

**Royal Edict # 1.18.19, dated February 22<sup>nd</sup>, 2018,  
Implementing law # 103.03 on the Elimination of Violence Against Women<sup>12</sup>**

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**Praise be to God.**

The Royal seal within bears the following: (*Mohamed Be Hassan ben Mohamed ben Youssef*)

It shall be known from this Royal Edict that:

In view of the Constitution, mainly Article 42 and 50 thereof;

We have ordered the following:

By virtue of Our Royal Edict, Law # 103.03 on Elimination of Violence Against Women, as agreed thereupon by the Upper and Lower Houses shall be published in the Official Gazette, and shall enter into effect thereafter.

Done in Rabat, on February 22<sup>nd</sup>, 2018.

**Signed by delegation  
Head of the Government  
Mr. Saad Eddine Othmani.**

**LAW # 103-13  
*On Elimination of Violence Against Women***

**PART ONE**

**Definition**

**Article 1**

For the implementation of the provisions of the law herein, the following terms shall mean:

***Violence against women:*** Any material or moral act or omission thereof based on gender discrimination that results in physical, psychological, sexual, or economic harm to a woman;

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<sup>1</sup> Translation Copyright © MRA Mobilising for Rights Associates, 2018.

<sup>2</sup> The body of the text of the law has been translated as is from the Arabic version published in the Official Gazette at [http://www.sgg.gov.ma/Portals/1/BO/2018/BO\\_6655\\_Ar.pdf?ver=2018-03-16-133134-870](http://www.sgg.gov.ma/Portals/1/BO/2018/BO_6655_Ar.pdf?ver=2018-03-16-133134-870). Footnotes have been added by MRA for clarification purposes.

**Physical violence:** Any act or omission thereof that affects or may affect the physical safety of a woman, regardless of the aggressor, aggressor’s means or place of perpetration;

**Sexual violence:** Any statement, act or exploitation that may affects the inviolability of the woman’s body, whether such statement, act or exploitation is for sexual or business purposes, and regardless of the means thereto;

**Psychological violence:** any verbal assault, coercion, threat, negligence or deprivation, in the intent (i) to affect the dignity, liberty or serenity of a woman; or (ii) to threaten or intimidate her;

**Economic violence:** Any act or omission thereof, regardless of its financial or economic nature, that causes or may cause prejudice to the economic or social rights of a woman.

## PART TWO

### Penitentiary provisions

#### Article 2

The provisions of articles 404, 431, 446, 481 and 503-1 of the penal code enforced by modified Royal Edict # 1.59.413, dated November 26<sup>th</sup>, 1962,<sup>3</sup> shall be modified and completed as follows:

“Article 404<sup>4</sup>: Any perpetrator of .....violence or abuse against any woman because of her gender, any pregnant woman if her pregnancy is evident or known to the perpetrator, any woman with disability or known to have mental incapacity; against any ascendant, custodian, spouse, fiancé, or against any person having guardianship over the perpetrator, or against a divorced party or in the presence of one of the children or one of the parent, shall be punished as follows:

“1- In cases provided for in .....”

*(Rest remains unchanged)*

“Article 431<sup>5</sup>: Any person who intentionally holds.....in any danger, shall be sentenced with three months to two years of imprisonment and a fine of 2000 MAD to 10,000 MAD.

“The sentence shall be doubled if the person committing the crime is the spouse, fiancé, divorcé, ascendant, descendant, a brother, a custodian, a tutor, or if the victim of the crime is a minor, a person with disability, or a person known to have mental incapacity. Such sentence shall also be doubled in case of recidivism.

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<sup>3</sup> Official Arabic and French versions of the Penal Code available at [http://adala.justice.gov.ma/FR/Legislation/textesjuridiques\\_penal.aspx](http://adala.justice.gov.ma/FR/Legislation/textesjuridiques_penal.aspx)

<sup>4</sup> Previous article 404 applied to intentional assault and battery against ascendants, “kafil” or spouses.

<sup>5</sup> Article 431 criminalizes failure to assist a person in danger.

“Article 446<sup>6</sup>: Doctors and surgeons.....20,000 MAD;  
However, persons .....in the previous paragraph;  
1 – If they reported an abortion ..... even if they are not obliged to report such abortion;  
2 – If they informed the judicial authorities about .....when practicing their function or job;  
If the aforementioned persons were summoned .....in the paragraph above;

They are bound to give their testimony and they may, if necessary, submit such testimony in writing”

Article 481: In addition to the courts having jurisdiction.....the person entitled to alimony, or the person expelled from the matrimonial dwelling, shall also have jurisdiction over the filed actions in accordance with the provisions of articles 479, 480 and 480-1;

Such actions shall not be filed to said court but upon a complaint submitted by the expelled person, the abandoned person, or the person entitled to alimony.....by the Crown Prosecution Office when the legal representative is himself the perpetrator of the crime,

Any legal action shall be preceded by a warning to the person paying the alimony to pay such alimony within thirty days;

Such warning shall.....upon instructions by the Crown Prosecution Office

If the person paying the alimony had absconded or.....investigation’

“Article 503-1:<sup>7</sup> Shall be sentenced with one year to three years of imprisonment and a fine of .....  
sexual purposes’

### Article 3

The title of section 7 of Part 8 of Book 3 of the Penal Law Volume referred to above shall be modified as follows:

#### “Section 7: On sexual exploitation and youth corruption”

### Article 4

Articles 61 and 407 of said code shall be modified as follows:

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<sup>6</sup> Article 446 criminalizes violations of patient confidentiality by medical professionals except under certain circumstances.

<sup>7</sup> Article 503-1 criminalizes quid pro quo sexual harassment as an abuse of authority.

“Article 61: Personal protective measures are:

1 – Exclusion

.....

9 – Lapse of right regarding legal custody of children;

10 – Prohibiting the convict from contacting the victim;

11- Subjecting the convict to appropriate psychological treatment”

“Article 407<sup>8</sup>: Any person having helped or assisted .....to five years.

“Punishment shall be doubled if the crime is committed against a minor, a woman because of her gender, or by one spouse against the other, or by one of the descendants, or ascendants, or brothers, or the custodian, divorcé, fiancé, or by any person having authority or tutorship on the victim”.

### **Article 5**

The provisions of articles 88-1, 88-2, 88-3, 323-1, 323-2, 429-1, 436-1, 444-1, 444-2, 447-1, 447-2, 447-3, 480-1, 481-1, 503-1-1, 503-1-2, 503-2-1, and 526-1 of the said penal code shall be modified as follows:

“Article 88-1: If a person is convicted for a crime of harassment, assault, sexual abuse, mistreatment or violence against women or minors, regardless of the nature of the act or the perpetrator thereof, the court may adjudicate the following:

1 – Prohibit the convict from contacting the victim, approaching victim’s whereabouts, communicating with the victim by any means whatsoever for a period no longer than five years as of the date of his release, or as of the date of the judicial decision in case of a suspended sentence, fine or alternative punishment;

Reconciliation between the spouses shall terminate the prohibition against contact with the victim;

2 – The convict shall be subject to appropriate psychological treatment throughout the period provided for in the above item or throughout his imprisonment time.

The judicial decision of culpability may include the implementation of such procedure (treatment) temporarily regardless of any form of appeal exercised;

The court may give its order prohibiting the convict indefinitely from contacting the victim, approaching victim’s whereabouts or communicating with the victim, providing that the court justifies such order”

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<sup>8</sup> Article 407 criminalizes facilitating suicide.

“Article 88-2: The treating doctor shall at least quarterly report to the sentencing judge about the medical development of the convict to make sure that convict’s behaviour has improved and that the convict will not commit the same acts he was convicted for at the first place.

If the treating doctor sees fit to end such procedure before time, the doctor shall inform the judge in a separate report explaining his reasons thereto.”

The victim shall be informed of the treating doctor’s medical report upon decision by the sentencing judge.

“Article 88-3: In case of prosecution due to committing one of the crimes stipulated in article 88-1 herein, the Crown Prosecution, the Investigating Judge or the court if necessary, may give an order prohibiting the prosecuted from contacting the victim, approaching the victim’s whereabouts or communicating with the victim by any means whatsoever. Such order may also be issued at the victim’s request, and shall remain in effect until the court issues its final decision.”

“Article 323-1: Shall be punished with imprisonment from 6 months to two years and a fine ranging from 2,000 MAD to 20,000 MAD or one of them the person who violates the prohibition order regarding contacting the victim, approaching victim’s whereabouts or communicating with the victim by any means whatsoever, or refusing psychological treatment according to articles 88-1 and 88-3.”

“Article 323-2: Violation of the protective measures referred to in Article 82-5-2 of the Penal Code shall subject the person concerned therewith to imprisonment from one to three months or a fine from 5,000 to 20,000 MAD or one of them.

“Article 429-1: Punishment provided for in articles 425, 426, 427 and 429<sup>9</sup> shall be doubled if the person committing the crime is the spouse, the divorcé, the fiancé, or one of the descendants, ascendants or brothers, or the custodian or by any person having authority or tutorship on the victim. Such punishment shall also be doubled in case of recidivism, or if the victim is a minor, a person with disability, or a person known to have mental incapacity.”

“Article 436-1:<sup>10</sup> If the abduction or detention is perpetrated by one of the spouses, the divorcé, the fiancé, or one of the ascendants, descendants or brothers, or the custodian or by any person having authority or tutorship on the victim; or if the victim has suffered from any other act of violence regardless of its nature, the imprisonment sentences shall increase to become:

- 1 – 10 to 20 years in cases mentioned in paragraph one of Article 436 of the law herein;
- 2 – 20 to 30 years in cases mentioned in paragraph two of Article 436 of the law herein;”

Article 444-1: Gender-based vituperation against a woman shall be punished with a fine ranging from 12,000 to 60,000 MAD;

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<sup>9</sup> Articles 425, 426, 427 and 429 criminalize threats of attacks on individuals or property.

<sup>10</sup> Article 436 criminalizes kidnapping, detention and sequestration.

Article 444-2: Gender-based defamation against a woman shall be punished with a fine ranging from 12,000 to 120,000 MAD;

“Article 447-1: Shall be sentenced to imprisonment from six months to three years and a fine ranging from 2,000 to 20,000 MAD, any person who intentionally, by any means whatsoever including computer systems, captures, records, broadcasts or disseminates someone’s private or confidential information or statements without their prior approval.

The same punishment shall be applied to any person who intentionally, and by any means whatsoever, installs, records, broadcasts or disseminates someone’s pictures while in a private place without their approval.”

“Article 447-2: Shall be sentenced to imprisonment from one to three years and a fine ranging from 2,000 to 20,000 MAD, any person who intentionally, by any means whatsoever including computer systems, broadcasts or disseminates a combination of someone’s statements or pictures without their prior approval; or any person who broadcasts or disseminates false allegations or statements aiming thereby to harm someone’s private life or reputation”

“Article 447-3: Shall be sentenced with one to five years of imprisonment and a fine ranging from 5,000 MAD to 50,000 MAD if such acts as referred to in articles 447-1 and 447-2 are committed by way of recidivism; are committed by a spouse, a divorcé, a fiancé, one of the ascendants or descendants, custodian or any person having authority or tutorship over the victim; or are committed against a minor or a woman due to her sex.”

“Article 480-1: Shall be sentenced with one to three months of imprisonment and a fine ranging from 2,000 to 5,000 MAD, any person expelling the other party from the matrimonial dwelling or refusing the return of the expelled party to the matrimonial dwelling according to the provisions of Article 53 of the Family Code. Such sentence shall double in case of recidivism.”

“Article 481-1: In cases as provided for in articles 479, 480<sup>11</sup> and 480-1 of the law herein, the prosecution shall be put to an end if the complainant waived his/her right thereto. After such waiver is made the impact of the judicial decision if rendered shall also be ineffective.

“Article 503-1-1: Any person who persistently harassed the other shall be considered as a perpetrator of a sexual harassment crime and shall be sentenced with one to six months of imprisonment and a fine ranging from 2,000 to 10,000 MAD or one of them, namely:

- 1 – Harassment in public spaces by words, acts or signals of a sexual nature for sexual purposes;
- 2 – Written letters, phone or electronic messages, records or images of sexual nature for sexual purposes.

Such punishment shall be doubled if the perpetrator is a work colleague or one of those in charge of order or security of public places or else.”

“Article 503-1-2: A sentence of three to five years of imprisonment and a fine ranging from 5,000 to 50,000 MAD, shall be enforced if the sexual harasser is one of the ascendants, or one of

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<sup>11</sup> Articles 479 and 480 criminalize family abandonment and non-payment of financial support respectively.

the unmarriageables, custodian, or is someone who has authority or tutorship on the victim. Such sentence shall also be applicable if the victim is a minor.”

“Article 503-2-1: Without prejudice to the severe criminal sentences, any person having coerced the other to marriage by means of violence or threat shall be sentenced with six to one year of imprisonment and a fine ranging from 10,000 to 30,000 MAD or one of them only.

Such sentence shall be doubled if such coercion to marriage by means of violence or threat is perpetrated against a minor, a woman because of her gender, a woman with disability or known to have mental incapacity.

Prosecution shall only be possible upon a complaint submitted by the person upon whom the coercion has been exercised.

The prosecution shall be put to an end if the complainant waived his/her right thereto. After such waiver is made the impact of the judicial decision if rendered shall also be ineffective.”

“Article 526-1: If any one of the spouses wilfully squanders or delegates his/her property to inflict prejudice on the other party or children, or to circumvent the provisions of the Family Code, especially those relating to alimony, accommodation, rights ensuing from a divorce or to property division, shall be sentenced with one month to six months of imprisonment and a fine ranging from 2,000 to 10,000 MAD or one of them only.

Legal proceedings may only be initiated upon a complaint submitted by the prejudiced spouse.

The legal proceedings thereabout shall be terminated if the complainant waives his/her right thereto. After such waiver is made the impact of the judicial decision if rendered shall also be ineffective.”

### **PART THREE**

#### **Procedural provisions**

##### **Article 6**

Shall be modified and completed as follows the provisions of Article 302 of law # 22.01 relating to the Code of penal procedure as implemented by modified Royal Edict # 1.02.255, dated October 3<sup>rd</sup>, 2002:

“Article 302: If the court concluded that.....enclosed hearing,

If the case is related to violence or sexual abuse against a woman or a minor, the court may hold a closed hearing upon request of the victim.

If the court decided to hold a closed hearing.....as mentioned in the two paragraphs above, it shall also include.....discussions.”

**Article 7**

The Provisions of Article 7<sup>12</sup> of law # 22.01 of the said code shall be modified as follows:

“Article 7: The right to.....the crime directly,

Associations may.....in their statutes;

However, the aforementioned associations dealing with issues of violence against women, according to their statutes, may not act as one of the parties (Plaintiff) unless they obtain a written permission thereto from the victim;

The State may.....in effect.”

**Article 8**

The provisions of law # 22.01 relating to the Code of penal procedure shall be completed with Article 82-5-2:

“Article 82-5-2: In addition to the measures provided for in Articles 82-4 and 82-5 herein, the following protective measures shall be immediately implemented in cases of violence against women:

- ✓ Returning the child in custody with the custodian to the dwelling designated by the court;
- ✓ Warning the perpetrator not to commit any violence if the perpetrator threatened to do so and pledging him not to have recourse to violence;
- ✓ Informing the perpetrator that he is prohibited from exploiting the common property;
- ✓ Referring the victim to hospital centers for treatment;
- ✓ Ordering the depositary of the woman subject to violence in shelter houses or social care institutions if necessary, or if she wants to.”

**Part four**

**Support mechanisms for women victims of violence**

**Article 9:**

To support women victims of violence, cells and sectors-joint committees shall be established in accordance with the provisions of this part.

**Article 10**

Cells of support for women victims of violence shall be established within courts of first instance, courts of appeal, central and decentralized services of the sectors in charge of justice,

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<sup>12</sup> Article 7 of the Code of penal procedure covers civil actions for compensation for damages, including the possibility for public utility status associations to join a civil action.

health, youth and women, the General Directorate of National Security and within the High Command of Royal Gendarmerie;

Such cells shall provide services for women victims of violence such as reception, listening, support, orientation and accompaniment;

The established cells inside courts of appeal or courts of first instance shall consist of a deputy crown prosecutor, a judge in charge of juvenile affairs and a social assistant, in addition to the administration representatives;

The selection of the members of the established cells within said central and decentralized services of the sectors in charge of justice, health, youth and women, General Directorate of National Security and the High Command of Royal Gendarmerie shall be subject to a regulatory text. The selection of the administration representatives of the cells established within said courts shall also be subject to a regulatory text;

The principle of specialization and parity shall be taken into consideration during the establishment of such cells.

### **Article 11 National Committee**

A national committee for support of women victims of violence shall be established. It shall have the competence and duties stipulated in Article 12 herein;

The Head of the government shall appoint the President of the National Committee as proposed by the governmental authority in charge of women's affairs;

Persons or representatives of national bodies and women's associations may attend the works of the National Committee if the later see any use therein.

The National Committee shall meet at least once a year, or whenever necessary upon invitation by the president or the majority of its members;

The Committee Secretariat shall be referred to the sector in charge of women;

The composition and working methods of such committee shall by determined by a statute;

### **Article 12**

The National Committee shall have for a mission the following tasks:

- Ensuring communication and national coordination between government sectors and central administrations concerned with violence against women;
- Giving its opinion regarding the action plans adopted by the regional and local committees referred to in Article 13 and 15 herein, and following up with the implementation of such actions plans;
- Receiving and reviewing reports submitted by local and regional committees;

- Monitoring the work of the local and regional committees and proposing ways to develop such works;
- Contributing in the establishment of mechanisms to improve the management of the cells (see Article 10 herein), and the management of the local and regional committees, while in the meantime following up with their works at the central level;
- Strengthening and establishing partnership and cooperation mechanisms between regional and local committees, civil society associations and other stakeholders
- Establishing an annual report on the outcome;

### **Article 13 Regional Committees**

A Regional Committee for women victims of violence shall be established at the level of the judicial district of each court of appeal, and shall comprise:

- Crown prosecutor or his deputy in his capacity as president;
- Investigating judge, judge counselor, and a counselor in charge of juvenile affairs; all shall be appointed by the president of the Court of Appeal;
- Head of the Prosecution office or his/her representative
- Head of the Clerk's Office or his/her representative;
- Social assistant in the said court;
- Administration representative;
- Representative of the regional council;
- A lawyer, designated by the Head of the Bar Association within the jurisdiction of the appeal court;
- A Court Bailiff, designated by the Regional Council of Court Bailiffs.

The committee works may be attended by any person known of his interest and experience in women's affairs, any representative of any body, institution or associations which the committee sees useful to invite;

The administration representatives, lawyer and judicial delegate for the Regional Committee for women victims of violence shall be determined by a regulatory text.

### **Article 14**

The Regional Committee shall have for mission the following tasks:

- Preparing regional action plans according to its mandate;
- Ensuring communication and coordination between judicial authorities and other sectors and administrations concerned with issues relating to the support of women victims of violence at the regional level;
- Ensuring communication and coordination with civil society associations working on this area;
- Unifying the working methods of the cells and local committees to ensure the harmony of the services (i) at the level of the judicial district that is within the jurisdiction of the court of appeal and (ii) at the level of other relevant sectors and administrations;

- Defining the constraints and obstacles hindering the process of support provided for women victims of violence, and suggesting appropriate solutions thereto on a participatory basis and according to the competence of each relevant sector;
- Defining the constraints and obstacles hindering the process of support provided for women victims of violence, especially those requiring an intervention at the central level;
- Capitalizing on different expertise and experiences and making them accessible to all local mechanisms;
- Conducting periodical and annual reports on the committee's work and outcome, including the work of the local committee and cells;
- Regional Committee's reports, including the annual report, shall be submitted to the National Committee;
- The Regional Committee shall meet at least twice a year, or whenever necessary upon invitation by the president;
- The Regional Committee shall meet if at least half of its members are present, and shall take its decisions by the majority of those present;
- The Clerk's Office of the Court of Appeal shall function as the secretariat of the Regional Committee.

### **Article 15 Local Committees**

A Local Committee for support for women victims of violence shall be established at the level of the judicial district of each court of first instance, and shall comprise:

- Crown prosecutor or his deputy in his capacity as president;
- Investigating judge, sentencing judge, judge in charge of juvenile affairs; all shall be appointed by the president of the Court;
- Head of the Prosecution Office or his representative;
- Head of the Clerk's Office or his representative;
- A Social assistant in the said court;
- An administration representative;
- A regional council representative;
- A lawyer, designated by the Head of the Bar Association within the jurisdiction of the appeal court;
- A Court Bailiff, designated by the Regional Council of Court Bailiffs.

The committee works may be attended by any person known of his interest in women's affairs, any representative of any body, institution or association which the committee sees useful to invite;

The administration representatives, lawyer and judicial delegate for the Local Committee for women victims of violence shall be determined by a regulatory text.

### **Article 16 Mandate of local committees**

The Local Committee shall have for a mission the following tasks:

- Preparing local action plans according to its mandate;
- Ensuring communication and coordination between judicial authorities and other sectors and administrations concerned with issues relating to the support of women victims of violence, including civil society associations working on this area;
- Defining the constraints and obstacles hindering the process of support provided for women victims of violence, and suggesting appropriate solutions thereto on a participatory basis and according to the competence of each relevant sector;
- Defining the constraints and obstacles hindering the process of support provided for women victims of violence, especially those requiring an intervention at the regional and central levels;
- Conducting periodical reports;
- The Local Committee's periodical reports shall be submitted to the Regional Committee;
- The Local Committee shall meet at least four times a year, or whenever necessary upon invitation by the president;
- The Local Committee shall meet if at least half of its members are present, and shall take its decisions by the majority of those present;

The Clerk's Office of the Court shall function as the secretariat of the Local Committee.

#### **Part five**

#### **Measures and initiatives to prevent violence**

#### **Article 17**

Public authorities shall take the necessary measures and procedures to prevent violence against women. Thus, public authorities shall establish and execute policies and programs to educate the community about the danger of violence against women, to correct women's image in society, and to raise awareness of the community about women's rights.

#### **Part six**

#### **Entry into effect**

#### **Article 18**

The law herein shall enter into effect after six months of its publication in the Official Gazette.