

# NGO-Drafted Bill on Violence against Women in Morocco

## Key Provisions (English)

---

December 2010

### 1. Legislative Goal

- Bring national legislation into conformity with international human rights standards
- Prevent violence against women
- Ensure investigation, prosecution and punishment of perpetrators
- Provide protection and support for victims of violence

### 2. Relationships Covered under the Law

- Applies to a broad scope of relationships to include all persons currently in or who have been in an intimate or affective relationship, whether familial or not, legally recognized or not, cohabitating or not, as well as to persons residing in same household.

### 3. Acts Covered under the Law

- Provides a broad definition of violence against women to include acts intended to, likely to or resulting in harm, or the threat of such an act
- Provides a broad definition of violence that encompasses physical, verbal, sexual, economic, and psychological forms of violence, including acts of coercion, resource deprivation and restriction on exercise of fundamental freedoms

### 4. Civil Protection Orders

- Creates new civil protection order remedy for victims of violence, with mechanisms for both immediate emergency protection orders and ordinary protection orders
- Provides that such orders may contain diverse measures against the violent offender, including removal from the family home, and restraining and no contact orders; provisions for child custody, property use and financial support for victims and their children
- Makes violation of a civil protection order a criminal offense

### 5. Police Investigations and Complaint Procedures

- Allows a broad range of persons to have standing to make a complaint or denounce an act of violence against women to the authorities
- Permits a flexible and wide range of means by which complaints may be lodged
- Creates obligations of police authorities to take a detailed written report of each suspected incident of violence brought to their attention, to respond promptly and intervene immediately to each and every incident, to inform women of their legal rights, and to offer support services

### 6. Crimes and Sanctions

- Provides a wide range of acts defined as crimes under the law, as per section 3
- Criminalizes "low level misdemeanour" violence

- Broadly defines and criminalizes both sexual harassment and marital rape
- Broadly defines and criminalizes acts of coercive control, deprivation of liberty, and violations of fundamental freedoms, civil, political and economic rights
- Establishes high penalties of both incarceration and fines for acts of violence against women
- Increases penalties in case of recidivism

#### **7. Structure of the Judiciary**

- Creates a special violence against women division at each First Instance Court with jurisdiction over all criminal and civil matters when violence against women is involved
- Creates a special violence against women “proximity judge” in smaller remote areas across the country where there is no First Instance court to ensure justice sector response in rural areas
- Provides for wide territorial jurisdiction options to women filing violence complaints

#### **8. Support Services to Victims of Violence**

- Requires special violence against women units in hospitals, courts and police stations to provide victims and their children with a wide range of legal, health, psychological counselling and financial assistance services
- Establishes free legal aid and medical services for women victims of violence
- Provides for Tamazight interpretation when necessary
- Mandates specialized training for justice, law enforcement and health sector personnel

#### **9. Criminal Procedure in Front of the Courts**

- Requires prompt and speedy treatment of violence against women proceedings
- Establishes obligations of public prosecutors to inform women of their rights and notify them of each step in the procedure
- Withdrawal of the complaint by the victim shall not cancel the public prosecution
- Prohibits mediation in violence against women cases

#### **10. Rules of Evidence in Violence against Women Cases**

- Provides that violence against women may be proven by any one of a wide range of diverse means
- Medical and forensic evidence shall not be required to convict a perpetrator
- In the absence of any other proof, the testimony of the victim alone is sufficient
- Criminalizes failure to produce evidence when requested
- Professional confidentiality obligations shall not bar the production of evidence

#### **NGO partners in this initiative:**

Global Rights (Maghreb Regional office), 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 Tafiiil 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).