadma’s ordeal for the local populations. In addition, actions to strengthen the capacities of the local NGOs to designing gender-sensitive projects have been carried out to prepare them to answer the call for proposals put out by the EU.
- (3) At Figuig, the organization Amicale amitié et coopération de Figuig (AACF) has established a “Socioeconomic center for the promotion of women in Figuig.” Prior to the actual launching of the project, a study was done of income-generating activities and several support actions were carried out on organization and economic empowerment geared to women. In addition, three caravans were organized to launch each of these pilot projects. These caravans, through the media attention they have drawn, have enabled the projects to have repercussions beyond their own locality. They have given visibility and a symbolic and political dimension, at the national level, to the projects themselves and to the question of the treatment of women during the Years of Lead.

These three pilot projects have made it possible to improve the socioeconomic and political condition of the women beneficiaries and constitute a learning space for the local actors (civic and public) on the subject of gender-informed development actions.<sup>167</sup> Their impact (given that they are implicitly test activities) on the EU-funded community reparations project, however, remains limited. Even though the workshops for analysis and training focused on integrating a gender approach could have been organized not only in the three pilot zones of the UNIFEM-CCDH project, but also in the rest of the regions targeted by that program,<sup>168</sup> the benefit and the good practices find full expression only in the three sites targeted by the UNIFEM-CCDH project, and only to a much lesser extent in the other regions targeted by the Community Reparations Project.<sup>169</sup>

That may explain first, the operational structure of the second part of the Community Reparations Program. It is intrinsic to the demands of the EU and is made up of the following organs:

- at the national level, the Steering Committee;<sup>170</sup> and the implementing agency – the Deposit and Management Fund Foundation (FCDG: Fondation de la “Caisse de dépôts et de gestion”) – which houses the Program Management Unit specially created for this purpose;<sup>171</sup>

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167 For an exhaustive evaluation of the pilot projects, see Lahsika, 2010, pp. 64-94.

168 Thanks to the flexible management of the UNIFEM project and the additional allocation of funds by the Embassy of the Kingdom of the Netherlands in Morocco, all the local coordinating offices set up in the framework of the institutional structure of the EU project benefited from this strengthening of gender capabilities and, in a relatively timely fashion, shortly before the European Union issued its first request for proposals.

169 “The local actors [from the three regions targeted by the UNIFEM-CCDH project] engaged in efforts to support the economic and political empowerment of women, were familiar with the concept of gender and its implications for transitional justice, and had already taken actions linked to the [community reparations] Project in their region. This knowledge beforehand enabled them to interact with ease with the content of the trainings and to make the most of them so as to produce candidates in the request for proposals from the European Union.... The trainings given in the regions targeted by the pilot projects were able to spark major awareness of the gender issue. Most of the projects of the organizations accepted in the context of the request for proposals by the European Union have a cross-cutting line addressing gender and some of them are entirely devoted to it. In addition, all these projects have a part devoted to capacity-building for local actors.” Lahsika, 2010, pp. 62 and 63.

170 The Steering Committee is made up of the CCDH, FCDG, Ministry of Finance, Ministry of Interior, donors (EU and UNIFEM), representatives of the local coordinating offices, and the program’s Management Unit. Given the role of providing political direction, the objectives of the Committee are to ensure the implementation of the program in keeping with the recommendations of the IER, to define the strategic vision, to ensure financial transparency and technical viability, and to make the program known internationally so as to attract foreign aid.

171 The program’s Management Unit, housed within the FCDG and which thus contributes its technical know-how on project management, is entrusted with the technical, financial, logistical, and human resources management of the project.

- at the local level, the local coordinating mechanisms;<sup>172</sup> the local contacts present in each of these coordinating offices and which depend directly on the UGP;<sup>173</sup> and the members of the CCDH regional offices (in six of the 11 regions concerned).

The structure is complex<sup>174</sup> and the efforts to ensure women's representation on each of the organs that makes up this structure have faced several constraints and limitations. UNIFEM is a member of the Steering Committee and plays an advocacy role within it, but at the local level most of the representatives of the CCDH and the UGP, like most representatives of de-concentrated services of the state and local elected officials, are men.<sup>175</sup> The only component of the local coordinating bodies on which it is possible to act to foster women's participation in the operational structure are, therefore, the local organizations.<sup>176</sup>

That can be explained first by the framework and technical procedure of the EU. The criteria for selecting the projects in the framework of the calls for proposals – based on relevance, feasibility, and durability – stand in contrast to the reality on the ground: “the women's organizations or those who work on the gender question are too few in the regions and have scant technical or professional capabilities. Accordingly, relatively few proposals are received from such organizations and they are often eliminated on technical grounds, despite the capacity-building workshops and the efforts to raise awareness.”<sup>177</sup>

The UNIFEM project, which made it possible to escape some of the constraints, is not easily replicable in the context of the EU Community Reparations Program. Although the EU project has several positive aspects, the gender perspective is not cross-cutting and its institutionalization is in need of further reinforcement.

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172 The local coordinating offices are present in each of the 11 beneficiary regions of the community reparations program and have a tripartite make-up with what are commonly called “the local actors,” and which are the de-concentrated services of the state, the local elected officials, and the local associations, mainly development organizations or organizations dedicated to sociocultural activities. They are entrusted with establishing and coordinating relations between the central government, the local authorities, and the civil society actors concerned with the program. They are also entrusted with the technical and financial monitoring of the project. The Council of local coordinating bodies is made up of one representative of each of the 11 local coordinating bodies, which facilitates the exchange of information among the coordinating bodies and communication between them and the National Steering Committee.

173 These are one person per region concerned who has an office and minimum equipment (computer and internet access).

174 Its implementation has required an enormous effort on the part of the CCDH and the FCDG considering the distance separating each of the beneficiary regions from the others, and the lack of infrastructure. The wide array of institutions concerned, locally and nationally, also poses a challenge considering the diversity and disparity of conditions inherent to the technical capacities of the different partners. Their number and the fact that each became involved in the process at a different moment, with different prior knowledge of transitional justice and reparations, has also increased the need for and difficulty coordinating relations between the local and national levels. Nonetheless, the advantage of this structure is that it makes it possible to expand the base of the program at the local level and to involve the main parties engaged in the active management of the program. The establishment of such a structure creates a space for reflection, advocacy, and training. Accordingly, it facilitates a new relationship between the national and local levels. Interview with Zainabi.

175 “If they had been asked to designate women, the risk was that they would not have decision-making power.” Interview with Zainabi.

176 And like that, there are examples such as that of Nador or an association of women headed by a man. Interview with Zainabi.

177 Interview with Zainabi.

## Final Considerations

While understanding that the process of implementing the IER's recommendations is far from complete, the analysis of the gender approach in the Moroccan transitional justice experience allows one to draw out some useful elements and thereby to contribute to the international experience.

After taking a hard look at the process, it is difficult to assert that a gender approach has been adopted on a cross-cutting basis as a methodological option. The way in which the work and the final report address the specificities of gender show, rather, that awareness of the importance of gender was late in coming and was incorporated non-uniformly, and that it was not possible to undo the initial conceptual failure. The neutrality of the IER's mandate leads to a lack of systematic attention to the specificity of violence against women. Despite an announced will to address it, the integration of the gender question remained largely limited in the IER's policy, methodology, and actions. Accordingly, the IER provides a clear example of all the difficulties of incorporating a cross-cutting gender perspective when it is not even mentioned in the mandate of the institution. It is also an example of the possible risks of integrating gender as a cross-cutting issue: ending up with an ad hoc and irregular approach – attention is accorded to gender in the public hearings and the compensation hearings – yet without systematic and sustained attention as an organizational principle throughout the duration of the Commission and in all facets of its work.

This can be explained by several factors, among which one should underscore, at the institutional level, the late and independent production of the study on violations against women. This study constitutes the first official effort to cast light on the human rights violations suffered by women and to recognize that the period of violence affected women and men in different ways. However, the extent to which it became integrated into the IER's work and benefited the day-to-day work of the IER – from the design of the documentation, information, and archives system, to the drafting of the final report, including the research methodology and interview techniques – is limited.

Technically speaking, one should note that the professional profile of the IER staff has suffered from the absence of a gender expert, which has been aggravated by the absence of training on this issue as well as that of specific, systematic, and uniform directives from IER members for the different working groups to enable them to incorporate a gender approach in their activities. This has led to unequal treatment in the approach of the IER.

Yet the fact that the IER's activities and final report mention gender perspective and women in several places – albeit on a limited basis – is in itself positive. This is a substantial qualitative leap in relation to the Independent Arbitration Commission, reflecting a decision to give visibility to a reality that until then had been shrouded in silence and to promote the presence of this dimension at the stage of implementing the recommendations.

In particular, the decision to reject religious tradition in treating compensation and to use non-discriminatory principles with respect to women is profoundly novel and a fundamental gain, taken up today in the arguments of some feminist organizations to defend the reform of the rules governing inheritance. Another fundamental gain is the decision to supplement that compensation so as to be able to take account of the specific suffering endured by women. These decisions are all the more important considering the common sense that predominates in Moroccan society as to the place of women and the place of religion. Likewise, IER recommendations concerning women's rights constitute essential gains favoring the emerging dynamic of gender mainstreaming in the formulation of the guarantees of non-repetition of serious human rights violations and in the reform process.

The IER's innovations have been affected by objective limitations, mainly the near complete lack of

involvement of the feminist movement in the transitional justice process, and a limited sensitivity to the gender perspective among the generalist human rights organizations. Strengthening the alliance between the generalist human rights organizations and organizations working to defend and promote women's rights is fundamental for taking into account the gender dimension in the transitional justice process, expanding expertise, and taking sex-specific actions.

Consolidating the institutionalization of gender in the agency entrusted with supervising implementation of the recommendations of the IER, the recently reformed National Human Rights Council, will be key in the successful incorporation of a gender approach in the post-IER process.



## LIST OF INTERVIEWS

**Khadija Assari** – Former UNIFEM coordinator of the project “Promotion of the Human Rights of Women and their Role in the Transitional Justice Process in Morocco”; at present in charge of the History Area, Program for monitoring the recommendations of the IER in respect of Archives, Memory, and History, CNDH. Interview conducted February 7, 2011.

**Naima Benwakrim** – Former administrative director of the public hearings and of the final report to the IER. Interview conducted on February 22, 2011.

**Widad Bouab** – Student who was forcibly disappeared and arbitrarily detained for three years; officer of the ADFM. Interview conducted on January 24, 2011.

**Latifa Bouchoua** – Standing member and officer of the AMDH. Interview done February 18.

**Zakia Boudrika** – Former assistant to the president of the IER; assistant to the president of the CNDH. Interview conducted February 3, 2011.

**Fatna El Bouih** – Activist and former political detainee; local contact of the CCDH within the local coordinating body of Hay Mohammadi for the Community Reparations Program. Interview conducted on February 8, 2011.

**Maria Ezzaouini** – Former victim; officer of the ADFM. Interview conducted on February 14, 2011.

**Rachid Ezzaouini** – Student who was forcibly disappeared and detained for three years. Interview conducted on January 26, 2011.

**Driss Fakhreddine** – Son of a couple that was detained, he himself having been detained with his parents. Interview conducted February 10, 2011.

**Fatima Hajja** – Widow of a man who was arbitrarily executed in 1956, subsequently stripped of all her civil and political rights, and most of whose property was confiscated. Interview conducted on February 4, 2011.

**Mustapha Iznasni** – Former member of the IER; former member of the CCDH; current adviser to the president of the CNDH. Interview conducted on February 7, 2011.

**Amina Khadiri** – Student who suffered sexual aggression by the police inspector during the wave of student arrests. Interview conducted on February 2, 2011.

**Khadija Marouazi** – Secretary General, Médiateur pour la Démocratie et les Droits de l’homme. Interview conducted on February 16, 2011.

**Abdelhay Moudden** – Former member of the IER; former member of the CCDH. Interview conducted February 11, 2011.

**Abdelhak Moussadak** – Former administrative director of the hearings and of the investigations team at the IER; entrusted with the mission, within the team, of following up on the CCDH’s investigations. Interview conducted February 1, 2011.

**Rabea Naciri** – Co-founder and former president of the ADFM. Interview conducted on February 15, 2011.

**Mustapha Naoui** – Consultant to the IER and to the CCDH; former member of the research team at UNIFEM. Interview conducted on January 31, 2011.

**Mohamed Mostapha Raissouni** – Former member of the IIA, member of the group of experts of the IER, former member of the CCDH. Interview conducted on May 18, 2009.

**Leila Rihwi** – Former director of administrative and human resources management with the IER; responsible for managing the UNIFEM program. Interview conducted on February 15, 2011.

**Abderrazak Rouwane** – Former director of the working group on reparations of the IER; former chief of the cooperation and external relations department of the CCDH. Interview conducted January 31, 2011.

**Mohammed Sabri** – Chief of the Protection and Aid to Victims Department of the CCDH. Interview conducted on February 1, 2011.

**Saadia Waddah** – Attorney; former president of the Moroccan Association to Fight Violence Against Women (Association marocaine de lutte contre la violence à l’égard des femmes). Interview conducted on February 4, 2011.

**Ahmed Zainabi** – Chief of the Collective Rights and Regional Affairs Department of the CCDH. Interview conducted on February 7, 2011.



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