



» MOROCCO

Report on Violence against Women

Legislative Framework

Morocco does not provide full protection to women against the various types of violence of which they can be victims. Although the Constitution¹ prohibits discrimination and «treatment which is cruel, inhumane, degrading, or undermines their dignity», the penal code, whose reform is underway, does not guarantee the effective protection of women against violence and discrimination specifically directed against them because of their gender. However, successive amendments to the penal code have led, on the one hand, to the criminalisation of sexual harassment, physical domestic violence, and some aspects of gender-based discrimination, and on the other hand, to more severe penalties for the crimes of rape and indecent assault of women. Nevertheless, by virtue of articles 486 and 488, rape is considered a crime against morality and not against the person. Marital rape, sexual harassment in public places, and psychological violence are not yet offences under the penal code. However, on 31 March 2015 the Ministry of Justice presented a draft proposal for reform of the latter, which will criminalize forced marriage and sexual harassment, whether taking place in the public sphere or by letter, e-mail or SMS. Notwithstanding these positive developments, the proposed reform has been heavily criticized by organisations working on women's rights for having excluded these organisations in its elaboration as well as for the continued existence of discriminatory provisions in the law promoting impunity for violence against women. As an example articles 418 and 420 of the draft law provides mitigating circumstances for cases of “honour killing”.

In 2014, following a battle led by civil society and certain parliamentary groups since 2012, the Moroccan parliament adopted a legislative modification leading to the repeal of paragraph two to article 475 of the penal code according to which rapists could evade prosecution by marrying their underage victim.

Although Morocco is signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as, since July 2015, its optional protocol, the country only recognises its obligation to eliminate discrimination against women as long as this does not contradict Sharia Law. The Moroccan government, however, withdrew its reservations to article 9 concerning women's right to nationality and to pass on their nationality to their children as well as article 16 regarding marriage and family life in April 2011². Morocco has not ratified the Rome Statute on the International Criminal Court (ICC) nor signed the Council of Europe Istanbul Convention on preventing and combating violence against women. Morocco ratified the 1969 Vienna Convention on the Law of Treaties which is translated into the new Constitution through the primacy of duly ratified international conventions over internal laws.

¹ [Constitution, 2011](#)

² [Declarations, Reservations and Objections to CEDAW](#)



A draft law on combating all forms of violence against women is still awaiting parliamentary approval after being put before the General Secretariat of the Government in September 2013 and submitted to the Cabinet in November 2013. Its adoption has been postponed because a commission responsible for analysing the text was appointed by the prime minister. Moreover, some civil society organisations specialising in this area had deplored not being consulted on this text.

According to a draft law on abortion proposed by the Ministry of Justice, the Ministry of Islamic Affairs and the National Council for Human Rights (NCHR) in 2015, the right to abortion would still be very limited, namely if the pregnancy poses a danger to the life or health of the mother, in cases of serious deformities or incurable diseases in the fetus and finally in cases of rape or incest.

Political Framework

Every year, the Ministry of Justice publishes statistics concerning the family code, including on divorce, minor marriages, polygamy and cases of violence tried by the courts without specifying those which are gender based. In 2009, a national survey on the prevalence of violence against women was carried out by the High Commissioner to the Plan (*Haut-Commissariat au Plan*). This represented recognition by the public authorities of the extent of the phenomenon of violence and its consequences. This survey revealed that in a population of 9.5 million, within women between the ages of 18 and 64, almost 6 million (i.e. 63%) had been subject to an act of violence during the twelve months preceding the survey and of these, 3.7 million (55%) suffered domestic violence.

National plans aimed at combating violence against women have been put in place in recent years, notably in 2002 and 2004, and more recently between 2008 and 2011 with a multi-sector Programme for Combating Gender-based Violence through the Empowerment of Women and Girls in Morocco (TAMKINE), bringing together 13 ministerial departments, NGOs, and 8 UN agencies, but also through the government's Plan for Gender Equality (2012-2016)³, whose second axis aims at combating all forms of discrimination and violence against women. However, NGOs are not regularly invited to take part in the preparation of these plans, nor in their monitoring or evaluation.

The establishment in 2014 of the National Observatory on violence against women in the women's directorate of the Ministry of Development has been criticized by most organisations working in this field. They have withdrawn from the steering committee of the observatory due to their doubts regarding the sources of information on which the observatory bases its work as well as the absence of structures for receiving and taking care of women victims of violence.

There is an agreement between the Ministry of Solidarity, Women, Family and Social Development, the police, the royal gendarmerie, and the Ministries of Justice and Health, coordinated by the Ministry of Development, to provide data and joint preparation of an annual report to mark the 16 Days of Action for the Elimination of Violence Against Women.

Furthermore, a report on the state of equality and parity in Morocco was published in October 2015 by the National Council for Human Rights. The recommendations of the report encourages Morocco to lift its reservation to the CEDAW, to enact a specific law on combatting violence against women and to ratify the Council of Europe Istanbul Convention on violence against women. It also encourages the government to speed up the process of putting in place an authority for parity and the fight against all forms of discrimination (called APALD) as well as an Advisory Council on the family and childhood.

Most of the programmes working on violence against women are supported in the framework of bilateral and multilateral cooperation, with co-financing by the Moroccan state, through cooperation with Spain, France, Belgium, Switzerland, Germany, Finland, Denmark, Sweden, the EU and certain UN agencies in Morocco, such as UN Women and the United Nations Population Fund.

Prevention of violence and the training of professionals working with victims

The government's Agenda on equality sets out as its third main item upgrading the education and training system on the basis of fairness and equality. In 2004, the ministerial department in charge of promoting women's rights began an annual information and communications process about violence against women. However, according to a number of assessments, although these campaigns inform, they do not raise awareness, and as a result have very little impact on changing mindsets. Although a new national campaign was scheduled for 25 November 2014, there has been no campaign since 2010.

³ [UN working group on discrimination against women in law and in practice and the Governmental Plan for gender equality](#)



Protection Framework and Access to Justice

Counselling, psychological support, and empowerment services

Counselling services and shelters for women and girls victims of violence are generally set up by civil society organisations but they lack resources, and as a result, they are not numerous. This situation is even worse in rural areas. Certain services for women who have suffered violence are offered by the ministries, for example the Ministry of Justice provides legal aid and assistance, and the Ministry of Health provides medical and psychological care. However, these ministries lack resources.

The authorities can issue appropriate injunctions or protection orders to protect victims of all forms of violence from their aggressors, notably the removal of professional secrecy covering medical reports in cases relating to domestic violence or violence against a woman or a child under the age of 18.

Equal access to the justice and police system

Although women have access to free legal aid provided by the King's Prosecutor, female witness testimonies are not generally considered in the same way as men. In addition, there are cases of violence, including sexual violence carried out by the police or legal bodies against women. There are no statistics available, but such events are often reported as minor news items, as was the case with superintendent Tabit⁴, who was condemned to death following the kidnapping and rape of several women.

Combating violence against women in the framework of European Union - Morocco cooperation

The second chapter of the EU-Morocco action plan «Democracy, rule of Law and Governance»⁵, focuses on respect for democratic principles, human rights, and governance, in particular in the context of the implementation of the Moroccan Constitution adopted on 1 July 2011. The section on the «Promotion of Women's Rights» insists on the civil, political, social, and economic rights of women and equality between men and women in all fields. The action plan highlights in particular the completion of the legislative framework on combating violence against women (in the context of the reform of criminal law and the adoption of the law on violence against women.) In this regard, Morocco has signed bilateral conventions with several European Member States.

In September 2015, the EU adopted a new Framework for Gender Equality and Women's Empowerment through EU External Relations (2016-2020) that replaces the Gender Action Plan in Development 2010-2015. The new framework should apply as from 2016. It aims at supporting partner countries – among them Morocco – in their battle against gender-based violence as well as all forms of discrimination against women and girls.

An EU programme for the implementation of the Governmental Plan on Equality (GPE) and with a total budget of €45 million, underpins, amongst others, the implementation of the draft Moroccan law on combating all forms of violence against women submitted in September 2013. However, according to civil society organisations that were called to express their opinion during the 2014 mid-term evaluation of this project, the expectations, goals and results were not met, and the project contains some major structural challenges.

Combating violence against women in the framework of cooperation between the Council of Europe and Morocco

Gender equality is one of the 2012-2014 priorities for Morocco in the context of neighbourhood cooperation with the Council of Europe⁶, promoting «women's rights and their participation in public and political life, particularly in decision-making fields» and «combating violence against women».

⁴ <http://www.aujourd'hui.ma/une/focus/la-peine-de-mort-pour-mohamed-tabit-8522#.VmcSYMkhZ9g>

⁵ http://eeas.europa.eu/enp/pdf/2014/country-reports/maroc_en.pdf

⁶ <http://south-programme-eu.coe.int/Source/NCP/MarocEN.pdf>



Recommendations of NGOs and the «Springtime of Dignity» Coalition:

- To combat gender-based violence by implementing the Governmental Plan on Equality and operationalise the strategies of the various ministerial departments, with the involvement of all the players concerned;
- To revise the penal code so as to comply with article 22 of the Constitution stipulating the need for investigation of violence, punishment of such acts with a view to putting an end to impunity, and compensation for victims;
- To enact a framework and/or a specific law in compliance with UN regulations in order to combat violence against women;
- To raise awareness of gender-based violence, including in school textbooks, training curriculum for judges, doctors, nurses, and policemen/policewomen;
- To implement a policy aiming at raising awareness of women's rights and culture of equality;
- To create centres of expertise on violence against women in courts and in criminal investigation and inspection departments, and make such centres available across the different regions of Morocco in hospitals, police stations, gendarmerie, and local authorities;
- To allocate a budget for these centres and services from the budget of each government department concerned, and also of each region and local community;
- To establish shelters for women and their children;
- To establish conditions suitable for welcoming and counselling of women;
- To amend the law on the organisation of social welfare institutions to take account of the accommodation conditions of victims of violence and their specific needs;
- To establish coordination arrangements between centres and hotlines and shelters run by women's groups;
- To set up referral arrangements ensuring that women who suffer from violence have access to all necessary services (medical, administrative and legal (including access to criminal investigation police officers, courts, etc.) and that assistance is provided at all levels from emergency measures, to reception, accommodation, and counselling;
- To provide effective and modern methods of coordination between these different bodies, to define their objectives, establish an information system, and identify problems in the application of the law as well as obstacles to the protection needed by women who suffered violence;
- To provide for civil society representation and participation in these arrangements and their operational plans;
- To apply the principle of gender equality in the representation of these mechanism.

