Domestic violence is a widespread problem in Morocco that requires immediate attention. The Government of Morocco has not fulfilled its obligations under the Convention Against Torture to prevent domestic violence, protect victims, and hold perpetrators accountable.

Lack of Protection from Domestic Violence

- There is no specific legislation in Morocco addressing violence against women or providing effective protection or redress from such violence.
- There are no Civil remedies, specifically Temporary Restraining Order or Civil Protection Order provisions, available to victims of domestic violence under current Moroccan law.
- The Moroccan penal code, while containing general prohibitions that may be applied to domestic violence, does not specifically criminalize domestic violence or spousal rape.
- These existing penal code provisions are outdated, generalized, and not effectively enforced by the justice system in cases of gender-based violence.
- There is a lack of intervention and adequate response across the justice system to complaints of domestic violence.
- Due to the lack of action by Government officials and a fear of retribution, victims are reluctant to seek help.
- Court mandated reconciliation efforts limit a woman’s right to seek divorce and increase risk of domestic violence.

Barriers to Prosecution of Domestic Violence

- Cases of domestic violence are categorized into high- and low-level misdemeanors, both of which require the victim to suffer “disabling” injury.
- High-level misdemeanors require a victim to suffer injuries resulting in more than 20 days of disability.
- There is a lack of police intervention and response to low– and mid– level injuries resulting from acts of domestic violence.
- Victims must meet a high standard to prove an injury from domestic violence by obtaining a medical certificate and having an eyewitness.
- The police are limited in their ability to intervene immediately and must wait for the authorization from the public prosecutor unless there is an imminent danger of death.

Insufficient Protection from Rape and Sexual Assault

- Spousal or conjugal rape is not specifically considered a crime under the Moroccan Penal Code nor is it prosecuted in practice.
- Rape cases are difficult to prove, as actual physical injuries are required to prove non-consent.
- Rape cases are not always investigated and perpetrators are often not punished.
- Women are deterred from reporting rape cases because of the lack of response from law enforcement and the criminal justice system.
- Sexual relations outside of marriage are illegal. Thus, there is a strong disincentive for a woman to report a rape as she risks being prosecuted for illicit sexual relations if she does not prevail in proving her rape.
- A perpetrator of rape on a minor is still allowed to escape punishment if he marries the victim.

Lack of Access to Safe Shelters and Adequate Resources

- Moroccan law making it illegal to hide, harbor, or abduct a married women does not take into account situations where a woman is choosing to hide from her husband for her own protection such as in cases of domestic violence.
- This law effectively makes shelters illegal and anyone who helps an abused woman leave her husband subject to prosecution.
- The lack of access to shelters for victims of domestic violence results in additional pressure on women to remain in dangerous situations.
- The Cells, local hospitals, courthouses, and police stations, which are under the coordination of the local Public Prosecutor are severely under-resourced and understaffed, not effective or functioning.
**Recommendations**

The Moroccan Government should take the following actions to move toward fulfillment of its obligations under the Convention Against Torture to prevent domestic violence, protect victims, and hold perpetrators accountable:

- The Moroccan Government should effectively implement its new Constitution by establishing the supremacy of international human rights conventions and the Moroccan Constitution over national laws.
- The Moroccan Government should pass a specific violence against women law that contains both criminal and civil provisions.
  - Care should be taken that the new law does not contain provisions that would cause further harm to victims.
  - The new law should expand the definition of violence against women and ensure various types of relationships are covered by the law.
  - The new law should establish civil remedies, including comprehensive Civil Protection Order provisions for women who are victims of violence.
- Morocco’s Penal Code should be amended to:
  - explicitly criminalize conjugal rape;
  - abolish criminal prosecutions for illicit sexual relations;
  - eliminate laws that criminalize those who assist or harbor married women;
  - abolish provisions that allow a perpetrator of rape to escape prosecution for marrying his victim; and
  - eliminate discriminatory legal provisions that place heavy burdens of proof solely on the victim of violence.
- Morocco’s Family Code should be amended to abolish the requirement of court-mandated efforts at reconciliation for women seeking a divorce.
- The Moroccan Government should provide adequate funding and other resources to Cells and NGOs to provide services to victims of domestic violence and regular trainings on women’s human rights, domestic violence, and implementation of the law for police, judges, prosecutors, judges, social services, and child protection authorities.

**Suggested Questions to Moroccan State Representative**

Regarding Morocco’s domestic legislative framework:
- Please clarify what exact stage in the legislative process the specific Violence Against Women bill drafted by the Family Ministry is currently in, and what the timeframe is for its promulgation.
- Please clarify whether or not the government intends to promulgate a specific Violence Against Women law with both civil and criminal provisions, or if reform will be limited to the Penal Code amendments mentioned in the replies.
- What specific civil remedies such as a civil protection orders does the government intend to enact?
- What reforms related to sexual harassment will be made?
- Please confirm that conjugal rape will be explicitly criminalized in the reforms.

Regarding Morocco’s new Constitutional framework:
- Please clarify the status of international human rights conventions in the domestic hierarchy of laws.
- Please confirm whether individual parties in a domestic court case may litigate on the basis that a domestic law is in contradiction with the Constitution or an international human rights convention to which Morocco is a party.
- Article 22 of the new Constitution prohibits all violations of physical and moral integrity and dignity, as well as all cruel, inhuman and degrading treatment, under any circumstances, whether committed by State or private actors. Please confirm that this makes domestic violence a violation of women’s Constitutional rights.

Alliance of Moroccan NGOs includes: Association Amal pour la femme et le développement (El Hajeb), Association el Amane pour le développement de la femme (Marrakech), Association Tawaza pour le plaidoyer de la femme (Martil), Association Tafil Moubadarat (Taza), Association Tafoukt Souss pour le développement de la femme (Agadir), La Voix de la femme amazighe (Rabat), Espace Draa de la femme et du développement (Zagora), Association Bades (Al Hoceima), Association des jeunes avocats (Khemisset), and Espace Oasis Tafilalet pour le développement (Rissani).