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Discussion Questions for Article 490 *Protection Not Prison* video

(Version for women, youth groups, general public)

<https://www.youtube.com/watch?v=ygt53XSm9W4>

Notes for the Facilitator:

The *Protection Not Prison* video is intended to compare and contrast the low number of prosecutions against men in Morocco for violence against women with the high number of prosecutions against women for illicit sexual relations outside of marriage under Penal Code articles 490-1.

The statistics illustrate how, by prioritizing prosecuting women for “morality” crimes rather than holding men accountable for crimes of violence, the current criminal justice system:

- Focuses on relationships between two people rather than on violent behaviors;
- Fails to meet its Due Diligence obligations to protect women from violence and punish offenders;
- Discriminates against women.

Possible Discussion Questions:

1. What do you get from this video? What are some of the main points in this video? What are some of your reactions?
2. Have you heard of any instances where a woman was prosecuted or threatened with prosecution under Penal Code 490 – 491 for *fasad*? Can you tell us what happened?

Possible probing questions:

- What were the circumstances of the incident?
- How did the case turn out?
- What was the result and impact on her life? On her entourage? On the other person involved?

3. Why do you think there are more prosecutions for *fasad* than for violence against women?

Possible probing questions:

- Who or what is benefitting from this?
- Who is being harmed by this?

4. According to the CEDAW Convention, "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

- Do you see any discrimination against women in these cases? How?

5. Under international human rights law, States have a Due Diligence obligation to:
 - Prevent acts of violence against women
 - Protect women from violence
 - Prosecute perpetrators of violence against women
 - Punish perpetrators of violence against women
 - Provide redress, reparation and remedies to women victims of violence.

After watching this video, how well do you think public institutions are currently meeting these five obligations as regards violence against women? How or how not?

Possible probing questions:

In our three recent action researches on technology-facilitated violence against women, sexual violence and intimate partner violence, the results found that:

- a good number of women don't report violence to the authorities because they are afraid of being prosecuted for *fasad*;
- oftentimes public authorities don't investigate whether or not there was violence, they just look at whether the perpetrator and victim knew each other or not;
- there were numerous cases where women victims of violence were prosecuted and imprisoned for *fasad* themselves.

What do you think about that?

6. Let's go back to the examples we mentioned before of the cases of *fasad* you heard of. What do you think a better reaction or result in that case would have been?

Possible probing questions:

- How should the society react in these types of cases?
- What concrete steps and actions should be taken and put into place to change the way public authorities react to *fasad* cases? In health services? In law enforcement? In the justice system?

Possible Additional Activities

1. Ask participants to brainstorm or work together in small groups to develop **hashtags** related to this issue.
2. Ask participants to produce **artwork** (drawing, paintings, jpegs or pngs for social media, etc.) related to this issue.
3. Have participants divide themselves into two teams – one group for eliminating Penal Code articles 490-1 and the other group against. Take time for each to prepare their arguments and then hold a **debate**.
Alternative: Have one group play the role of NGOs advocating for changes to the law, and another group playing a group of Parliamentarians who will listen to them and decide what if anything to do.
4. Ask participants to develop role plays **illustrating** this issue. For example, different role plays dramatizing different cases of women they know of who were prosecuted for *fasad*. Or one role play showing what happens now in these cases and then another one showing an alternative of how ideally the public actors and society should respond in these cases.
5. Tell the participants a **hypothetical story/case study** of a *fasad* case, and ask them - individually, in pairs or in small groups – to rewrite the end of the story for a better ending.