

# VICTIM SAFETY, NOT PERPETRATOR IMPUNITY:

Promoting State Responsibility for Intimate Partner Violence  
against Women in Morocco

Action Research Report

## سلامة النساء وليس إفلات الجناة:

تعزيز مسؤولية الدولة عن العنف المرتكب ضد النساء  
من طرف شريك حميم في المغرب

تقرير البحث الإجمالي

February 2021



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Dépôt légal : 2021MO0830

ISBN : 978-9920-9378-5-6



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Mobilising for Rights Associates or MRA - “woman” in Arabic - is an international non-profit organization based in Rabat and working across the Maghreb. Our mission is to contribute to changes in four domains - laws, structures, culture and relationships - to promote women’s human rights. We work for grassroots, micro-level changes in behaviors and practices to support our activism for macro level reform initiatives. Our multidimensional strategies are designed for various layers of sustainable transformation for women.

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This action research report is part of a *Promoting Best Practices in the State Response to Gender-based Violence against Women in Morocco* initiative, implemented in collaboration with the [International Center for Research on Women](#) and [Networks of Change](#) from September 2018 – March 2021. This report was written by Stephanie Willman Bordat and Saida Kouzzi, Founding Partners at MRA Mobilising for Rights Associates.

Both English and Arabic versions of the report, as well as a French language summary, are available in PDF format on the MRA website.

— Thank you —

@ The Moroccan NGO partners in this action research: [Association Amal pour la Femme et le Développement](#) (El Hajeb), [Association Anaouat pour Femme et Enfant](#) (Chichaoua), and [Association Tafiil Moubadarat](#) (Taza). [Association Tahadi pour l'Egalité et la Citoyenneté](#) (Casablanca) also contributed information to some parts of this report.

@ The 1213 people who participated in this action research.

@ [Global Rights for Women](#), Helen Rubenstein, and Judge Elizabeth Cutter for leading two national training workshops and providing invaluable technical assistance to this initiative.

@ Our donors for their generous support of this initiative. The opinions, findings, conclusions and recommendations expressed in this publication do not necessarily reflect the views of our donors.

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# PROMOTING STATE RESPONSIBILITY FOR INTIMATE PARTNER VIOLENCE AGAINST WOMEN IN MOROCCO

## Action Research Report Executive Summary

*Prepared by: MRA Mobilising for Rights Associates, in collaboration with Association Amal pour la Femme et le Développement (El Hajeb), Association Anaouat pour femme et enfant (Chichaoua), and Tafil Al Moubadarat (Taza). Association Tahadi (Casablanca) also contributed some information for the report.*

### MANY THANKS TO:

All of the people and institutions who participated in or contributed to this research.

### DATE:

February 2021

Intimate partner violence is “any behavior by a husband or ex-husband, fiancé or ex-fiancé, boyfriend or ex-boyfriend, which causes physical, sexual, psychological or economic harm or suffering to a woman, including acts of physical aggression, coercion, harassment, and arbitrary deprivation of liberty, controlling behavior, and threats of such actions.” This action research aims to produce a knowledge base on IPV in Morocco and promote State accountability for its response. It included interviews with women who have been subjected to IPV, group discussions, an online survey, case file reviews, and consultations with public actors in the law enforcement, justice and health care sectors, with 1213 participants from 51 diverse sites across the country.

## Women’s experiences with IPV

- The vast majority of perpetrators – more than seven out of ten - were husbands, with IPV also reported from ex-husbands, (ex) fiancés, and (ex) boyfriends.
- IPV most frequently occurs in the privacy of the home without any eyewitnesses.
- Perpetrators committed a wide range of violent behaviors simultaneously, with psychological violence the most prevalent, followed by economic and physical violence. Frequent manifestations included marital rape, eviction from the family home, slander and defamation, denial of identity documents or medical case, and theft of personal property.
- IPV is characterized by an ongoing pattern of violent behavior by the perpetrator, as the majority of women reported frequent and repeated acts of violence occurring over long periods of time. More than six out of ten women reported violence lasting for more than a year. One-time incidents of violence are the exception.
- IPV was most frequently used as a tool for controlling women’s behavior – either to force her to engage in a sexual relationship, get married, or turn over money/property; or to force her to end the relationship herself and renounce any personal or financial rights she may have had.

## Impacts on women’s lives and their reactions

- Women suffer a host of psychological, economic, physical, familial, social, sexual, and professional/educational harms as a result of IPV. These also included temporary or permanent disabilities, homelessness, deprivation of financial support, unwanted pregnancy, suicide attempts, and prosecution and imprisonment of the victim for sexual relations outside of marriage.
- The majority of women victims of IPV only seek civil remedies - such as divorce, paternity declarations, and financial support for their children – and never engage the criminal justice system. There is often a significant time lag between the violence and reporting it, as women frequently do not report IPV or seek assistance from public services until after years of violence.

## Responses of women's entourage

- Over 80% of women surveyed had reached out to and sought assistance from someone in their entourage, most frequently a trusted family member and a local women's NGO.
- Reactions from families were mixed. Supportive responses included providing shelter for her and her children, accompaniment to public services, protection from the perpetrator, help in stopping the violence, financial assistance, and moral support. Neutral responses included telling her to be patient or do nothing. Harmful responses included expelling her from the family home, forcing her to return to a violent husband, blaming her, and threatening her with physical violence.

## Responses of public actors-law enforcement, justice and health

Rather than actively investigating the violent acts, public authorities tend to focus on determining the relationship between the and the victim. In 7% of criminal cases in front of courts, unmarried IPV victims were prosecuted themselves for sexual relations outside of marriage. On the other hand, married IPV victims are pressured to renounce criminal complaints and returned to the conjugal home.

- 75% of online respondents and 83% of interviewees had reported the violence to at least one public actor. The courts are the sector women most often turn to at some point, given the prevalence of seeking only civil remedies under the Family Code in IPV cases.
- Diverse economic, legal and social barriers, as well as threats to their safety, prevent women from reporting IPV to public authorities, or lead them to withdraw their complaints. These include threats of being prosecuted themselves for sexual relations outside of marriage, the non-criminalization of marital rape, pessimism and skepticism that reporting would lead to any outcome, unclear and complicated procedures, lack of confidence in the system, impossible evidentiary requirements, threats by the perpetrator, ill-treatment by public actors, and financial hardship and inability to meet costs related to travel, legal fees, and expenses related to service of process on the perpetrator.
- The action research did not reveal any instances where women benefitted from protective measures available in the current Penal Code and Code of Penal Procedure.
- A good number of women subjected to intimate partner violence never engage with the criminal justice system, and only file cases in Family Court for civil remedies such as divorce, financial support, and paternity determinations. The vast majority of divorce cases where there is IPV are decided as "irreconcilable differences" cases instead of fault-based divorces for harm caused.

## Recommendations for developing recommendations

- Address the gaps in current laws on violence against women to: punish perpetrators for the full range of diverse forms of IPV committed, adapt evidentiary requirements to reflect the realities of IPV, and provide adequate remedies and restorative justice to women for all harms suffered.
- Ensure that all women – both married and unmarried - receive adequate protection from IPV, including implementation of available protection measures and development of new ones.
- Understand how the current State response perpetuates offender impunity for violent criminal acts and allows them to evade legal responsibilities under the Family Code.
- Hold public State actors, not victims, accountable for finding solutions to IPV.
- Develop holistic strategies that address all of the barriers women face to reporting IPV, including threats to her and her children's personal, physical, social and economic safety, and legal obstacles of inadequate laws, policies, procedures and practices.
- Ensure that the State response to IPV reflects women's voiced priorities of high quality public services, prosecution and punishment of perpetrators, and protection and appropriate remedies for victims.



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## REFLECTION QUESTIONS:

The following suggested questions are intended to be used as a framework for reading this report and analyzing intimate partner violence against women in Morocco. We encourage groups to use these questions when organizing workshops, round tables and meetings to discuss the findings of the action research and develop concrete, data driven recommendations for evidence-based solutions to address IPV.

1. International human rights law prohibits **gender stereotypes** and stereotyping which undermine the enjoyment of human rights and fundamental freedoms. States have an obligation to eliminate discrimination against women and men in all areas of their lives. This obligation requires States to take measures to address gender stereotypes in both public and private life, as well as to refrain from stereotyping.

### Questions:

What gender stereotypes do you notice when reading this report?

About women? About men? Who is perpetrating them?

How are these stereotypes harmful?

2. Under international human rights law, States have an obligation to ensure women's access to justice, which includes services that are:
  - **Justiciable** - women's human rights are include as legal rights under laws
  - **Available** - establishment and operation of resourced institutions across the country
  - **Accessible** - affordable, safe, accessible in time and space
  - **High quality** - competent, efficient, impartial
  - **Accountable** for their performance.

### Questions: With the above criteria in mind,

What were the factors and circumstances that led to positive outcomes for women in intimate partner violence cases?

What factors and circumstances led to negative outcomes?

What obstacles do women face in pursuing intimate partner violence cases?

3. 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.

### Questions:

How well are public institutions currently meeting these five obligations as regards intimate partner violence against women? How or how not?

What are some good practices you noticed in this report that can be replicated and should be institutionalized across the country?

How can State actors take a more victim-centered approach, taking her well-being into account? What kinds of interventions would make women safer?

What concrete steps and actions should be taken and put into place to meet each one of these five obligations? In health services? In law enforcement? In the justice system?





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## Acronyms

GBV	Gender-based violence
HCP	High Commissioner of Planning
IDI	In-Depth Interviews
IPV	Intimate partner Violence Against Women
KII	Key Informant Interviews
MAD	Moroccan dirhams
NGO	Non-governmental organization



# I. ACTION RESEARCH OVERVIEW

## What is Intimate Partner Violence against Women?

For the purposes of this initiative, we defined intimate partner violence as “any behavior by a husband or ex-husband, fiancé or ex-fiancé, boyfriend or ex-boyfriend, which causes physical, sexual, psychological or economic harm or suffering to a woman, including acts of physical aggression, coercion, harassment, and arbitrary deprivation of liberty, controlling behavior, and threats of such actions.”<sup>1</sup>

## Why conduct action research on IPV in Morocco?

Morocco must comply with *international human rights standards* related to IPV:

- Gender-based violence, including intimate partner violence, is a form of **discrimination** that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of **equality** with men.<sup>2</sup>
- Intimate partner violence constitutes a form of **torture** under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>3</sup>
- Women have the right to **government protection** against violence. Governments are prohibited from invoking “any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.”<sup>4</sup> Women also have the right to **an effective remedy** for the violence committed against them.<sup>5</sup>
- Governments are required to regularly collect, analyze and publish statistical **data** on gender-based violence against women, including on the number and types of protection orders issued, the rates of dismissal and withdrawal of complaints, prosecution and conviction rates, time taken for disposal of cases, sentences imposed on perpetrators and the reparation, including compensation, provided for victims/survivors.<sup>6</sup>

Several United Nations Human Rights mechanisms have reminded Morocco of its obligations to effectively address all forms of gender-based violence. The United Nations Committee on Torture (2011),<sup>7</sup> Committee on Economic, Social and Cultural Rights (2015),<sup>8</sup> the Human Rights Committee

<sup>1</sup> See for example <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

<sup>2</sup> United Nations Committee on the Elimination of Discrimination against Women, General recommendations No. 19 (1992) and 35 (2017).

<sup>3</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17152&>

<sup>4</sup> United Nations Declaration on the Elimination of Violence against Women, proclaimed by General Assembly resolution 48/104 of 20 December 1993.

<sup>5</sup> United Nations Committee on the Elimination of Discrimination against Women, General recommendation No. 35 (2017).

<sup>6</sup> United Nations Committee on the Elimination of Discrimination against Women, General recommendation No. 35 (2017).

<sup>7</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fMAR%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fMAR%2fCO%2f4&Lang=en)

<sup>8</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fMAR%2fCO%2f4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=E%2fC.12%2fMAR%2fCO%2f4&Lang=en)

(2016),<sup>9</sup> the Human Rights Council Working Group on the Universal Periodic Review (2017), and the Working Group on Discrimination against Women in Law and Practice (2017)<sup>10</sup> have all recommended that Morocco adopt a comprehensive law on violence against women that conforms to the relevant international standards and eliminates all forms of gender-based violence against women. They have also urged Morocco to repeal legal provisions criminalizing sexual relations outside of marriage, in order to eliminate obstacles to reporting IPV crimes between non-legally married couples.

***IPV is a serious problem in Morocco.***

A recent nationwide study found that 57% of women reported being subjected to at least one form of violence within the twelve months preceding the survey. The intimate partner context remains the most marked by violence, with a prevalence of 46%. However, only 10.5% of victims of violence - almost 18% for physical violence and less than 3% for sexual violence - filed a complaint with the police or another competent authority. Fewer than 8% do so in the event of domestic violence, as compared to 11.3% for non-domestic violence.<sup>11</sup> While 2507 criminal prosecutions were instituted for assault and battery leading to more than 20 days incapacity in 2019, in contrast there were 15,192 prosecutions for sexual relations outside of marriage.<sup>12</sup>

The three official national studies to date, the aforementioned ENPVEF and two *Rapports Annuels sur la Violence à l'égard des femmes*,<sup>13</sup> focus on demographic characteristics of women, prevalence rates, and types of violence. These reports are thus limited in approach and content, not assessing the performance of public services, how State institutions are responding to GBV cases, or how effective these interventions are.

There is therefore a critical need for the systematic collection and analysis of data on IPV in Morocco to bring public attention to the issue, shed light on the realities of IPV, establish a baseline by which to monitor and evaluate the implementation and effectiveness of legal provisions, identify deficiencies in the State response to IPV, demonstrate the need for specific reforms of laws, policies and services, and develop evidence-based specific proposals for advocacy.

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<sup>9</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMAR%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMAR%2fCO%2f6&Lang=en)

<sup>10</sup> [http://www.ohchr.org/Documents/Issues/Women/WG/Communications/OL\\_MAR\\_2\\_2017.pdf](http://www.ohchr.org/Documents/Issues/Women/WG/Communications/OL_MAR_2_2017.pdf) and <http://www.ohchr.org/Documents/Issues/Women/WG/Communications/32/OL-MAR-14-11-17.pdf>

<sup>11</sup> *Communiqué from the High Commissioner for Planning on the occasion of the national and international mobilization campaign for the elimination of violence against women* (2019), <https://www.hcp.ma/Communique-du-Haut-Commissariat-au-Plan-a-l-occasion-de-la-campagne-nationale-et-internationale-de-mobilisation-pour-a2411.html>, *Note sur les violences faites aux femmes et aux filles*, HCP 2019, [https://www.hcp.ma/Note-sur-les-violences-faites-aux-femmes-et-aux-filles\\_a2627.html](https://www.hcp.ma/Note-sur-les-violences-faites-aux-femmes-et-aux-filles_a2627.html).

<sup>12</sup> *Annual report on the implementation of the penal policy and the improvement of the performance of the Public Prosecutor*, 2019.

<sup>13</sup> Ministry of Ministry of Solidarity, Women, Family and Social Development , [http://www.social.gov.ma/sites/default/files/e\\_20%لللعنف20%الوطني20%المرصد20%تقريرFR%20OK.pdf](http://www.social.gov.ma/sites/default/files/e_20%لللعنف20%الوطني20%المرصد20%تقريرFR%20OK.pdf)

## What are the objectives of this action research?

This action research was designed to:

- Contribute to a knowledge base on IPV in Morocco;
- Support assessments of the State's performance and fact-based analyses of the effectiveness and impact of current laws in IPV cases;
- Promote State accountability and responsibility for its response to IPV;
- Encourage evidence-based advocacy for data-driven decisions and concrete, effective and rights-based reforms to laws, policies and procedures governing the health, law enforcement and justice sectors;
- Support the inclusion of IPV issues in NGO and State initiatives;
- Foster local systems relationships among NGO and public actors to effectively address IPV;
- Promote public dialogue on IPV as a human rights issue.

It specifically aimed to develop a qualitative, illustrative snapshot of IPV in Morocco by gathering information on:

- Profiles of perpetrators of IPV
- Forms of IPV committed against women
- Consequences and impacts of IPV on women
- Women's reactions and resistance to IPV
- Responses from families and entourage
- State actor responses to IPV: public health, law enforcement and justice system sectors.

## Who are the partners in this action research?

Three Moroccan partner NGOs located in diverse urban, small town and rural areas across the country participated in this action research:

- [Association Amal pour la Femme et le Développement](#) (El Hajeb, Middle Atlas)
- [Association Anaouat pour Femme et Enfant](#) (Chichaoua, southwest)
- [Association Tafiil Moubadarat](#) (Taza, eastern Morocco)

In addition, [Association Tahadi pour l'Egalité et la Citoyenneté](#) (Casablanca) also contributed information for some parts of this report.

## What methodologies were used?

### Methods

The multifaceted action research was comprised of:

- In-Depth Individual Interviews
- Facilitated Group Discussions
- Sector-specific Key Informant Interviews
- Case File Reviews
- An Online Survey.

The Protocols for the Interviews, Discussion Groups and Case File Reviews were in Arabic, while the online survey had both Arabic and French versions available.<sup>14</sup> Interviews were conducted in Arabic and Amazigh.

**Action research** is collaborative social inquiry that takes a practical approach to identifying and analyzing problems, creating knowledge, developing solutions, and designing social action. It involves the participation of members of the local community directly concerned with the change sought in all of these phases. It is a research strategy to generate information, an exercise in skills transfer, and a reform process, intended to stimulate community work on an issue and support democratization.

Method	Participants	Protocol Used	Objective	Average Time to Complete
<i>Individual Interviews</i>	<ul style="list-style-type: none"> <li>• Women who had experienced IPV</li> </ul>	<ul style="list-style-type: none"> <li>• Individual Interview Guide</li> </ul>	Solicit individual women's personal experiences with IPV.	30 minutes to 3 hours, on average 1 hour 15 minutes
<i>Discussion Groups</i>	<ul style="list-style-type: none"> <li>• Groups of women</li> </ul>	<ul style="list-style-type: none"> <li>• Discussion Group Guide</li> </ul>	Gain an understanding of how groups of women understand IPV generally.	2 – 3 hours, on average 2 ½ hours
<i>Key Stakeholder Interviews</i>	<ul style="list-style-type: none"> <li>• Police and Gendarmes</li> <li>• Prosecutors</li> <li>• Lawyers</li> <li>• Health care professionals</li> <li>• Social Workers</li> <li>• Judges and other court personnel</li> </ul>	<ul style="list-style-type: none"> <li>• Sector Specific Key Stakeholder Interview Guides</li> </ul>	Solicit key stakeholder's personal experiences managing cases of IPV in their professional capacity.	30 minutes to 3 hours, on average 1 hour 45 minutes

<sup>14</sup> A sample interview protocol that gives an idea of the detailed topics covered and the questions asked can be found in English at <https://mrawomen.ma/wp-content/uploads/doc/English%20translation%20-%20IDI%20Guide.pdf> and in French at <https://mrawomen.ma/wp-content/uploads/doc/Traduction%20fran%C3%A7aise%20-%20Guide%20entretiens%20individuels%20VSFF.pdf>. The complete Arabic language IPV research package is available at <https://mrawomen.ma/wp-content/uploads/doc/Kitmethodeologie%20recherche%20violences%20faites%20aux%20femmes-%20relations%20intimes.pdf>

<b>Case File Reviews</b>	<ul style="list-style-type: none"> <li>Case files from existing archives at partner NGOs, other collaborating NGOs, lawyers' offices</li> </ul>	<ul style="list-style-type: none"> <li>Case Review Protocol</li> </ul>	Conduct an archival review of files of IPV cases handled by NGOs and lawyers, to extract information for action research and identify improvement for future case file management.	30 minutes to 3 hours, on average 1 hours 45 minutes
<b>On-line Survey</b>	<ul style="list-style-type: none"> <li>Women who had experienced IPV</li> </ul>	Online survey via SurveyMonkey <sup>15</sup>	Solicit individual women's personal experiences with IPV.	

## Themes

The Protocols and online survey were comprised of approximately 100 open and close ended questions,<sup>16</sup> designed to solicit information and experiences around the themes listed in the following table.

A significant part of this action research focuses on the State response to IPV. In general, studies and policy efforts related to GBV in Morocco to date have tended to examine issues related to the victims themselves, prevalence rates and types of violence. Such an approach is thus limited in approach and content, not at all assessing public actor performance, monitoring how State institutions are responding to GBV cases, evaluating how effective public interventions are, or holding the State accountable and responsible for its response.

<sup>15</sup> The survey was open from January 7, 2020 through April 15, 2020, and was entirely anonymous and confidential. It was widely publicized through social media pages and groups managed by MRA and the partner NGOs, as well periodic email announcements to our contact lists of over 2000 local NGOs, activists, lawyers, and journalists. In addition, we designed and distributed a one-page flyer announcement about the survey with tear-off tabs with the survey website link, for local groups to post in strategic places in their communities.

<sup>16</sup> The complete interview guide included detailed questions about the responses of all State actors in the targeted sectors – health services, law enforcement, prosecution, and the courts. As few women experiencing IPV actually go through the entire process of reporting, investigating, prosecuting and going to trial, most participants were not asked to answer all 100 questions or go through the entire questionnaire. Those that did were given the option of completing the interview in more than one session.



<b>Women's experiences with IPV</b>		<ul style="list-style-type: none"> <li>• Aggressor profile and relationship to victim</li> <li>• Types of violence committed</li> <li>• Places the violence occurred</li> <li>• When the violence occurred</li> <li>• Frequency of the violence</li> <li>• Total duration of the violence</li> </ul>	
<b>Impacts of IPV on women's lives</b>		<ul style="list-style-type: none"> <li>• Types of harm suffered as a result</li> </ul>	
<b>Women's reactions to the IPV</b>		<ul style="list-style-type: none"> <li>• How women reacted after the violence</li> </ul>	
<b>Reactions and responses by women's entourage</b>		<ul style="list-style-type: none"> <li>• If women did or did not speak to anyone</li> <li>• Reasons why or why not</li> <li>• The entourage's reactions</li> <li>• Results of their responses</li> <li>• Women's satisfaction with these responses</li> <li>• What women would have wanted as a response</li> </ul>	
<b>Responses by public actors: health sector, law enforcement, and justice system</b>		<ul style="list-style-type: none"> <li>• If women did or did not speak to public actors</li> <li>• Reasons why or why not</li> <li>• Who women sought help from first</li> <li>• Which point in the process the case ended</li> <li>• The public actors' responses<sup>17</sup></li> <li>• Results of their responses</li> <li>• Women's satisfaction with these responses</li> <li>• What women would have wanted as a response</li> </ul>	
<i>Health sector</i>	<i>Law enforcement</i>	<i>Prosecutor's Office</i>	<i>Courts</i>
✓ If went alone or accompanied			
✓ When went in relation to the violence			
✓ How long the first visit lasted			
✓ How many times went in total			
✓ Different people interacted with			
✓ Types of questions victim was asked			
✓ Types of questions other people (perpetrator, witnesses) were asked			
✓ Types of evidence collected and means used			
✓ Type of information provided about rights and services			
✓ Coordination with other actors to facilitate victim's access to other services			
✓ If victim had to pay for anything			
✓ If victim felt pressured to drop the case			
✓ If anyone spoke to the victim about the possibility of being prosecuted for illegal sexual relations			
✓ If received any documentation, steps to obtain it, its content			
✓ If case ended at this stage and if so, why			
✓ Examinations conducted	✓ Was there an investigation?	✓ Who was interviewed for the investigation?	✓ How long trial lasted
✓ Treatment received	✓ Who was interviewed for the investigation?	✓ If victim was afraid of the aggressor at this stage, if told anyone, any measures taken.	✓ Evidence and arguments advanced by prosecution and defense
✓ If given information about exams and treatment to be given	✓ If victim was afraid of the aggressor at this stage, if told law enforcement, any measures taken.		✓ If victim was afraid of the aggressor at this stage, if told court, any measures taken.
✓ If consented to exams and treatment			✓ Result of the trial and reasons for it

<sup>17</sup> As detailed in this chart, there was a common set of questions asked about the victim's experience and the response from each of the four State actors, and then additional questions specific to each sector.

## Process and Timeline

### May 2019

- Held National Training Workshop on *Monitoring and Documenting the State Response to GBV* for 21 members of 14 local NGOs and public actors from 13 communities across Morocco to strengthen their capacity to hold the State accountable for its response to gender-based violence against women and explore concrete tools for assessing State performance:
  - Design a monitoring and documentation project on violence against women;
  - Compile and organize the information collected;
  - Track trends in State responses and outcomes;
  - Identify systemic issues for advocacy.

### June – July 2019

- Four core partner NGOs held repeat *Local Community Monitoring & Documentation Action Research Training Workshops* in their respective communities for 134 NGO members and public actors from the law enforcement, justice system and health care sectors from 15 local communities to identify current deficiencies in their response to IPV and identify priority areas for improvements.

### May -December 2019

- Developed and distributed to all four core partner NGOs a 125-page Arabic language *Monitoring and Documenting IPV research package* with a Methodological Guide and specific research protocols for collecting data on the State response to IPV.
- Four partners trained research teams within their NGOs.
- Created on-line SurveyMonkey version of questionnaire for women.
- Launched the action research via email and social media distribution of research tools.

### October 2019 - June 2020

- Four partner NGOs conducted action research in their communities through individual interviews with women, group discussions, interviews with key stakeholders, and case file reviews
- Shared the online survey announcement broadly via email and social media to NGOs and press across Morocco
- Posted flyer announcements on online survey in strategic places in local communities
- Responses collected to SurveyMonkey questionnaire

### January 2020

- Held National Training Workshop on *Analyzing Research Data to Identify Systems Problems & Best Practices in the State Response to Gender-Based Violence against Woman in Morocco* for 19 members of 15 local NGOs and public actors from 14 communities across Morocco to:
  - Understand the role of monitoring, documentation and reporting for the protection of human rights;
  - Understand and apply the five pillars of the “Due Diligence Framework” as an analytical tool;
  - Practice Due Diligence analysis through practical exercises and real life interview transcripts.

### June 2020 - October 2020

- Format for final report developed and submitted to partners
- Partner reports submitted and translated
- Survey Monkey responses translated

### November 2020

- Four core partner NGOs held repeat *Analyzing Research Data* training workshops in their respective communities for 86 NGO members and public actors from the law enforcement, justice system and health care sectors from 12 cities, towns and villages.

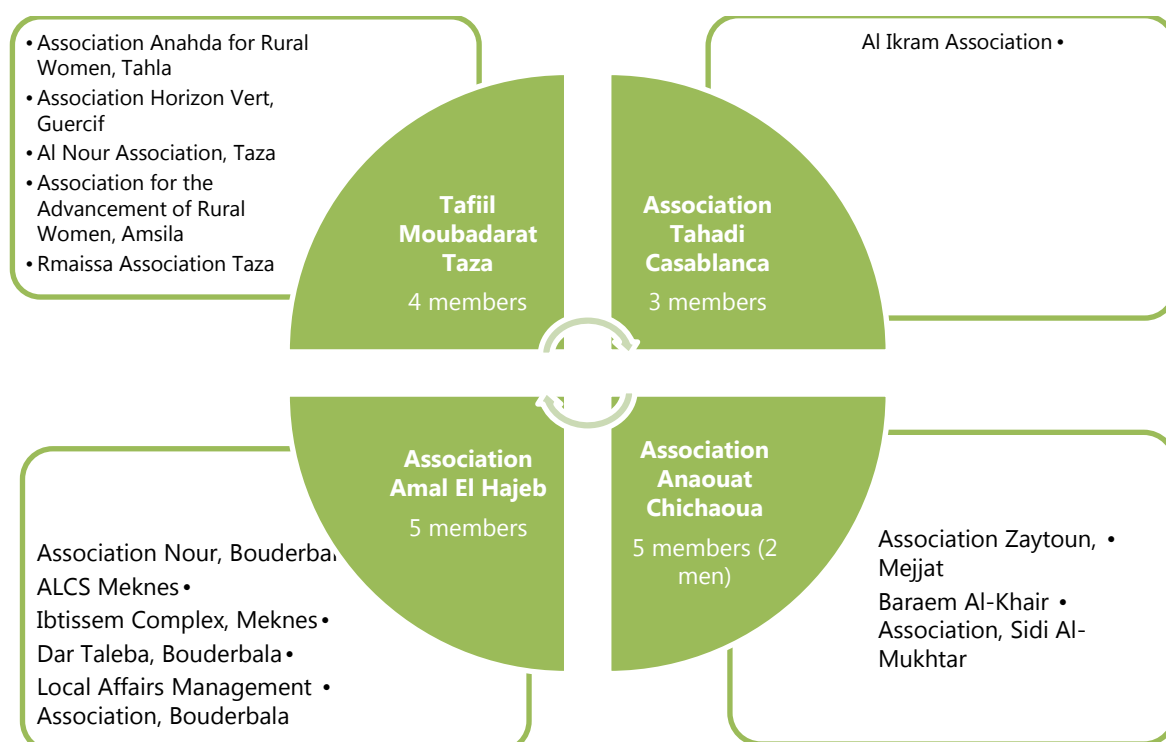
### October - December 2020

- Final report written

The second series of local training workshops, and a substantial part of the action research and report writing coincided with the COVID-19 pandemic and resulting lockdown in Morocco from March through June 2020. However, this report remains focused on IPV against women in Morocco generally. Please see our report on *The Impact of COVID-19 on Violence against Women in Morocco*<sup>18</sup> for information specific to the pandemic period.

### Research Teams

The action research was conducted by 17 members of the four local NGOs, in partnership with 13 additional local associations in their respective communities.



<sup>18</sup> June 2020. The report is available at [www.mrawomen.ma](http://www.mrawomen.ma) in English, French and Arabic.

## Research locations



The above map illustrates the different locations where the action research was conducted. Blue points indicate the four core research sites where the partner NGOs are located: Chichaoua, El Hajeb, Taza and Casablanca. Red points denote additional sites where research activities were also carried out. In total, interviews and group discussions were conducted in 51 cities, towns and villages in different regions across the country.

### ➤ **Participants**<sup>19</sup>

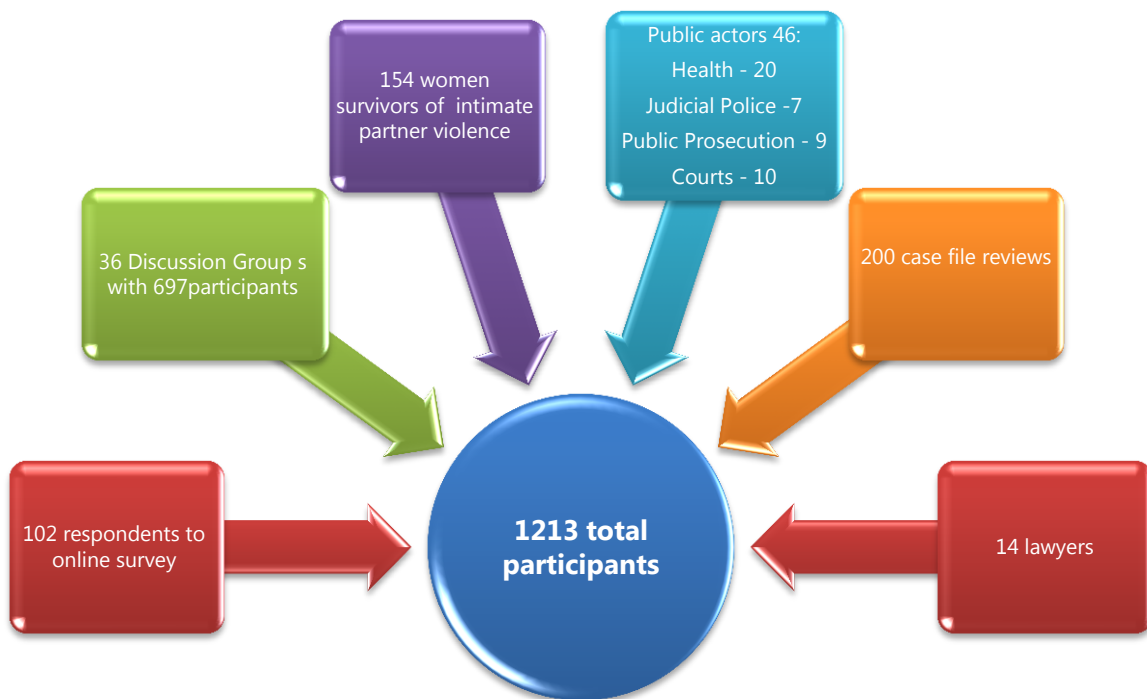
Participation was anonymous and confidential, with no names or other personal identifying information recorded or stored. Basic demographic information on respondents' approximate ages, occupations and place of residence was noted only to assess participant diversity and representativeness. Interviews and group discussions were not recorded or videotaped. Respondents were not paid for their participation in the research. The majority of the fieldwork was conducted in the Moroccan dialect of Arabic, with Amazigh also used in interviews and group discussions as appropriate.

Recruitment for participants in the interviews and discussion groups included:

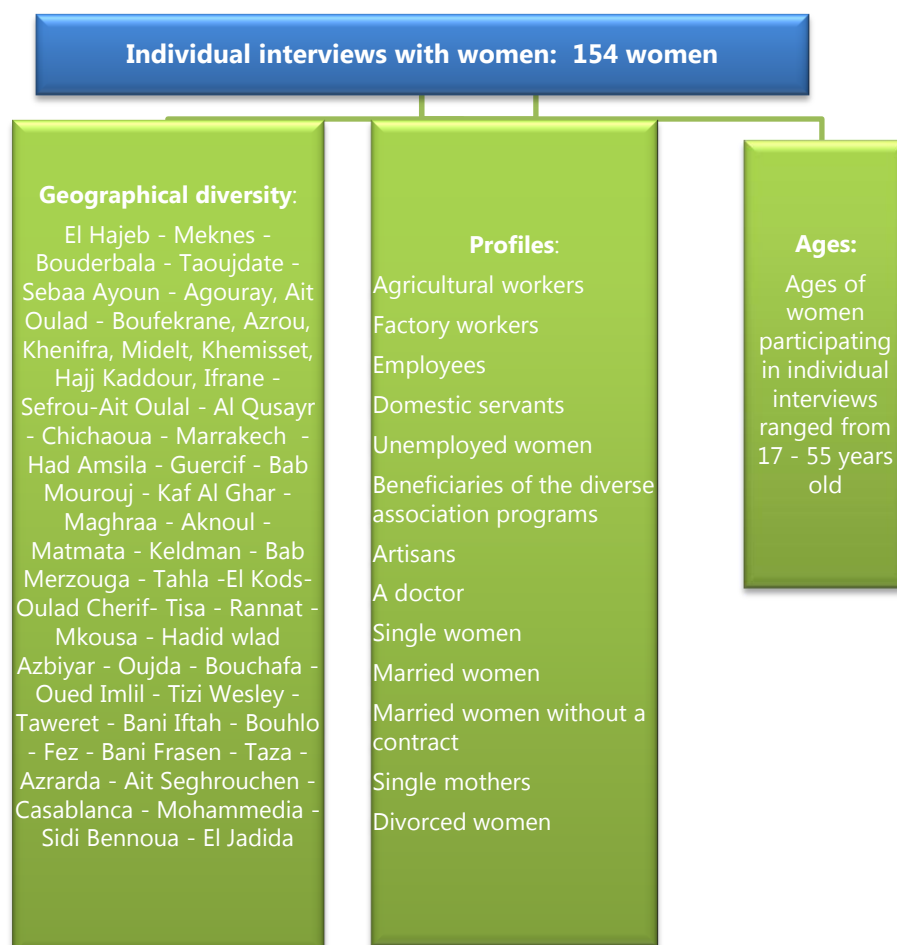
- women who had previously sought assistance and services from the associations;
- women the association met with during outreach and awareness-raising campaigns;
- beneficiaries of training programs organized by the core partner NGO or other NGOs in their communities;
- word of mouth and referrals by other women.

<sup>19</sup> Detailed charts of the action research implementation can be found in the appendices to the Arabic report.

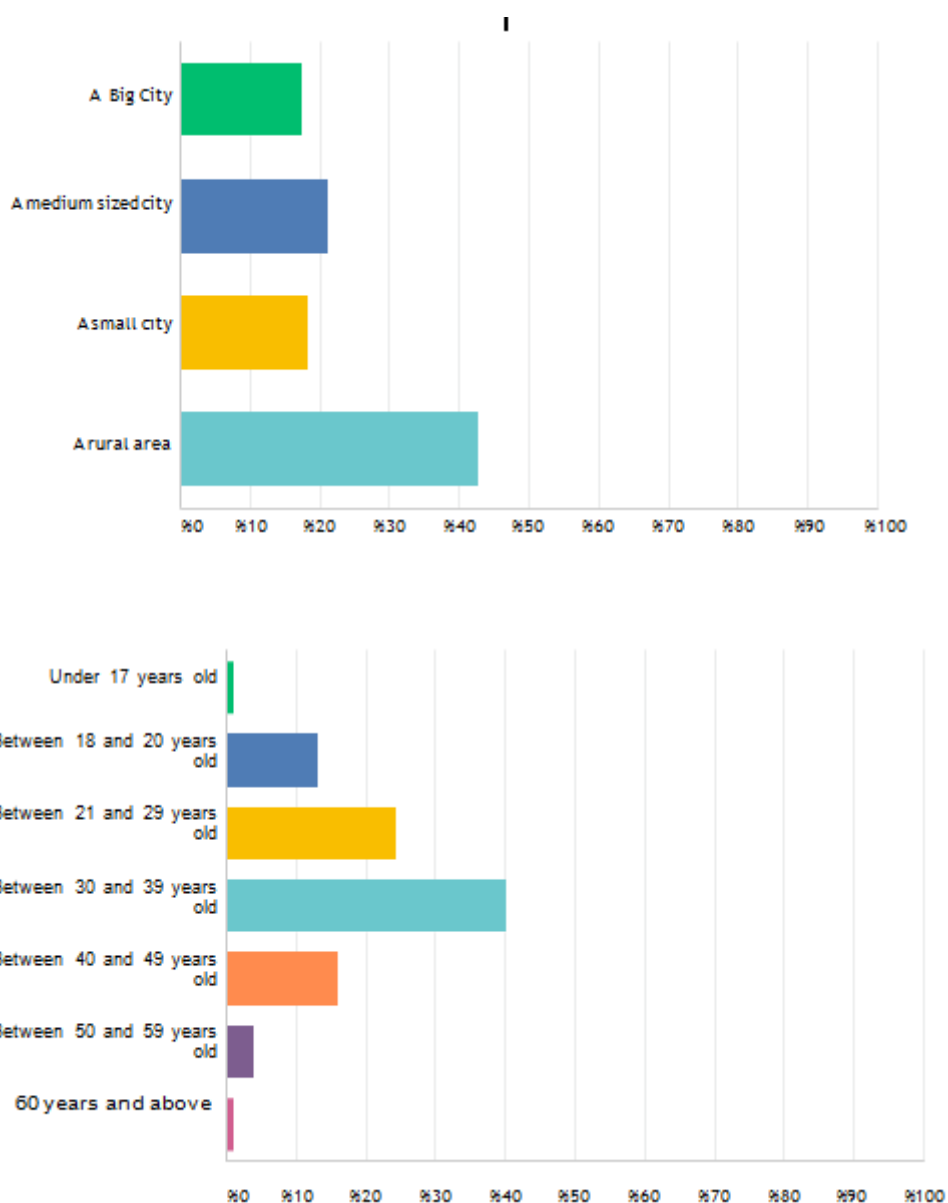
## Total Participants



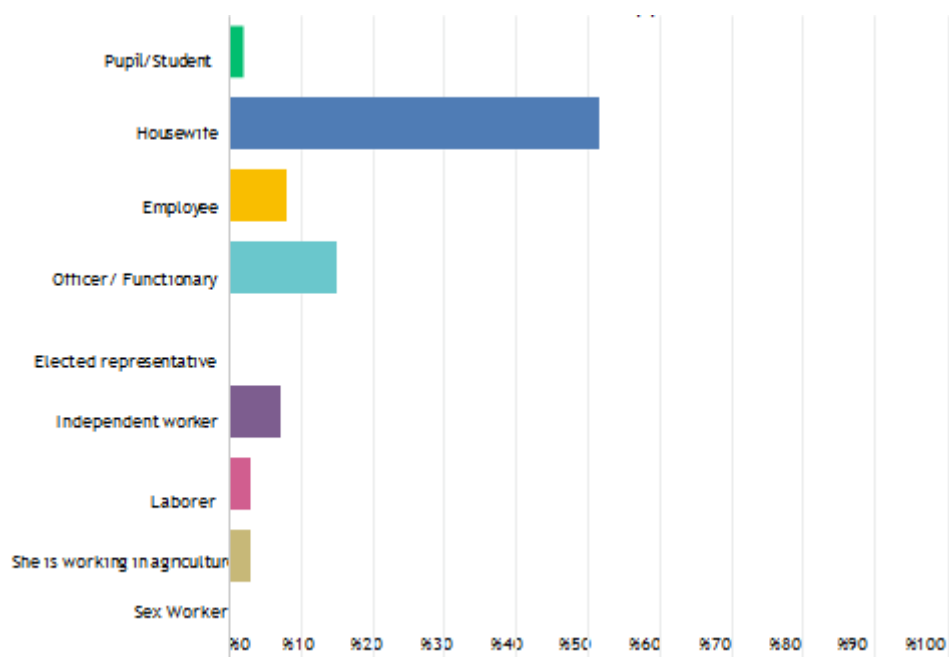
## Individual Interviews with Women



Participants came from a diversity of urban, peri-urban and rural areas. Women participants in the interviews and group discussions reflected a wide range of socio-economic profiles, marital status, and professional activities. Respondents to the online survey likewise reflected a diversity of geographic locations, ages and professional activities<sup>20</sup>:



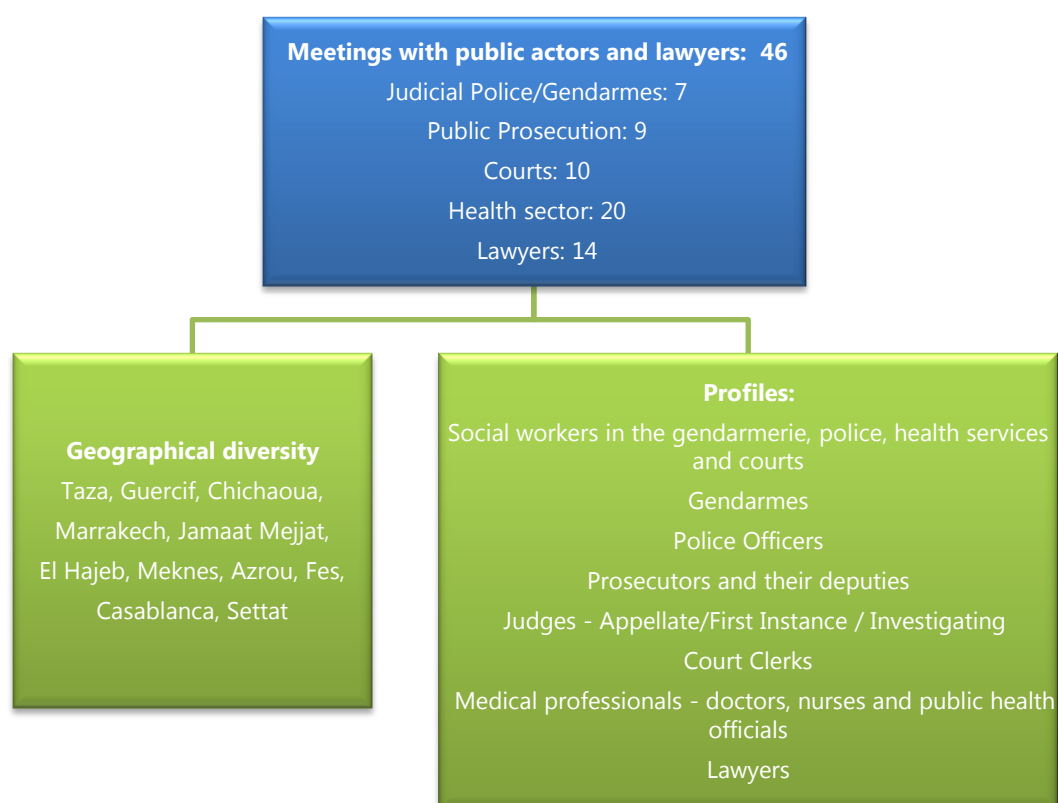
<sup>20</sup> Ten of the online respondents checked “Other” as a profession, and noted that they were unemployed.



## Discussion Groups

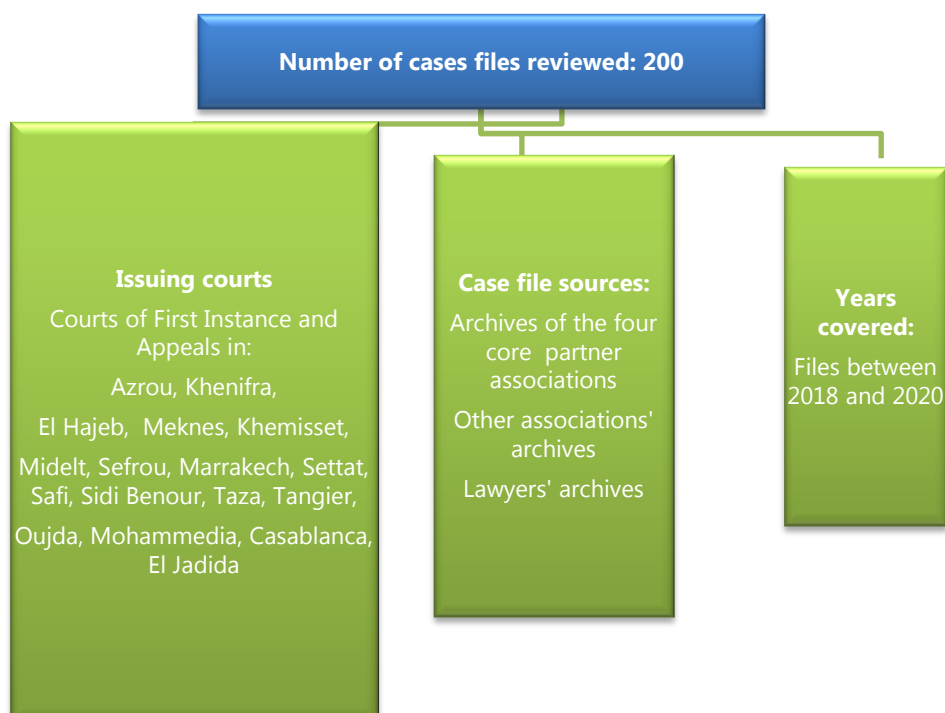


## Key Stakeholder Interviews



Key stakeholder interviews were greatly facilitated when the partner NGO had prior relationships and collaboration with public actors in their daily work on violence against women, and/or when the public actors had participated in a previous action research carried out by the association.

## Case File Reviews





## ***Challenges to action research***

Partner NGOs did not report substantial challenges recruiting women for the interviews or groups discussions. Motivating factors for participation included a prior familiarity with the organization's work, pre-existing relationships of trust, personal experiences with intimate partner violence, and a desire to contribute to awareness-raising about the topic. Many women were eager to have a forum to share their stories.

NGOs explained how it was not always easy to persuade some women to speak about intimate partner violence, especially when the abuser was the husband, "because they say it is normal." A few women declined to be interviewed out of fear that their identity would be disclosed and their personal stories revealed to their entourage.

At first women in group discussions often hesitated to speak in front of others, but usually after some time the discussions opened up and became quite animated and enthusiastic.

In some instances it was difficult to obtain information and clear answers in the interviews with women. Frequently, women did not know the answers to some of the questions, or were hesitant to speak openly when the perpetrator was someone they had been in a non-marital relationship with.

Several of the original research questions remain unanswered and should be addressed in future efforts. For this reason, a specific section has been dedicated to "Questions for Future Inquiry" under each theme. Reasons why this action research did not obtain answers to some of the original questions include:

- Women victims of intimate partner violence themselves didn't always have the necessary information, know the answers to certain questions, understand the procedures they went through, distinguish between the different public actors, or remember all of the details, either out of trauma or the complexity of the process. This suggests the need for greater involvement of women in their cases and more proactive provision of explanations and information on the part of public actors.
- Likewise, group discussions revealed a lack of knowledge among women generally of the procedures for reporting violence.
- NGOs are not noticing and recording in their case files much of the information asked for in this research, particularly related to the public actor response to IPV. The Case File Reviews were thus of limited value in providing information on these issues.
- Information on actual policies, procedures and institutional practices was difficult to obtain, as public actors can be quite inaccessible. As is consistent with prior experience conducting action research in Morocco, obtaining interviews with public actors was extremely difficult to impossible. Law enforcement and justice system officials in particular usually require written requests from the local NGOs and authorizations from the central authorities before agreeing to grant interviews.<sup>21</sup>

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<sup>21</sup> Such authorizations are extremely slow to process and rarely forthcoming, even within six month timeframes for carrying out research.

The findings from the online survey must be qualified and understood in light of its own set of challenges. Some people logged in and read through the entire survey, presumably out of curiosity, without answering any of the questions. Internet connection problems meant that sometimes respondents got cut off and had to log back in and start over, completing the same questions multiple times. Without the presence of an interviewer to provide guidance and clarification, questions were often misunderstood. The length of the survey itself likely deterred or led to attrition of some respondents.

The COVID-19 pandemic and resulting three-month lockdown in Morocco occurred towards the end of the action research, and in a couple of instances prevented completion of some of the target numbers of interviews and discussion groups.

### Was there any impact from conducting the action research itself, other than the findings?

While the primary objective of the action research was to gather information on women's experiences with IPV and the sectoral responses, partner NGOs described how the process itself produced several immediate, concrete outcomes.

#### *Impact on women:*

Participation in the action research served to:

- Provide an opportunity for women to *speak about IPV*, in particular to:
  - reveal their own experiences for the very first time, and
  - engage in debate and discussion about IPV;
- *Raise awareness* on the issue of IPV among women;
- Encourage women to *seek assistance* for cases of IPV.

Among the women who participated in the IDIs and group discussions, NGOs reported:

- ✓ A good number of women subsequently returned to the association for individual counseling, legal assistance and information on legal procedures related to IPV, either for themselves or for friends and family, related to divorce, financial support or civil status issues;
- ✓ At least three women subsequently filed criminal complaints with local authorities for IPV, six filed lawsuits for financial support, two for civil status cases, and four for divorce;
- ✓ Increased receptivity and openness to discussing and breaking taboos around IPV;
- ✓ Expressions of a desire to change public actor practices, improved services for women, and severe punishments for perpetrators of IPV;
- ✓ Agreement on the need to find solutions to challenges of bringing evidence in marital rape cases.

### *Impact on NGOs:*

Participation in the action also served as a capacity building exercise for the NGOs:

- Provided a learning opportunity for NGO members to better understand and clarify laws, procedures, and public actor roles related to violence against women;
- Enhanced collaboration, communication and relationships with local public actors.

### *Impact on public actors:*

- Provided an opportunity to raise awareness on IPV among public actor stakeholders;
- Incited public actor stakeholders to begin reforming their procedures to address IPV;
- Enhanced relationships with local women's groups. One NGO reported how two prosecutors asked to participate in future activities organized by the NGO and agreed to share information on services and procedures in the future.

## **What are the next steps in this initiative?**

The action research findings will inform the next phases of this initiative, specifically to:

- create practical tools for awareness-raising, organizing and advocacy;
- develop concrete recommendations for data-driven decisions and evidence-based reforms in laws, procedures, policies and practices on IPV.

This report deliberately does **not** include a specific section on Recommendations. The intention of this report is to offer data and findings, for local groups to use to engage with all stakeholders in their communities to discuss, analyze, and develop their own recommendations in a participatory manner. It is our hope that this approach will lead to a greater diversity of creative solutions that are tailored to the local context, benefit from the contributions of many stakeholders, generate widespread buy-in, and be sustainable.

## II. MOROCCAN LEGAL & INSTITUTIONAL CONTEXT

### *The Legal Framework*

<b>The Constitution (2011)</b> <sup>22</sup>	Article 22 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.
<b>The Family Code (2004)</b> <sup>23</sup>	<ul style="list-style-type: none"> <li>Article 3 provides that the Public Prosecutor's Office is an essential party to all legal actions related to the implementation of Family Code provisions.</li> <li>Article 49 provides for the principle of separate property between spouses; however they may conclude a written property agreement as to the investment and sharing of assets acquired during the marriage. In the absence of such a property contract, judges will determine property ownership based on "general standards of evidence" and "take into consideration the work of each spouse, the efforts made as well as the responsibilities assumed in the development of the family assets."</li> <li>Article 53 provides that "when either spouse evicts the other from the marital home without justification, the Public Prosecutor shall intervene to return the evicted person to the house immediately and shall take all necessary measures to guarantee his or her safety and protection."</li> <li>Articles 78 – 141 address divorce: causes, effects and procedures. Most relevant for this report are articles 94 -97 providing for divorce for irreconcilable differences (<i>chikaq</i>), at the demand of either spouse. It must also be noted that the Family Code does provide the option for the wife to file for a fault-based divorce against the husband for "harm," defined as "any ignominious behaviour by the husband or act against good character that causes the wife material or moral harm such that the continuance of the conjugal relationship is rendered unendurable" (articles 99 – 101).</li> </ul>
<b>The Penal Code</b> <sup>24</sup>	<p><b><i>Crimes between spouses:</i></b></p> <ul style="list-style-type: none"> <li>Penal Code article 404 make a spousal relationship an aggravating circumstance for sentencing purposes in cases of:</li> </ul>

<sup>22</sup> Kingdom of Morocco. *Royal Decree n° 1-11-91 of Chaabane 1432 (July 29, 2011) Promulgating the Text of the Constitution*, (« Constitution »), 2011.

<sup>23</sup> Dahir n° 1-04-22 du 12 hija 1424 (3 février 2004) portant promulgation de la loi n° 70-03 portant Code de la Famille (« Family Code »).

<sup>24</sup> Kingdom of Morocco. *Royal Decree n° 1-59-413 of 28 Joumada II 1382 (November 26, 1962) Approving the Text of the Penal Code, as amended*, 2016.

- intentional assault and battery resulting in no more than 20 days incapacity (article 400, classified as a misdemeanor)
  - intentional assault and battery resulting in more than 20 days of incapacity (article 401, classified as a mid-level offense<sup>25</sup>) or permanent mutilation or disability (article 402), and
  - involuntary homicide (article 403, a felony).
- A spousal relationship is also an aggravating factor in cases of “administering substances dangerous to health” (article 414).
- Article 479 punishes the husband who, knowing that his wife is pregnant, intentionally abandons her for more than two months without good reason.
  - All offenses committed by one spouse against the other spouse are considered to constitute the same offense for establishing recidivism (Article 158).
  - Article 480 criminalizes non-payment of financial support to a spouse as ordered by a court decision.
  - Theft between spouses is not criminalized, and only gives rise to civil remedies (Article 534).
  - Homicide and assault and battery are excused when committed by a spouse surprising the other in an adulterous act (Article 418) or by the “head of the household” discovering “illicit carnal trade” in his house (Article 420).

***So-called “morality” crimes:***

- Sexual relations outside of legal marriage are criminalized. The Penal Code punishes sexual relations between two persons of the same sex (Article 489), between two unmarried persons of the opposite sex (Article 490) and adultery. Adultery charges may only be brought upon a complaint lodged by the “offended” spouse; the charges and any conviction are cancelled if the latter withdraws their complaint (Articles 491-492). Crimes under articles 490 and 491 may be established either by a report of flagrante delicto by a judicial police officer or admission by the accused in letters or documents or a judicial confession (Article 493).
- Rape is classified as a felony, and defined as “the act whereby a man has sexual relations with a woman against her will” (article 486).<sup>26</sup>
- Aggravating circumstances for sentencing purposes of rape include if the victim was a minor, a person with disabilities, pregnant or a virgin at the time of the rape (Articles 486 and 488).

<sup>25</sup> *Délit correctionnel*, as opposed to the “*délit de police*” or “*crime*.”

<sup>26</sup> “Lesser” crimes of obscenity, public indecency, and indecent assault are covered in articles 483-485; these articles consider it an aggravating circumstance for all of these crimes if the victim is a minor or person with disabilities. Likewise article 487 provides that it is an aggravating circumstance for all rape and lesser indecency offenses if the perpetrator is an ascendant, someone with authority over the victim, a civil servant or a religious leader, or in cases of multiple perpetrators.

	<ul style="list-style-type: none"> <li>• Marital rape is not criminalized.</li> <li>• Abortion is illegal unless it is deemed necessary to protect the mother's health and may only be carried out within the first six weeks of pregnancy. In addition, the husband's authorization is required, except in cases where the mother's life is in danger. In the absence of spousal authorization, the doctor must seek written permission from the Chief Medical Doctor in the district before performing the abortion. (Articles 449 – 458).</li> </ul>
<b>The Code of Penal Procedure<sup>27</sup></b>	<p><i>Informational measures:</i> Crime victims must be informed of their rights to file a civil action and all other legal rights, and this must be indicated in the written report (<i>process-verbal</i>), by the judicial police or the public prosecutor (Article 82-4).</p> <p><i>Police interventions at homes</i> may only be carried out after 6 am and before 9 pm, except upon the request of the head of the household, or if there is a distress call from inside (Article 62). A woman must be assigned to conduct physical searches of women on the premises (Article 60) or in temporary detention (Article 81).</p> <p><i>Protection measures:</i> The prosecutor or the investigating judge may take protective measures during the preliminary investigation phase after filing of a criminal complaint, to protect the victim, their family, or their property, notably by: providing the victim with a phone number to call at any time to request protection; personal protection by law enforcement; a change of residence; non divulgation of information about their identity; specialist medical examinations and treatment; or any other measure considered an effective guarantee of protection (Article 82-5).</p>
<b>Law 103-13 on the Elimination of Violence against Women<sup>28</sup></b>	<p>Defines violence against women as “Any material or moral act or omission thereof based on gender discrimination that results in physical, psychological, sexual or economic harm to women” (Article 1).</p> <p><i>Expanded criminal liability in Penal Code for certain VAW crimes:</i></p> <ul style="list-style-type: none"> <li>• Expanded the scope of aggravating circumstances for sentencing purposes in assault and battery and involuntary homicide cases to “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” (article 404).</li> <li>• Considers a host of relationships (spouse, fiancé, divorcé, ascendant, descendent, brother, custodian, tutor) as an</li> </ul>

<sup>27</sup> Law # 22.01 relating to the Code of penal procedure as implemented by modified Royal Decree # 1.02.255, of October 3rd, 2002.

<sup>28</sup> Royaume du Maroc. Dahir no. 1.18.19 du 5 Jumada II 1439 (22 février 2018) portant promulgation de la loi n° 103.13 sur la lutte contre les violences faites aux femmes. An English language translation is available on the MRA website.

aggravating factor in existing crimes, including willfully refraining from providing assistance to a person in danger (Article 431), facilitating suicide (Article 407), threats to commit a crime against persons or property (Article 429-1), kidnapping, detention or sequestration (Article 436-1).

- Criminalizes expulsion from the marital home or refusal to permit the expelled spouse to return home (Article 480-1);
- Criminalizes marriage coerced by threats or violence, with sentences doubled if perpetrated against a woman because of her gender (Article 503-2-1);
- Criminalizes willful squandering of property by one spouse to inflict harm on the other or the children, or to circumvent Family Code provisions, especially those relating to financial support, housing, rights from a divorce, or property division (Article 526-1).
- Provided that medical professionals summoned by the court in cases where they denounce abortions or abuse of minors, a spouse or a woman “are bound to give their testimony” (Article 446).

*Expanded protective measures in Penal Code:*

- Personal protective measures may include prohibiting the convict from approaching the victim and loss of legal custody over children (Article 61).
- Provides for the possibility of protection orders prohibiting perpetrators of harassment, assault, sexual abuse or violence against women from contacting, approaching or communicating with the victim, by a court in cases of a conviction (Article 88-1) or by the prosecutor if a criminal prosecution has been initiated (Article 88-3). Violation of protection orders is criminalized (Article 323-1 and -2).

*Expanded protective measures in Code of Penal Procedure:*

- Provides for closed hearings in cases of violence or sexual abuse against a woman upon her request (Article 302).
- Expands existing protective measures in cases of violence against women during the preliminary investigation phase after filing of a criminal complaint, to include returning the child to the parent who has custody, warning the perpetrator to not commit violence and obtaining his pledge to refrain from such violence, informing the perpetrator that he cannot dispose of common property, refer the victim to hospital centers for treatment, and place the woman who so wishes in a residential shelter (Article 82-5-2).

*Establishes units for support of women victims of violence* within first instance and appellate courts, central and decentralized services of sectors in charge of justice, health, youth and women, the General Directorate of National Security, and the High Command of the Royal Gendarmerie. The units are to provide services such as reception,

listening, support, orientation and accompaniment. The units inside the courts are comprised of a deputy prosecutor, a juvenile affairs judge and a social worker.

*Establishes National, Regional and Local Committees responsible for violence against women:*

- The National Committee ensures coordination and communication, provides feedback on regional and local action plans, reviews reports from the regional and local committees, monitors their work, and contributes to establishing mechanisms to improve the management of the cells and the committees;
- The Regional and Local Committees are established at the level of each appellate court and first instance court judicial district respectively, and are comprised of judicial officials (prosecutors and judges) and other court officers, charged with preparing regional action plans, ensuring communication and coordination at the regional or local level, harmonizing working methods, and developing solutions.



### Key Actors and their Roles

Systems Actor	Role	Comments
<b>Social Workers</b> <ul style="list-style-type: none"> <li>• Law enforcement VAW Units</li> <li>• Public Hospital VAW Units</li> <li>• Court VAW Units</li> </ul>	Reception, counseling and information for the victim Psychological support Administrative intake procedures Coordination with staff within their specific public service as well as with personnel in the other sectors Facilitate access for victim to all services in their specific sector Orientation of victim to the VAW Units in other sectors as appropriate Accompaniment in the procedures and case follow-up	<p>Social workers were appointed in all court VAW units (their number increased from 81 social workers in 2008 to 298 in 2015).<sup>29</sup></p> <p>Social workers are also assigned to the designated VAW units in public hospitals and police stations.</p>
<b>Law enforcement (police or gendarmes)</b>	<i>Criminal Cases</i> Receive the victim and collect preliminary information Draft a written complaint Accompany the victim to public health services and coordinate with social worker for treatment and the medico-legal certificate Preliminary intervention and arrest of the defendant under the instructions of the Public Prosecutor Conduct an investigation under the instructions of the Public Prosecutor Coordinate with local women's groups for	<p>In theory:</p> <p>For the police there is a VAW Unit at the Prefectoral level, a unit at each of the district level judicial police brigades, and a contact person in each precinct.</p> <p>For the gendarmes there is a VAW Unit at the judicial brigade level, a unit at the company level, and a contact person at each territorial brigade.</p>

<sup>29</sup> Combined fifth and sixth periodic reports submitted by Morocco, Convention on the Elimination of all Forms of Discrimination against Women, CEDAW/C/MAR/5-6 (January 2020).

	shelter for the victim Provide protection for the victim as ordered by the Public Prosecutor or judge Submit a report of the investigation to the Prosecutor	
	<i>Family Code cases</i> Accompany the woman to return to her home upon instructions from the Public Prosecutor	
<b>Hospital medical personnel</b>	Conduct medical examinations Provide medical treatment Issue medico-legal certificates and reports	The medical certificates are supposed to be issued at no cost to women victims of violence. <sup>30</sup> There are 99 designated VAW units in local, provincial and regional hospitals. <sup>31</sup> While “regular” medico-legal certificates attesting to the level of incapacity resulting from the violence are issued by the designated doctor at the hospital VAW unit upon the request of the victim, medico-legal certificates attesting to rape must be issued by a specialist OB-GYN and are only issued upon instructions of the Public Prosecutor.

<sup>30</sup> Ministry of Health Circular No. 162 of December 17, 2010 relating to free medical certificates for abused women and children.

<sup>31</sup> Combined fifth and sixth periodic reports submitted by Morocco, Convention on the Elimination of all Forms of Discrimination against Women, CEDAW/C/MAR/5-6 (January 2020).

<b>Public Prosecutor</b>	<p><i>Criminal Cases</i></p> <p>Either receive complaints from women directly or receive complaints referred from law enforcement</p> <p>Interview the victim and take her statement</p> <p>Issue instructions to law enforcement to conduct an investigation</p> <p>Issue instructions to law enforcement to arrest the perpetrator</p> <p>Refer the victim to other sectors (i.e. health) as necessary</p> <p>Issues instructions for health services in cases of sexual violence</p> <p>Keep the victim updated on all stages of the investigation</p> <p>Order protective measures</p> <p>Study the results of the preliminary investigation</p> <ul style="list-style-type: none"> <li>- No legal action taken and case closed</li> <li>- Prosecution, send the file to criminal chamber</li> <li>- Referral to Prosecutor for further examination</li> <li>- Prosecution</li> <li>- Close the file</li> </ul> <p><i>Family Code cases:</i></p> <p>Instruct law enforcement to accompany women to return to her home if she has been evicted</p>	<p>The courts of first instance and the courts of appeal have VAW units to allow women to report assaults or to file a complaint or take legal action for violence directly with the Public Prosecutor (88 total).<sup>32</sup></p>
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<sup>32</sup> Combined fifth and sixth periodic reports submitted by Morocco, Convention on the Elimination of all Forms of Discrimination against Women, CEDAW/C/MAR/5-6 (January 2020).

	Other cases falling under the purview of Article 3	
<b>Courts (Judges)</b>	<i>Criminal cases:</i> Question the victim and other witnesses Collect and assess arguments and evidence from the medico-legal certificates and files, other evidence, testimony Issue protection measures Issue the verdict Sentence the perpetrator	
	<i>Family Court cases:</i> Issue divorce decrees Issue financial support orders	

## ***The Process***

It would be inaccurate to speak of a “chain” or a linear process in the public services response to IPV cases. Rather, there are several pieces of a confusing puzzle that women must try and fit together, not necessarily in any clear particular order, in order to bring a complaint.

- The designated doctor(s) at the violence against women unit in the designated hospital must issue a medico-legal certificate(s) and report(s) detailing the injuries and estimating the period of disability.
  - Women frequently may go to the court VAW unit or law enforcement first, only to be told to go to the hospital VAW unit first to get the required documentation.
- A complaint must be written and attached to the medico-legal certificate.
  - In reality women most often draft the complaint themselves, frequently seeking assistance from either a public scribe (for a fee) or a local NGO.
- As one option, women may file the complaint directly first with the Prosecutor/at the VAW Unit at the court. In this case the prosecutor refers the complaint by mail or other administrative means to the appropriate law enforcement agency for investigation.
  - In reality, women often hand deliver the complaint from the court to law enforcement themselves in person.
- As a second option, women may file a complaint directly with the local law enforcement (police or gendarmes), who in theory take the woman’s statement and produce a written report, interview the alleged perpetrator to take his statement, produce a written report, and then send the file to the Prosecutor for further action.
  - In reality, law enforcement is often reluctant to or won’t take complaints without instructions from the Prosecutor. For this reason, the preference among most women and the NGOs supporting them is to file a complaint directly with the Prosecutor to then order law enforcement to investigate.
- In case of Prosecution, the case is then referred to the appropriate criminal chamber (*correctionnelle* or *pénale*).

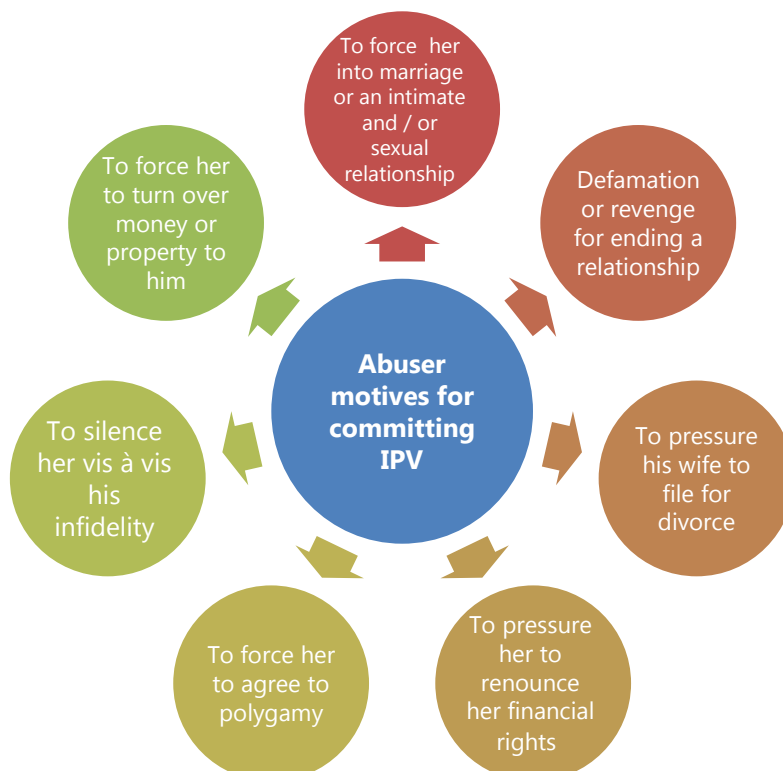
### III. RESEARCH FINDINGS

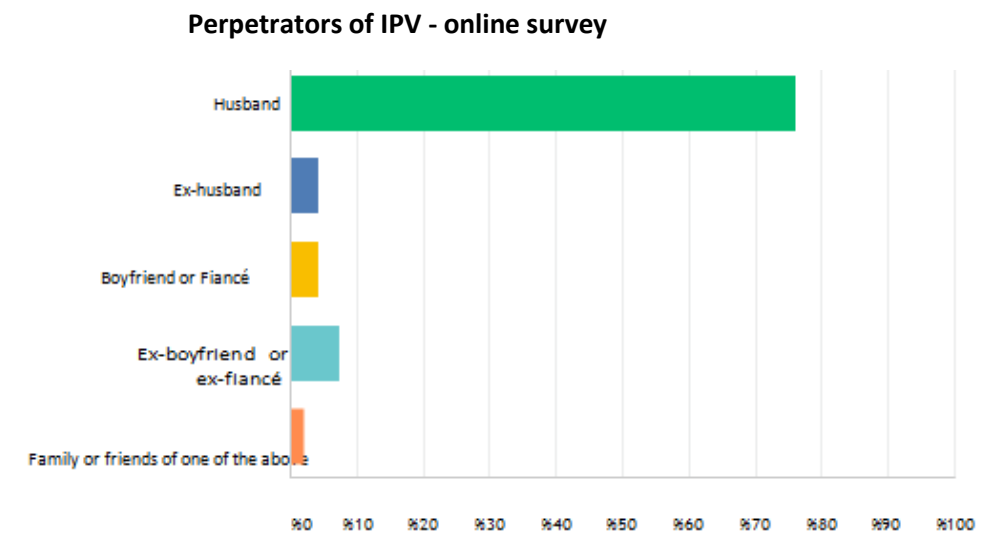
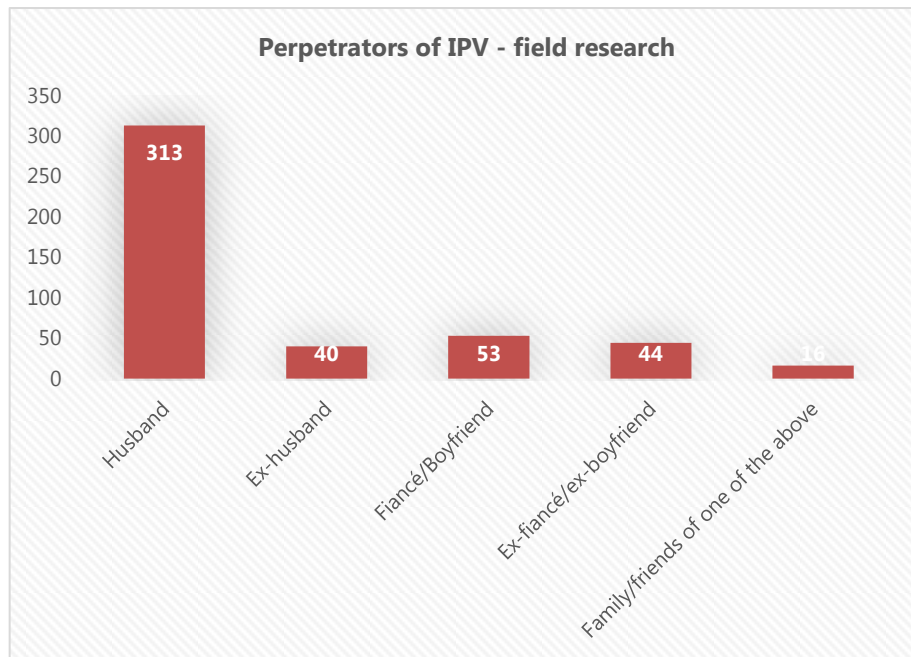
#### Who are the aggressors in IPV cases?



##### **Observations:**

- **The vast majority of perpetrators** – 67% in the field research and 76% in the online survey - **were husbands**, with ex-husbands, fiancés and ex-fiancés, boyfriends and ex-boyfriends constituting the remainder of cases. It is worth pointing out for the Moroccan context that IPV occurred in both “illegitimate” (i.e. illegal or socially disapproved) relationships as well as in “legitimate” (i.e. legal or social approved) ones.
- Some women reported additional violence from her in-laws concomitant to the husband’s abuse.
- Perpetrator motivations for committing IPV were based on their perceived right of **entitlement and control over all aspects of women’s lives**, whether sexual or material.
- Frequently IPV was used by the intimate partner either as:
  - A tool to force women into sexual relations or marriage, or to turn over money or other property to him;
  - A tool to force the woman to end the relationship, file for divorce and renounce her rights, this allowing men to avoid legal responsibilities and consequences of the separation.
- A good number of women reported men committing IPV in “revenge” after she refused to enter into or broke off a relationship, or turned down a marriage proposal.





### Illustrative Quotes

“One woman described how she used to be a domestic worker with a rich family, who arranged her marriage to the son of another rich family in the same city. She had agreed to the marriage to be relieved from domestic service and to get out of poverty. Unknown to her, her future husband was suffering from a mental illness requiring medication, and his family wanted to find him a wife to serve as a maid and caretaker of him. The husband’s family fired their domestic worker and made her do all of the housework in the family and the in-laws’ homes. The in-laws often deprived her of food, clothing, and even the husband’s medicine. When she protested this treatment, she was physically beaten and verbally abused by both her husband and her in-laws. They threw her out of the house.”

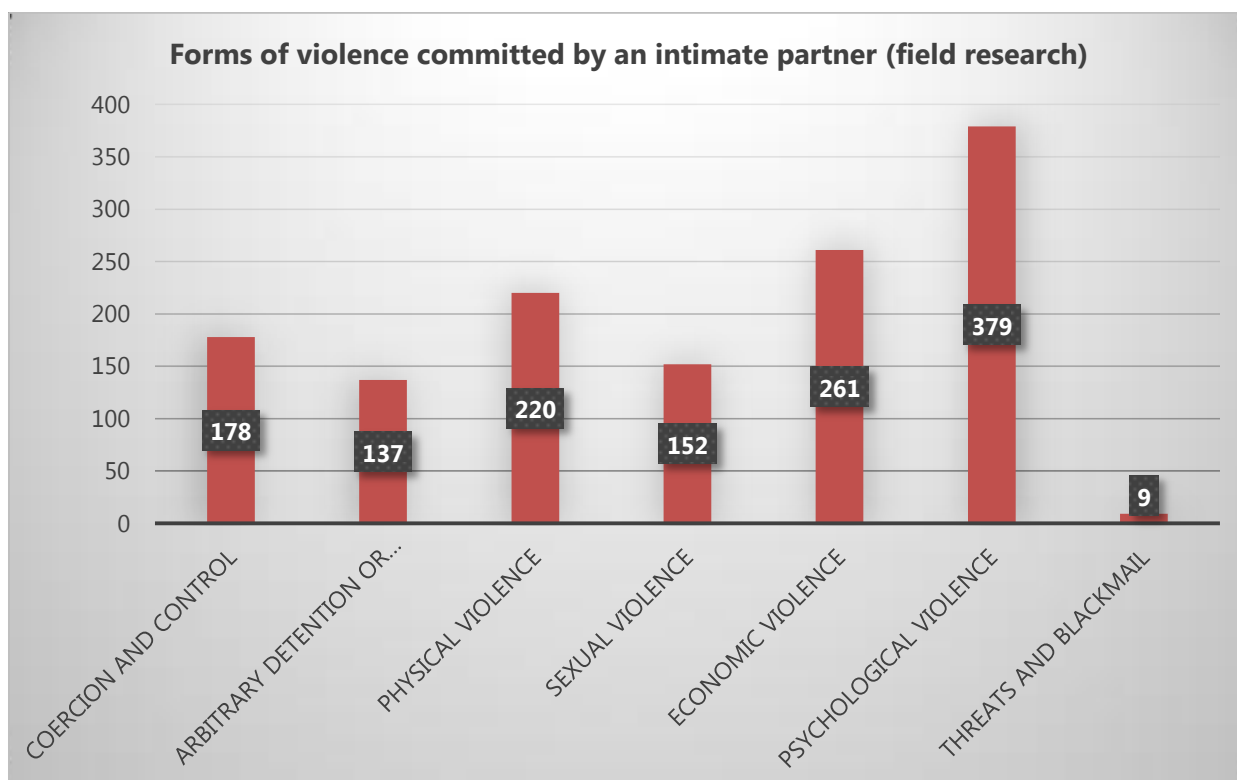
One widowed female agricultural worker was in an intimate relationship with a coworker at the fields where she worked. He began beating and raping her, and took her salary, telling her that, “for a man to remain with a woman like you, she has to give him money.”

## What forms of violence did the perpetrator commit?



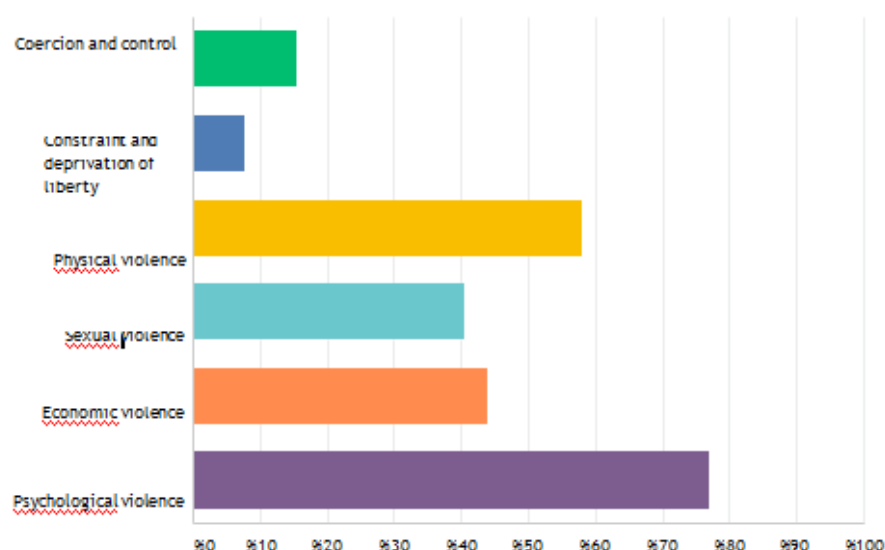
### Observations

- The majority of women reported being subjected to **multiple, cumulative forms of violence simultaneously** by the intimate partner. The most prevalent was psychological violence, which leaves no trace and is difficult to prove. These included bringing the husband's girlfriend to the family home, insults, slander and defamation, including accusations of infidelity and questioning the children's parentage.
- This was closely followed by economic and physical violence.
- The good number of women subjected to marital rape described how they could not report it because everyone considers that the partner, especially the husband, is legally entitled "to take what God has permitted him."
- Other specific forms of violence women reported being subjected to included death threats, expulsion from the conjugal home, confinement and detention, being compelled to wear the *niqab*, prevented from communicating with her family, forced labor, forced begging, denial of official identity documents, deprivation of medical care, theft of personal property, and threats to publish intimate photos or videos.
- Findings suggest that intimate partner violence usually starts with "minor" acts of violence and then escalates over time, especially when the aggressor knows that women are isolated and do not receive any shelter or support from others.





### Forms of violence committed (online survey)



### Illustrative Quotes

One rural woman reported that, “He hit me and tortured me and made me do all of the harvesting and shepherding and irrigation, and then he kicked me out after taking my identity papers and deprived me of my two-year old son. All this made me go to the association that accompanied me to the VAW Unit in the court in order to file a complaint against him and get my son back. They received me and listened to me, gave me the report number to file up on my file as well as an envelope and directed me to the gendarmerie. I handed them the envelope and they accompanied me to the house to get my son and my identity papers back.”

“One woman was married for 14 years, during which time she gave birth to three children. Her husband constantly beat her, in addition to insulting and humiliating her daily. Early on she refused this situation and filed for divorce. However, under pressure from the family and because of her family's poverty, she accepted to return to her husband after he assured her that he would change. He resumed his violent behavior, and gave her a sexually transmitted infection that required many examinations and substantial expenses for transportation to the hospital, x-rays at a private clinic and medicine. Her husband neglected her and whenever she asked him for funds to cover the medical expenses, he would beat and insult her. Her health condition deteriorated, and her husband beat her severely and threw her out of the house. A neighbor called an ambulance and she was taken to the hospital. The police interviewed her the next day, and asked her to bring the medico-legal certificate, but she didn't. She did not return to follow up on the complaint, explaining, ‘I didn't have any money to go back to the city and get the medical certificate, I don't want anything from him, and I don't want to see him again.’ She filed for a divorce for irreconcilable differences (*chiqaq*), forfeiting all of her financial rights.”

One woman's husband does not contribute to household expenses, bringing food and other necessities just for himself. He beats her with the objective of forcing her to sell the house that she inherited from her father.



## Questions for Future Inquiry

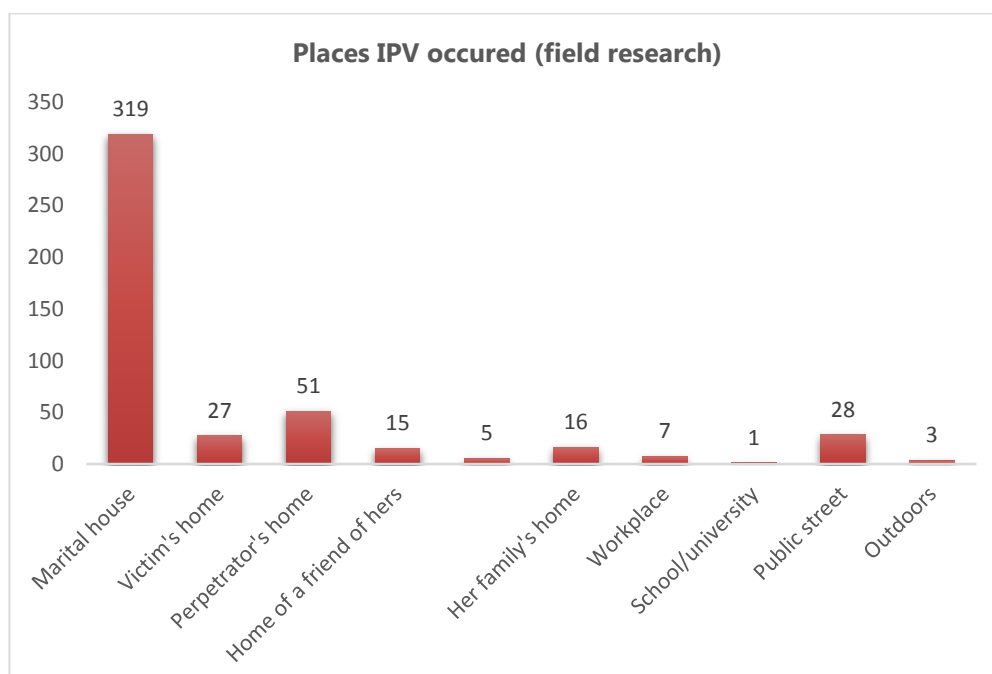
- To what extent do investigations, prosecutions, and standards of evidence take into account the diverse and multiple forms of violence that do not leave visible signs of physical injury?

## Where did the violence occur?



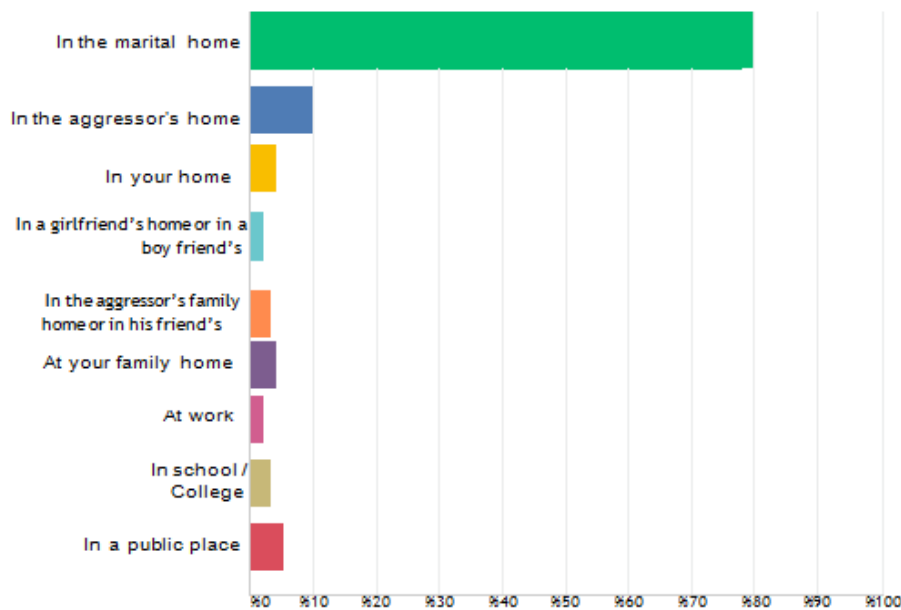
## Observations

- Women most frequently reported experiencing IPV ***within the conjugal home*** - 68% of interviewees and 80% of online respondents.
- At the same, women also reported being subjected to IPV in ***a wide diversity of public and private spaces***, including family and friends' homes, in educational and professional settings, in public spaces, and via ICTs (internet and communications technologies).<sup>33</sup>
- Given that the vast majority of cases occur within private homes, *there are rarely witnesses to such violence.*



<sup>33</sup> For an in-depth study of Technology-Facilitated Violence against Women in Morocco, please see [Virtual Violence, Real Harm: Action Research Report – Technology Facilitated Gender-Based Violence against Women in Morocco](#) (MRA, 2019).

Places IPV occurred (online survey)



### Illustrative Quotes

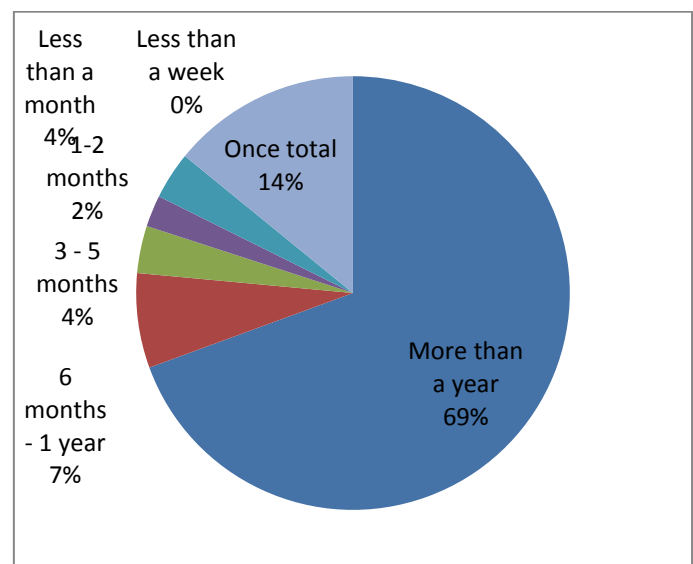
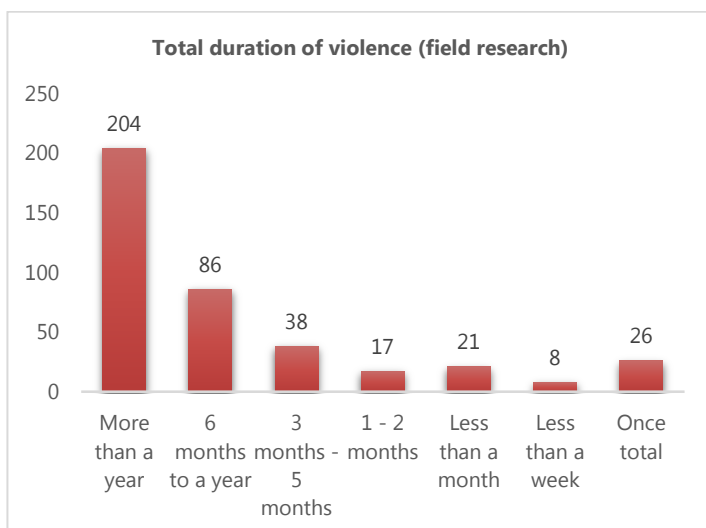
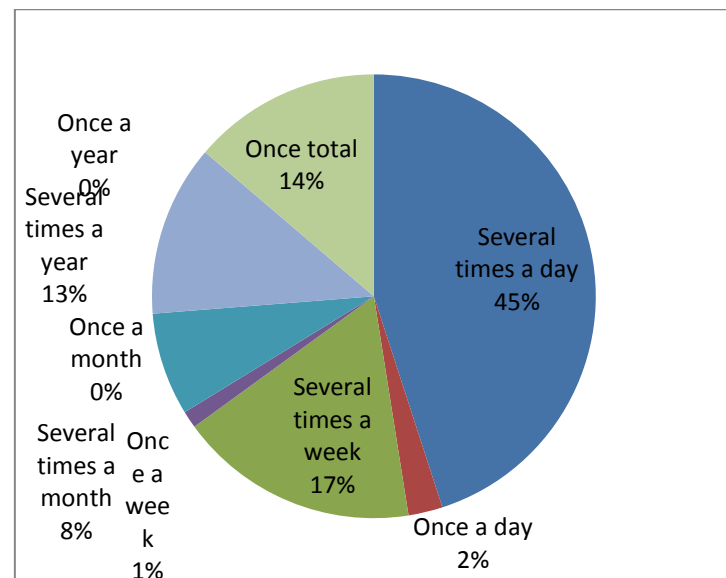
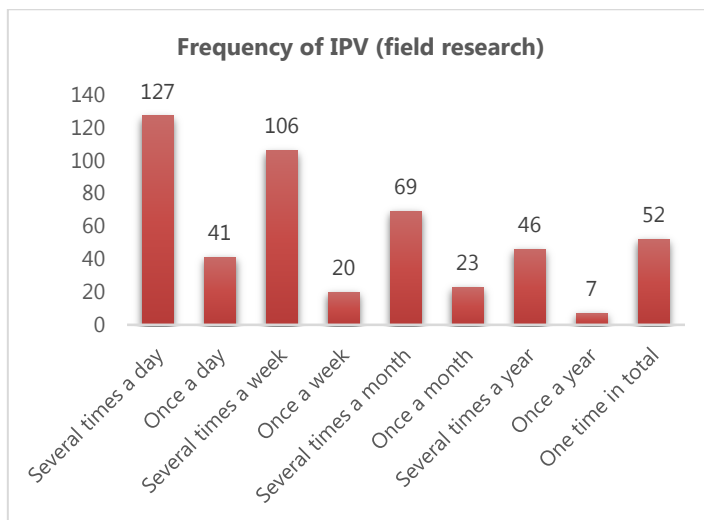
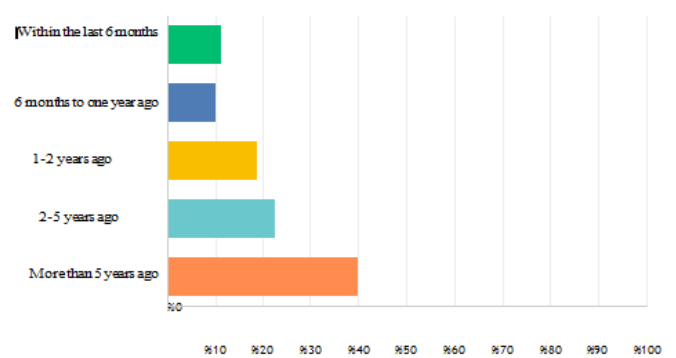
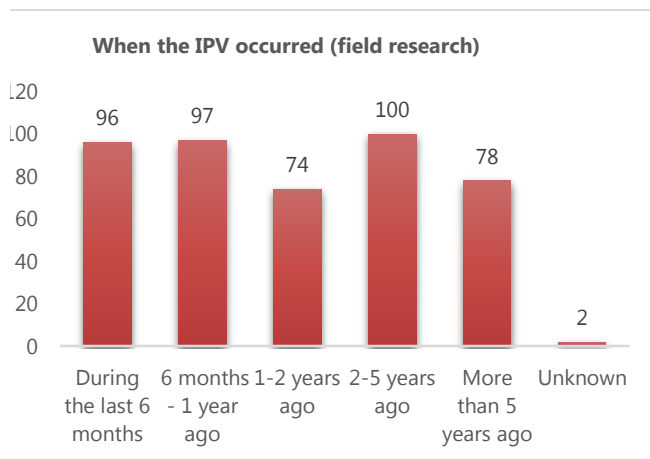
“One woman’s husband first beat her in the marital home, so she fled to her mother’s house. He took his motorcycle to wait for her in the street outside her mother’s home, and when she appeared he started beating her severely in the street and cursing her. No one intervened until he took a rock and hit her head with it, when a passer-by screamed and the mother came outside to find her daughter with severe bleeding. The perpetrator fled.”

### How long have women been experiencing IPV? How frequently? How long does the violence persist?



### Observations

- A major characteristic of IPV is its **frequent and repeated** nature. 26% of interviewees and 45% of online respondents reported being subjected to violence several times per day.
- **One-time incidents of IPV are the exception**; women reporting one sole incident of IPV comprised just 22% of interviewees and 14% of online respondents.
- IPV is also characterized by its **duration over time**. 51% of the interviewees and 69% of the online respondents reported instances of IPV persisting for more than a year.
- Incidents of IPV tended to occur with an intense **frequency within a concentrated period of time**. Women often reported multiple acts of sexual violence within a certain time frame – a day, a week, a month - rather than just one act in a defined period.
- The above findings all illustrate an **ongoing pattern of violence by the perpetrator**, and not an isolated behavior.



### Illustrative Quotes

One woman was subjected to repeated and ongoing violence by her husband over ten years. She described how she put up with the abuse and insults “because I was protecting my young children and feared for the collapse of my family. But in the end I was at the end of my rope and decided to divorce him, especially since my children have grown up.”

One rural woman declared, “For more than five years, I have been tormented and the time has come for me to say, Stop, I will take my children and go out of the house and leave everything and ask for divorce so that I can live in peace.”

One urban woman described how, “We are newly engaged to be married, and he hits me more than once a week if I am late or if I do not answer the phone when he calls.”



### Questions for Future Inquiry

- To what extent do investigations, prosecutions and sentencing take into account and address the repeated and prolonged nature of IPV?

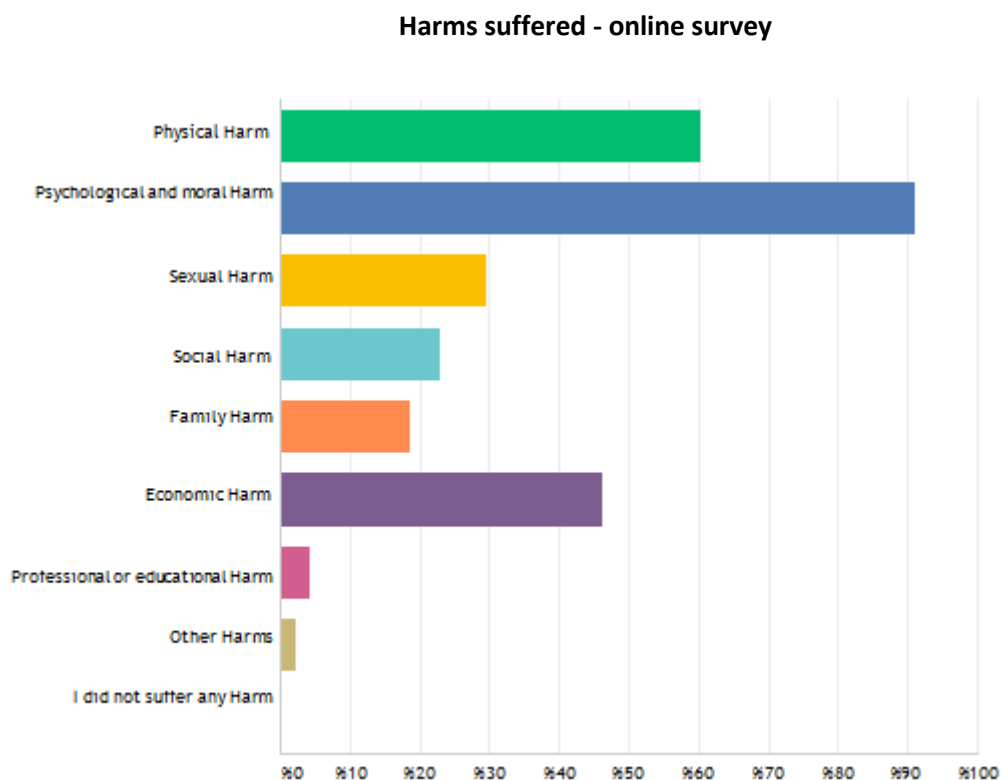
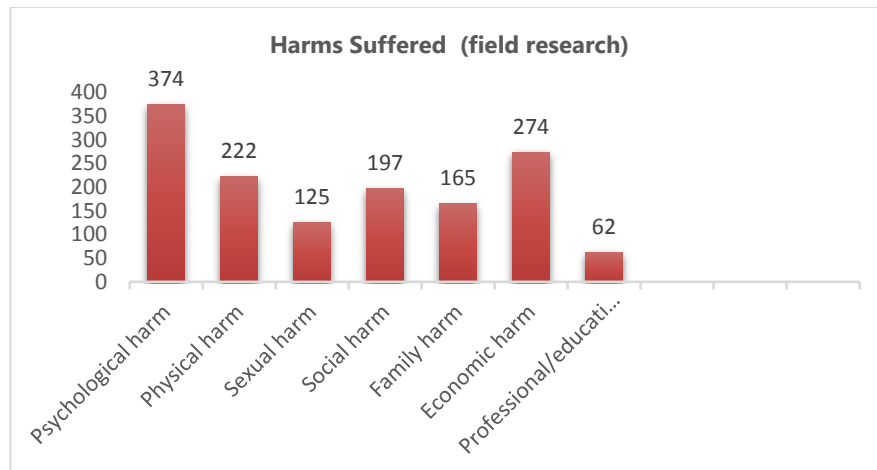
## What are the consequences and impact of IPV on women's lives?



### Observations

- Women suffered ***diverse and overlapping forms of harm*** from IPV.
- The vast majority of women reported experiencing ***multiple types of harms simultaneously***.
- Moral/psychological harm was the most commonly experienced, cited by 91% of online respondents. These included loss of trust in people, loss of self-confidence, self-doubt, permanent fear, lack of appetite, constant stress, depression, lack of sleep and insomnia, suicidal thoughts and attempts, anxiety, mental illness, and feelings of inferiority.
- 60% of online respondents reported physical harm and 46% economic harm. Sexual, social and family harm were reported 20-30% of the time. A good number of women described how, after reporting violence, they were described as “disrespectful and unfit for society.”
- Some women reported suffering from a permanent physical disability because of the violence, dropping out of school, quitting her job, an unwanted pregnancy as an unwed mother, and being deprived of her children.

- Others described how, after divorcing a violent husband, their freedom was restricted, and they could not go out alone or wear what they wanted to without being subjected to rumors about their behavior.
- Women in both interviews and the online survey reported being prosecuted, and in five instances in the fieldwork imprisoned, for illicit sexual relations themselves.



Type of Harm	Manifestations
<b><i>Psychological and moral</i></b>	<ul style="list-style-type: none"> <li>• Insomnia, Stress, Depression</li> <li>• Loss of appetite</li> <li>• Feelings of guilt</li> <li>• Loss of self confidence</li> <li>• Shock</li> <li>• Difficulty communicating with others and withdrawal</li> <li>• Attempted suicide</li> </ul>
<b><i>Physical</i></b>	<ul style="list-style-type: none"> <li>• Wounds</li> <li>• Fractures</li> <li>• Concussion</li> <li>• Deafness</li> <li>• Paralysis</li> <li>• Temporary or permanent disabilities</li> <li>• Disfigurement</li> <li>• Burns</li> <li>• Internal injuries (intestinal tears)</li> <li>• Forced shaving of head</li> <li>• Forced consumption of hallucinogenic pills</li> </ul>
<b><i>Sexual</i></b>	<ul style="list-style-type: none"> <li>• Rape and loss of virginity</li> <li>• Sexually transmitted diseases</li> <li>• Marital rape</li> </ul>
<b><i>Social</i></b>	<ul style="list-style-type: none"> <li>• Defamation (accusations of not being a virgin, of being a prostitute)</li> <li>• Non-consensual sharing of images publically on social media</li> <li>• Family or societal rejection of the victim</li> <li>• Isolation</li> <li>• Homelessness</li> <li>• Fear of emotional attachment</li> <li>• Having to change residence</li> </ul>
<b><i>Family</i></b>	<ul style="list-style-type: none"> <li>• Kicked out of the family home</li> <li>• Deprivation of her children</li> <li>• Deprivation of civil status (refusal to register divorce or register children)</li> <li>• Theft / retention of identity papers</li> <li>• Forced cohabitation with in-laws</li> <li>• Forced polygamy</li> <li>• Denial of paternity of children</li> <li>• Insults and defamation</li> <li>• Controlling behavior, dress, ability to leave home</li> <li>• Total separation and estrangement from family</li> </ul>
<b><i>Economic</i></b>	<ul style="list-style-type: none"> <li>• Theft or extortion of her money, jewelry, clothes</li> <li>• Loss of housing</li> <li>• Destruction of her equipment used for income generation/for her job</li> <li>• Destruction of furniture and other personal property</li> <li>• Obligation to ask family for financial support or beg on the streets</li> <li>• Deprivation of financial support for her and her children</li> <li>• Deprivation of funds for medical expenses</li> <li>• Waiving all legal rights to financial support to obtain divorce</li> </ul>
<b><i>Professional or educational</i></b>	<ul style="list-style-type: none"> <li>• Dropping out of school</li> <li>• Quitting job or forced to change workplace</li> </ul>
<b><i>Unwanted Pregnancy</i></b>	<ul style="list-style-type: none"> <li>• Unwanted pregnancy</li> <li>• Miscarriage</li> <li>• Forced/illegal abortion</li> </ul>
<b><i>Prosecution</i></b>	<ul style="list-style-type: none"> <li>• Prosecution and imprisonment for illicit sexual relations</li> </ul>

### Illustrative Quotes

"I felt disgust and confusion about the situation. I did not know if my consent to a sexual relationship also meant consent for violent practices. I was slapped and mistreated!"

"I dropped out of school and made repeated suicide attempts, resulting in a physical disability."

One woman was beaten and thrown out of the marital home, and her husband refused to let her have access to her two children. As a result of this trauma, she is unable to work or function in daily life.

One woman suffered physical and verbal violence from her husband and his family, causing her to fall into depression. He evicted her from the marital home and does not provide for their child, so she filed a successful divorce and financial support case. "His family and my mother used to advise me to be patient, and that he would change. Years went by. I suffered in silence. My mother covered all of my expenses, even cleaning supplies for the home. When I asked my husband to buy me medicine to treat a tumor on my hand, he refused and beat me, targeting the tumor on my hand. That caused a hernia in the tumor and a serious infection. He took my children and kicked me out of the home with no money. I went to the road and begged the owner of the bus to take me without paying the ticket price to the city where my family is." A local association helped her to file a complaint for the violence, request the return of the children, and claim financial support. The case is still pending before the court.



### Questions for Future Inquiry

- To what extent are perpetrators punished for the complete range of all of the diverse harms they cause to women?
- To what extent are women receiving remedies appropriate for and commensurate with the full range of diverse harms they are subjected to?



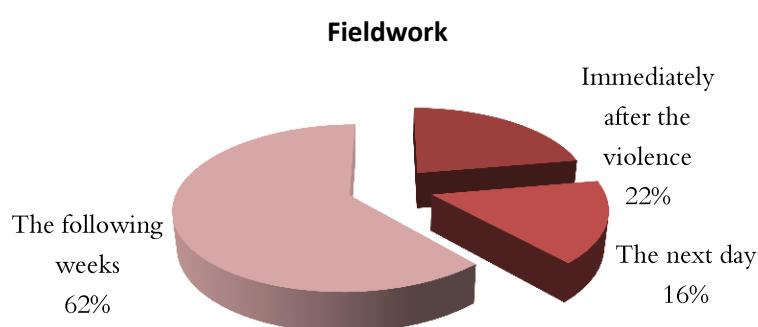
## “How do women respond and react in the immediate aftermath?”



### Observations

- In the hours following the incident and next day, the majority of women **remained silent and do not take any actions** related to the violence. 62% of interviewees and 89% of online respondents did not react until weeks later.
- **Seeking assistance from the public authorities immediately after the violence is rare**, especially from the criminal justice system.
- Findings demonstrate a **significant time lag** between when the violence occurred and when women seek assistance or intervention from the public authorities, if ever.
- Many women reported using **informal or individual means** in the aftermath of the violence, considering themselves responsible for finding a solution. These included seeking reconciliation “for the sake of the children” or marrying the perpetrator when a rape results in pregnancy.
- The majority of women **seek only civil remedies** years after the occurrence of the violence, such as filing for divorce, establishing paternity or obtaining financial support for their children, indicating that they are often focused primarily on the needs of children rather than their own needs.
- Lack of safe housing options force women to remain in the same home as the violent perpetrator.

### Among the women who react, when do they do so and how?



### Online Survey

Immediately after	26.32 %
The next day	18.42%
The following weeks	89.47

	Immediately after	The next day	The following weeks
Nothing / fear/silence	15/20 <sup>34</sup>	8/14	8/68
Went to the hospital	1/20	1/14	
Went to her family's house	2/20		
Sought help from a women's association			41/68
Filed a criminal complaint			8/68
Filed a civil case for divorce/financial support			7/68
Other	<ul style="list-style-type: none"> <li>Went to the mosque for assistance to return to her family (1)</li> <li>Tried to defend herself (1)</li> </ul>	<ul style="list-style-type: none"> <li>Told her family (2)</li> <li>Tried to think of a solution (2)</li> <li>Tried to escape (1)</li> </ul>	<ul style="list-style-type: none"> <li>Returned to the conjugal home (1)</li> <li>Hid due to death threats (1)</li> </ul>

### Do women speak to anyone about the intimate partner violence?



#### Observations

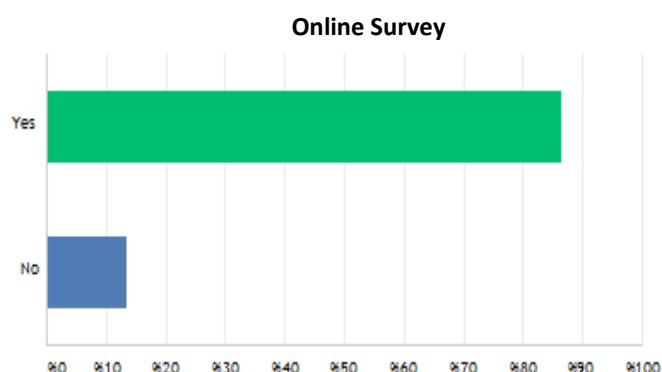
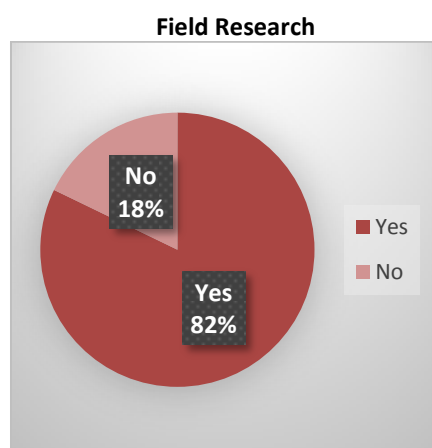
- 82% of interviewees and 87% of respondents to the online survey reported reaching out and seeking assistance from people in their personal entourage.
- 25% of the respondents to the online survey and 17% of interviewees did not report the IPV to any public actors at all.

#### Methodological Note

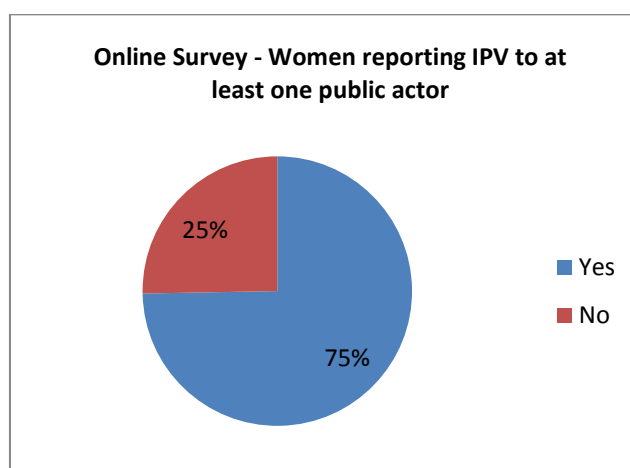
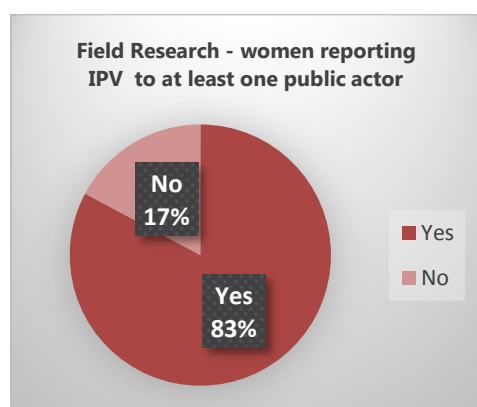
Given the research objective to examine the State response to intimate partner violence, it was essential to locate and interview women who had actually reported the violence to local authorities. Additionally, the majority of participants in the fieldwork were beneficiaries of local women's NGOs, and had previously participated in their various programs, services and awareness campaigns. This most likely resulted in a higher percentage of women in the survey population who had spoken with someone in their entourage or reported the violence to public authorities, and does not reflect the reality of the extent to which women talk about or report intimate partner violence among the general population.

<sup>34</sup> The second numbers – 20, 14 and 68 – refer to the total number of respondents to that particular question.

***Did women speak to anyone in their personal entourage?***



***Did women report IPV to the public authorities (law enforcement, health sector, and/or justice system)?***



***Why don't women speak to anyone in their entourage or report the violence to public authorities?***

A diversity of factors - legal,<sup>35</sup> social, economic,<sup>36</sup> and personal safety concerns<sup>37</sup> – prevent women from reaching out to anyone in their entourage or reporting the IPV to the public authorities.

<sup>35</sup> According to the results of the updated direct line for reporting bribery to the Presidency of the Public Prosecutor's Office, there were 16,819 calls up to December 31, 2018, and concerned mainly agents and men of power, agents of local groups, public forces, and mediators in the health and justice sectors. "The National Commission for Integrity, Prevention and Fight against Corruption, first annual report for the year 2019." Available at <http://www.icpc.ma>

<sup>36</sup> Only 20.8% of Moroccan women ages 15 and older are considered active. *Note d'Information*, Haut-Commissariat au Plan, 20 October 2020.

<sup>37</sup> In 2019 there were 629 prosecutions for evicting a woman from the marital home, and 1661 prosecutions for threatening to do so. *Annual report on the implementation of the penal policy and the improvement of the performance of the Public Prosecutor*, 2019.



### Illustrative Quotes

One woman's husband used to threaten her with a knife, saying that if she ever told anyone about the violence he would kill her and her children.

"He hit me, cursed me, deceived me, took my money and sexually exploited me until I got pregnant from him. Then he denied that he knew me and threw me out, and began to threaten me and blackmail me with pictures I had sent him because I trusted him. I was afraid to file a complaint against him, because they might accuse me of prostitution since I am adult and had an intimate relationship with him."

"I was patient, thinking maybe he would change, and I did not want my children to live far from their father, but I regretted that I wasted my entire life with someone who could not be fixed."

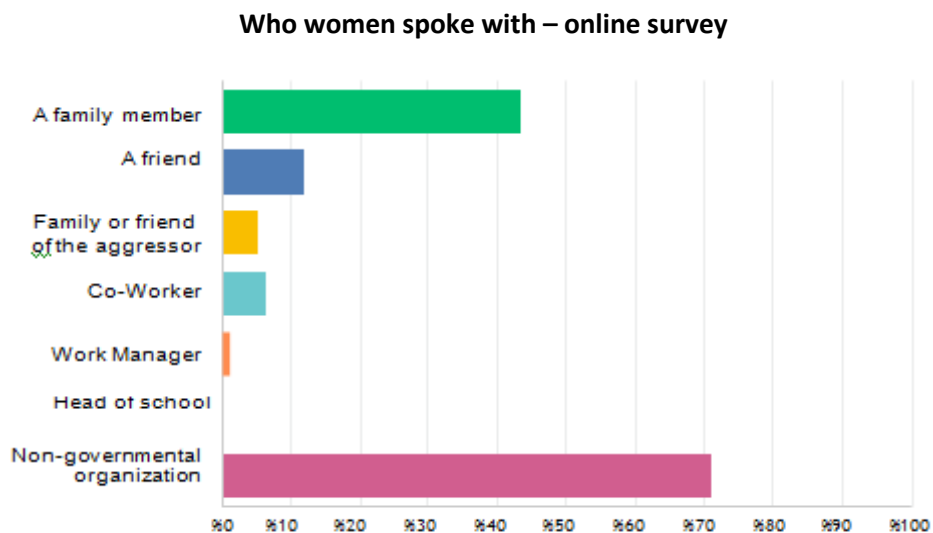
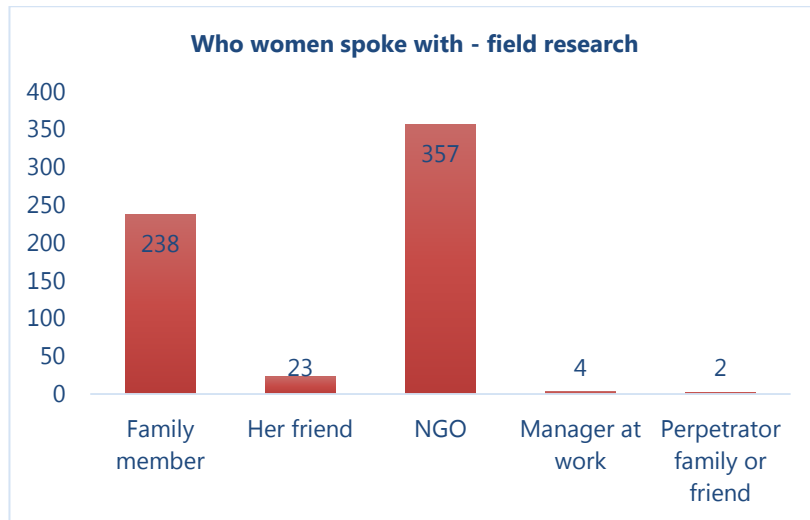
### What about the women's entourage?



#### Observations

- 57% of the fieldwork participants and 71% of online respondents had reached out to a local **women's NGO for assistance**. This is reflective of a reporting bias, based on the fact that the action research was carried out by NGOs consulting beneficiaries of their programs and services.
- Among women who did reach out to someone in their personal entourage, the majority of the time it was either to a selected, trusted **family member** (43% of online respondents, 38% of interviewees), most usually a mother or sister.
- Five *mourchidats* (female religious counselors) interviewed by one of the partner NGOs reported that many women seeking help from them are subjected to violence from their husband.
- For the women who did reach out to someone, the **reactions among the entourage were diverse and mixed**, and can be placed along a continuum of varying degrees of supportive, neutral, or harmful.
- Some women - who had not sought assistance from their families - reported being subjected to violence from their families for having reported the IPV to the public authorities.

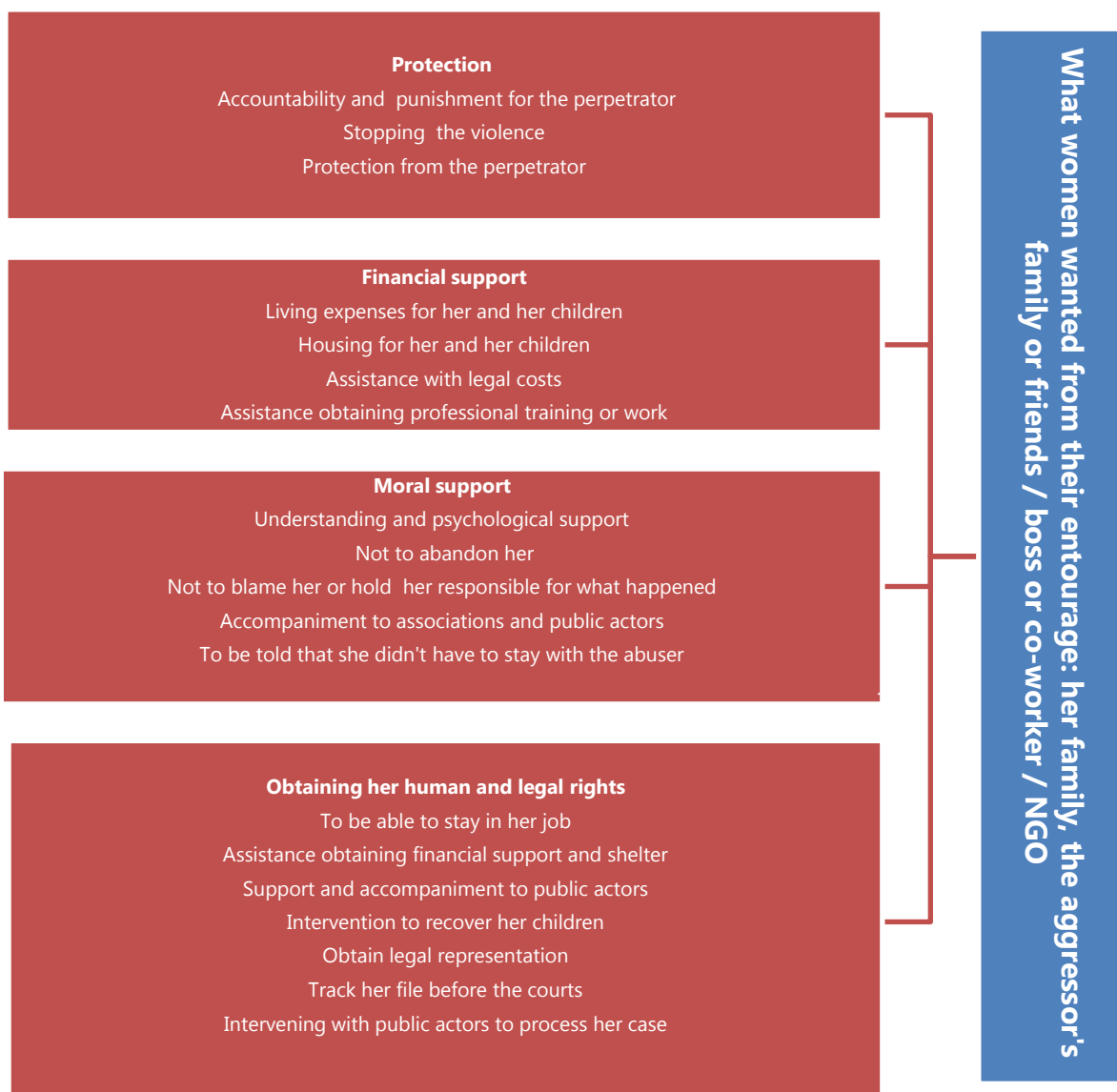
### ***Who do women reach out to and why?***



### Triggers, Drivers and Motivations for Reaching out to Entourage

PERSON	TRIGGERS/DRIVERS/MOTIVATIONS
<b>Family Member</b>	<ul style="list-style-type: none"> <li>• To intervene and find an informal solution to the violence</li> <li>• For accompaniment to public services</li> <li>• For material and psychological support</li> <li>• After an escalation of the violence</li> </ul>
<b>Girlfriend</b>	<ul style="list-style-type: none"> <li>• To speak with a close person from outside the family</li> <li>• For help finding “solutions” such as intervening with the perpetrator to persuade him to stop the violence.</li> <li>• To accompany her to different public services.</li> </ul>
<b>Official/colleague at school /work</b>	<ul style="list-style-type: none"> <li>• To assist the victim and intervene with the perpetrator who is a co-worker</li> <li>• To sanction the aggressor, if he is working with her in the same place</li> <li>• For assistance with legal fees</li> <li>• To allow her to take time off of work to go to court for the hearings</li> </ul>
<b>Family or friend of the perpetrator</b>	<ul style="list-style-type: none"> <li>• To intervene with the perpetrator to stop the violence</li> <li>• In order to find a “solution” without going to public authorities</li> </ul>
<b>NGO</b>	<ul style="list-style-type: none"> <li>• For accommodation</li> <li>• For assistance with childbirth</li> <li>• To obtain the necessary documents for children, such as registration in the civil status book or registration in school, and other matters related to identity documents for children</li> <li>• For legal advice and accompaniment to the various public actors, and support and follow-up on her file with the authorities</li> <li>• For assistance with various expenses, such as medical or legal expenses</li> <li>• A pre-existing relationship, such as being former beneficiaries of an association, having participated in a range of its activities, especially literacy and legal literacy programs.</li> <li>• Trust in the associations and in the services they provide, including legal advice, guidance and accompaniment</li> <li>• Previous knowledge of the association through its awareness campaigns on the subject of VAW</li> <li>• Women who want to benefit from the shelters provided by the associations are obliged to disclose the violence to the association so that the latter can obtain an order of accommodation from the Public Prosecution.</li> <li>• Some associations have a doctor who provides free services to women, such as treatment and examinations</li> </ul>

***How did the entourage respond and what were the outcomes?***





### Helpful Responses

- Psychological support
- Housing and shelter
- Financial support for her and her children
- Accompaniment to public actors and tracking of her files
- Helping with the various expenses related to her file, such as health related costs, lawyer fees, and court costs
- Coordination and intervention with public actors
- Assistance filing court cases and registering children in civil status

### Neutral Responses

Advice to "be patient" and "accept reality"

Advice to file a lawsuit without any support

Expressions of sympathy and regret

Nothing

### Negative responses:

- Expulsion from the family home
- Blame her and / or punish her
- Restricting her freedom, confining her at home, preventing her from studying
- Intervening and mediating with the family of the aggressor to find a solution (often marriage)
- Sending her to another city
- Holding her responsible, threatening and/or committing violence
- Ignoring all requests for help
- Firing her from work or pressuring her to quit
- Intimidation, threats and blackmail
- Taking an unmarried victim of non sexual IPV to the health services for a virginity examination rather than treatment appropriate for the violence she was subjected to

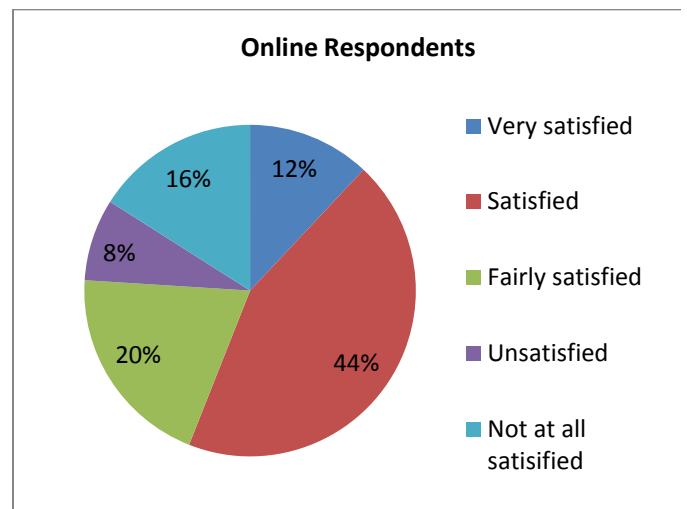
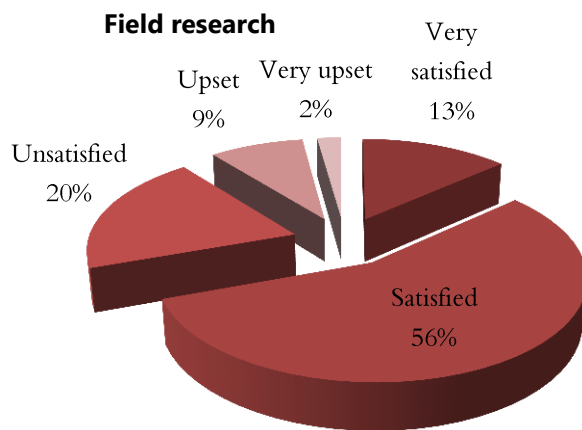
What responses did women receive from her family/her friends/ the aggressor's family or friends / boss or co-worker / NGO

### How satisfied were women with the entourage's reactions and why?



#### Observations

- Given the diversity of reactions from the entourage, ranging from supportive to harmful as described above, women reported *varying degrees of satisfaction* with the response and reactions they received. 31% of interviewees and 44% of the online respondents expressed some degree of dissatisfaction.





## What about the public authorities? An Overview

**Reminder:** 75% of respondents to the online survey and 83% of interviewees had reported the violence to the authorities. The below sections examine the experiences of women who have reported IPV. As noted previously, most of the participants in this action research are current or former beneficiaries of a women's NGO or have received material and / or moral support from an association; hence the percentage of women resorting to public authorities here is likely higher than among the general population.



### Observations:

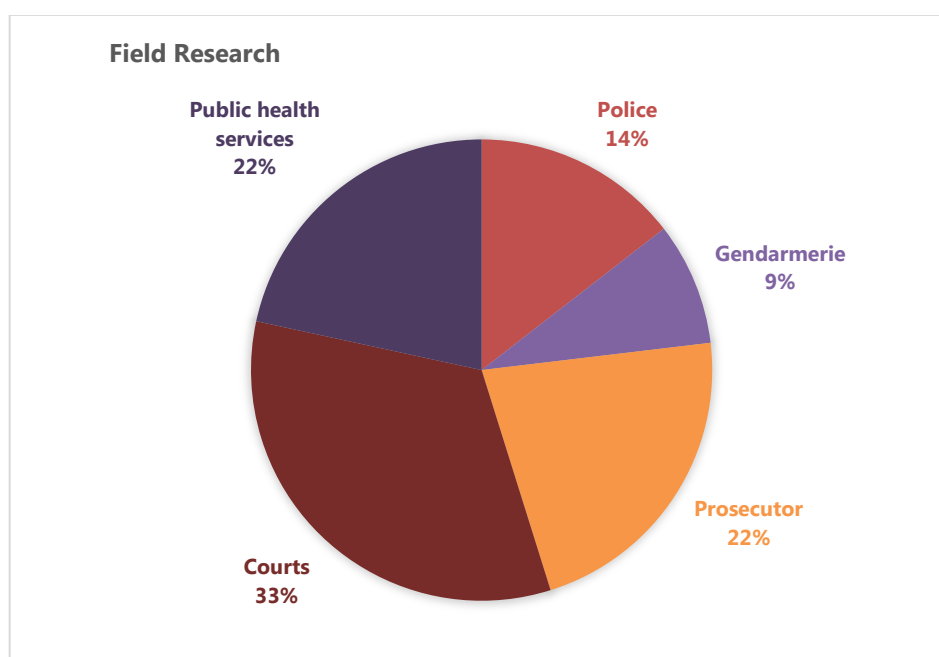
- Women **most prevalently resorted to the courts** in instances of IPV, with 33% of interviewees and 72% of online respondents reporting having sought relief from a judge at some point. The fact that these are higher percentages than those of women who sought assistance from either the Prosecutor or law enforcement reflects how most women subjected to intimate partner violence **only seek civil remedies** such as divorce, financial support, paternity determinations, and/or others, rather than engaging with the criminal justice system.
- While neither interviews nor the online survey suggested a dominant trend about which sector women sought help from first, all illustrate how **the social worker within each of the sectors is the first line of help** with whom women have contact (87% of online respondents).
- Who among the public services women turn to in the first place depends on and varies according to their knowledge, where they live, and what type of relief they are seeking.
  - Women in rural areas are dependent on the gendarmes as the nearest local services.
  - Women turn to the health services when their injuries are serious enough to require professional treatment and/or when they want to obtain the medico-legal certificate necessary for filing a criminal complaint.
  - A good number of women subjected to sexual violence reported going to the health services for treatment only, and did not request a medico-legal certificate, out of a desire to avoid the criminal justice system altogether.
  - Women in marginalized urban areas may turn to the closest police station.
  - Some women went to the caïd to file a complaint, given that he is the closest authority that women know and have a daily relationship with.<sup>38</sup>
  - In the instances where the perpetrators were military personnel, women sought assistance from social workers at the military court, given the military court's jurisdiction over these cases. Findings suggest that only women legally married to military personnel have this option.
- Some women prefer to submit their complaints directly to the Public Prosecution:

<sup>38</sup> "The Caïd is considered a local representative of the executive branch, responsible for tasks related to maintaining public order, as well as management and allocation of Ramed health coverage and other tasks  
<http://bdj.mmsp.gov.ma/Ar/Document/3281-Dahir.aspx>

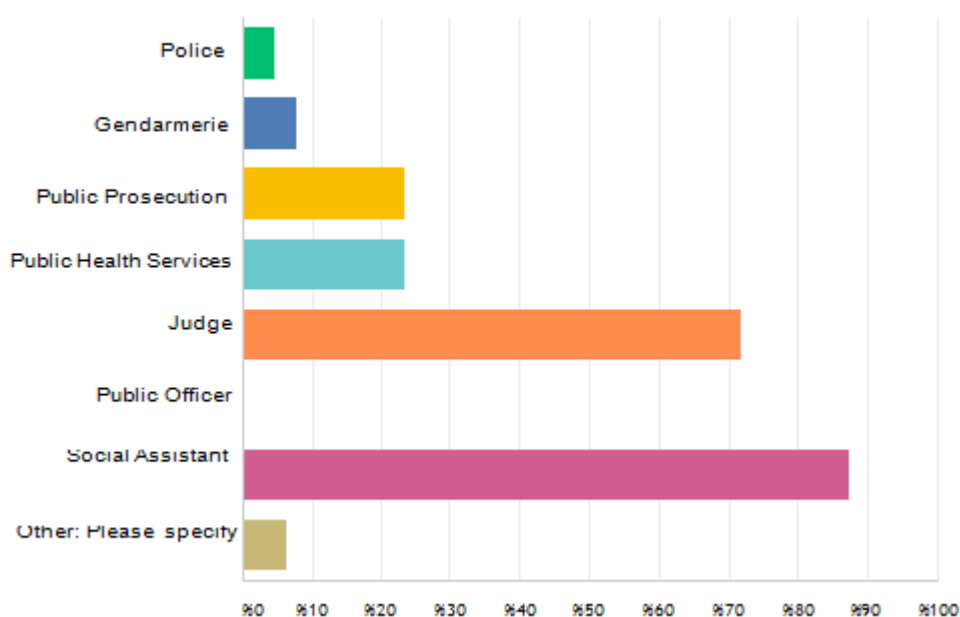
- As the Public Prosecution provides instructions to law enforcement to conduct an investigation, reporting there first speeds up the process. Some women who reported the violence directly to law enforcement described subsequently turning to the Public Prosecutor after failing to obtain satisfaction from the former.
- The Public Prosecution also issues instructions to health services to conduct a medico-legal exam specific to sexual violence; health services will not issue a medico-legal certificate for sexual violence without such Prosecutorial instructions.

***Among the women who reported the violence to at least one public authority, which ones did they seek assistance from?***

**Which public actors did women seek assistance from at some point?**

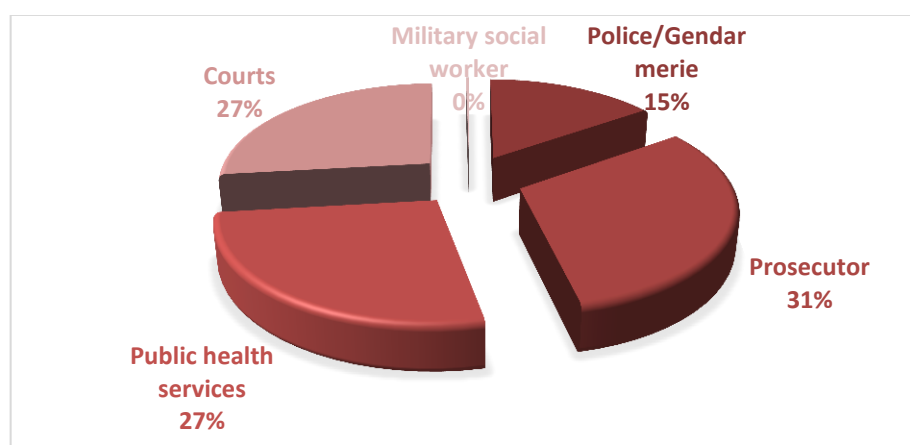


**Online Respondents**

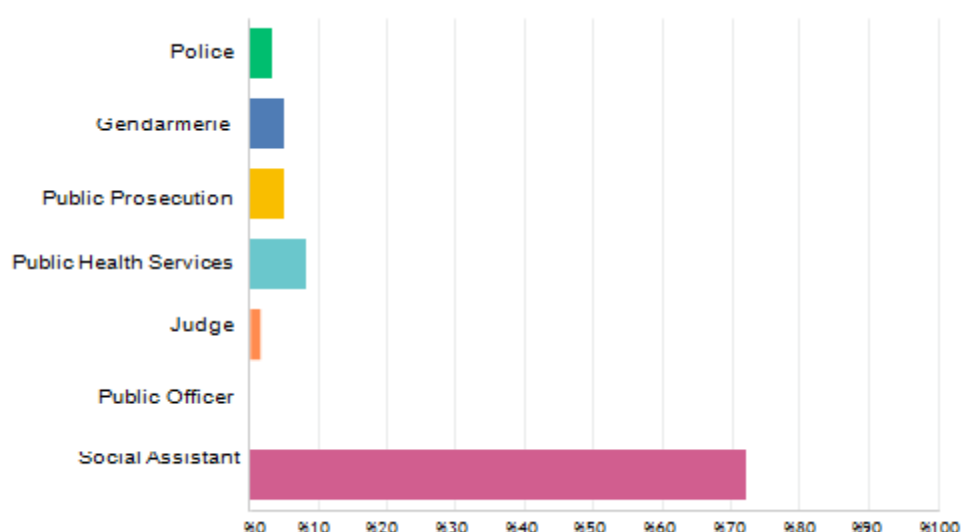


### Which public actor did women go to FIRST?

#### Field research



#### Online respondents



### *At which stage do cases generally stop or come to an end?*

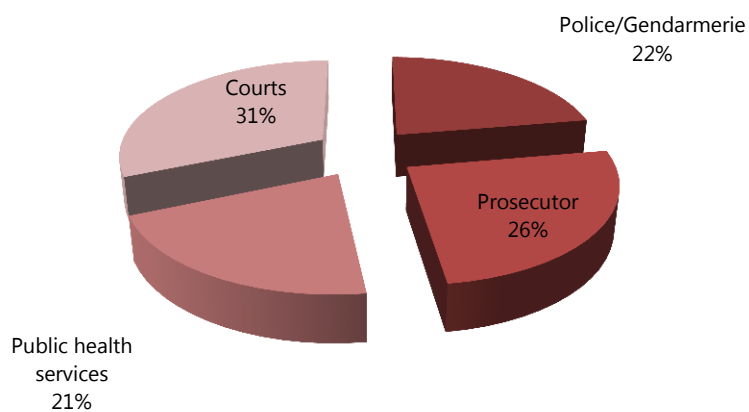
A good number – 80% of the online respondents and 31% of interviewees – indicated that the case ended at the stage of litigation in front of the court. However this is likely because the courts are often the only public actor involved in most IPV cases – for Family Code cases for divorce and financial support.

Out of 55 online respondents to this question:

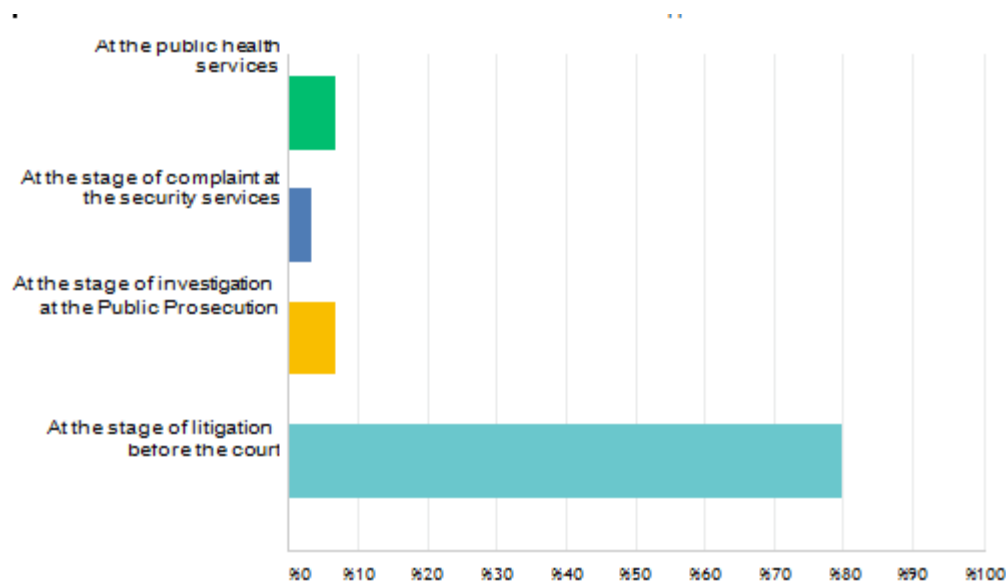
- The perpetrator was sent to prison in only one instance;
- One perpetrator was acquitted “for lack of evidence”;
- In 12 instances the women dropped the court case;
- In four instances the women returned home to the abuser;
- The remaining instances resulted in judgments of divorce and/or financial support.

Women who withdrew the court cases reported “giving him a chance to change his behavior,” due to “family pressure to provide shelter for my children,” and “reconciliation.”

### Field research



### Online Respondents



Reasons cases ended at the health services	Reasons cases ended at law enforcement	Reasons cases ended at prosecution	Reasons cases ended at court
<ul style="list-style-type: none"> <li>• When the woman was asked to pay for a medico-legal certificate</li> <li>• When the woman wants a medico-legal certificate to document the violence, but doesn't want to file a criminal complaint</li> <li>• When she only wants to have a pregnancy test</li> <li>• To avoid being prosecuted for sexual relations outside of marriage</li> <li>• Interventions by families to find an alternative "solution" to a criminal complaint, such as marriage.</li> <li>• Threats and / or extortion by the perpetrator</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of tangible evidence or eyewitnesses</li> <li>• Reconciliation between the victim and the perpetrator</li> <li>• Family intervention and pressure</li> <li>• Avoid prosecution for sexual relations outside of marriage</li> <li>• The aggressor's threats</li> <li>• Lengthy and confusing procedures</li> <li>• Women's lack of financial means to continue the procedures.</li> <li>• Numerous repeated visits to public services for interviews or to receive necessary documentation</li> <li>• Ill-treatment by some law enforcement officers against women victims of violence</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of tangible evidence or eyewitnesses</li> <li>• Threats of prosecution for/ reclassification of the case as illicit sexual relations outside of marriage</li> <li>• Family pressure</li> <li>• Lack of financial means to continue the procedures</li> <li>• Perpetrator's threats</li> <li>• Marital rape complaints are often converted into assault and battery complaints</li> </ul>	<ul style="list-style-type: none"> <li>• When a judgment is rendered in the case</li> <li>• Withdrawal of criminal complaint and file for divorce instead</li> <li>• Women's inability to continue paying costs related to the court case, including the fees and travel expenses of the process server</li> <li>• Heavy burden of serving notice to appear in court to perpetrator in civil cases placed on women</li> </ul>

### Illustrative Quotes

One urban woman reported that, "After I helped him, he started beating me and forcing me into abnormal sexual practices, and when I refused he threw me out of the house, left me penniless, and filed for divorce. That's when I went to the hospital and the court to file a complaint against him and claim my rights."



### Questions for Future Inquiry

- To what extent do procedures and practices take into account all of the obstacles and threats that prevent women from approaching public authorities and reporting intimate partner violence?
- How do policies and practices interpret and make allowances for the time lag between the violence and the reporting of it?



## Sector Specific Response: Public Health Services

**Reminder:** 22% of interviewees and 28% of online respondents sought assistance from the health services at some point, 27% of interviewees and 8% of online respondents went to the health services first. 21% of interviewees and 6.8% of online respondents went no further in the process.



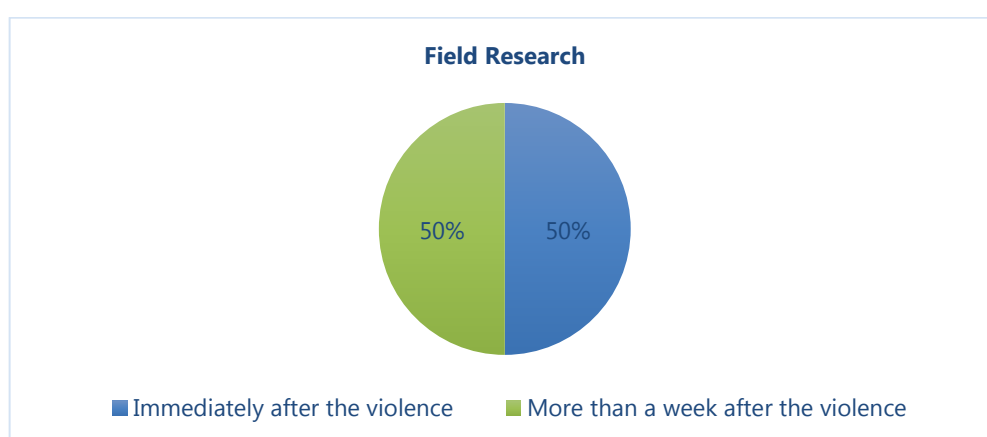
### Observations

- Field research demonstrates discrepancies and differences among public hospitals in terms of resources available, and services, examinations and treatment provided. For example, some public hospitals have specially designated spaces reserved just for women victims of violence, while others do not.
- Field research indicates that the availability and quality of services provided to victims of IPV depends on the personality of the individual social workers and other personnel.

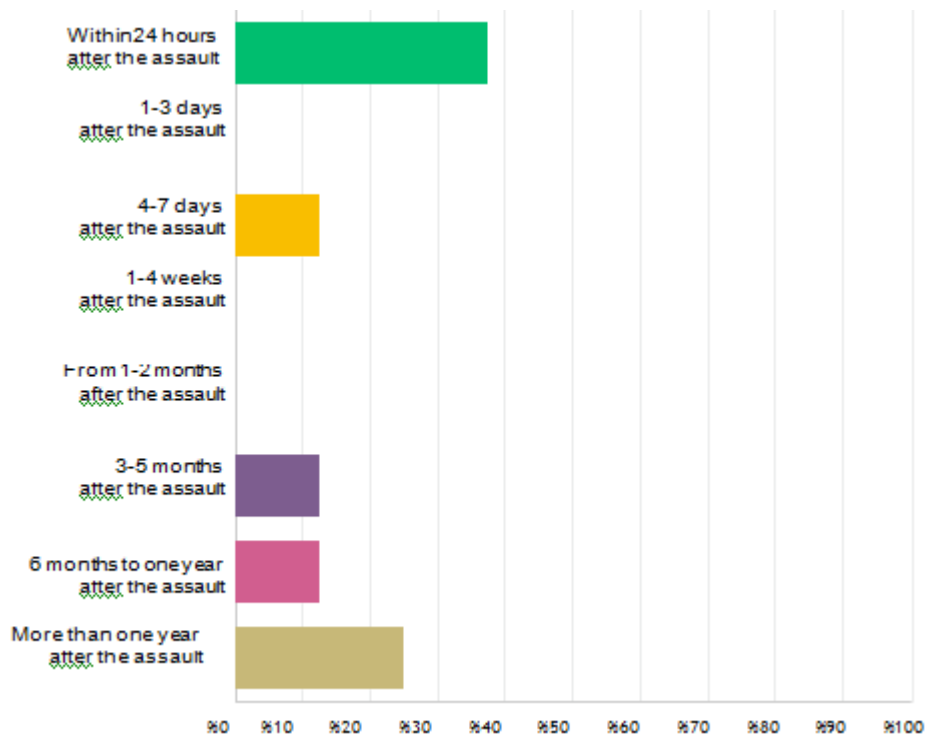
### *When and how do women seek assistance from the public health services?*

When women reach out to public health services varies across different circumstances.

- 50% of the interviewees and 37% of online respondents went to the health services immediately after the violence. This was most frequently in cases when there were severe injuries requiring treatment.
- Results from both the field research and the online survey indicate a frequent time lag between the violence and the visit to health services, among half of the online respondents several months or even more than a year afterwards.



### Online Survey Results



How long in total the first visit lasted also depended on the circumstance in each case; neither the field research nor the online survey suggested a prevalent trend. First visits lasted anywhere from one hour to an entire day depending on the woman's needs.

The number of times women went to public health services also varied according to the circumstances. However, 79% of the online respondents reported only going to the public health services once, which is in stark contrast to the frequent, repeated and long-term nature of IPV described earlier.

***How do women describe their experiences at the public health services?***

<b>Do women go alone or are they accompanied?</b>	<ul style="list-style-type: none"><li>• 67% of interviewees and 100% of online respondents reported going to the health services accompanied by someone, either a trusted family member (often the mother), friend, and/or NGO member for support.</li><li>• Law enforcement officers frequently accompany the woman to the hospital when the victim is a minor, or when the hospital visit is upon prosecutorial instructions related to sexual violence.</li><li>• One of the online respondents and one of the interviewees was accompanied to health services by the perpetrator.</li><li>• Women who went unaccompanied described how, before talking with their entourage about the violence, they wanted to obtain proof first. Others reported hoped to avoid the public finding out that she had been subjected to violence and stigmatizing her.</li></ul>
<b>Was there a time when the woman felt insulted or pressured to withdraw her case?</b>	<ul style="list-style-type: none"><li>• 12% of interviewees and 60% of online respondents described feeling insulted or pressured during the visit to public health services.</li><li>• One online respondent reported receiving threats from her husband, and another reported that the health services gave her medical file to the aggressor-husband.</li><li>• Several interviewees reported withdrawing their complaints at this phase because of perpetrator intimidation.</li><li>• When women decide to file a criminal complaint for sexual violence specifically, the Prosecutor orders law enforcement officers to accompany her to the hospital with prosecutorial instructions for the health services. Many women reported that having to go to the hospital in a law enforcement vehicle or publically accompanied by officers was a source of stress and pressure for them.</li><li>• Some unmarried women reported being blamed for the violence,</li></ul>

	<p>insulted and humiliated by health care personnel.</p> <ul style="list-style-type: none"> <li>Some married women reported pressure from her family and/or the health systems personnel to not pursue any justice system remedies and to return home to “save her family and don’t make a scandal about your husband.”</li> </ul>
<b>Did anyone inform the woman about the risk that she could be prosecuted for illicit sexual relations outside of marriage?</b>	<ul style="list-style-type: none"> <li>37% of interviewees reported being told that they could be prosecuted for sexual relations outside of marriage.</li> <li>Some interviewees were told this by the doctor, possibly in an attempt to avoid having to provide a medico-legal certificate.</li> <li>Sometimes social workers tend to inform adult women of this risk as matter of counseling to avoid acknowledging a prior relationship with the perpetrator.</li> </ul>
<b>Did the woman have to pay anything at the public health services?</b>	<ul style="list-style-type: none"> <li>29% of online respondents and 52% of interviewees reported paying for something at the public health services.</li> <li>Women victims of violence who went through the social worker at the VAW Unit in the hospital reported receiving the medico-legal certificate for free, as well as free public health services, <i>to the extent that these services are available, which is not systematically the case.</i></li> <li>Women who did not go through the VAW Unit reported paying for the medico-legal certificate, x-rays, laboratory tests, and medicines.</li> <li>A few interviewees also reported paying for health services because they could not benefit from the Ramed health coverage, in instances including when the Ramed card is in the name of the abusive husband.</li> <li>Several NGOs reported that women had to go to private health services for x-rays and analyses not available at the public hospital.</li> <li>Some women reported making unofficial in-kind or monetary payments for public health services.</li> </ul>

***What kinds of services and information did women receive?***

<p><b>Who are the personnel that women received assistance from?</b></p>	<ul style="list-style-type: none"> <li>• First by the social worker at the VAW Unit, except in cases requiring the woman to go directly to the emergency room doctors. One NGO reported that the presence of the social worker made it easier for women to obtain medico-legal certificates and other health services.</li> <li>• Women are usually seen by the designated VAW Unit general practitioner, except in cases requiring the emergency room doctor or a specialized OB-GYN in cases of sexual violence (the last one requiring specific instructions from the Public Prosecutor).</li> <li>• In hospitals where there is no OB-GYN, women may be directed to a second hospital, sometimes in another town, to be able to obtain a medico-legal certificate specific to sexual assault; as a result some women change their minds and give up.</li> <li>• In cases requiring psychological support, a doctor specializing in mental health, <i>if available (not systematically the case)</i>.</li> <li>• Women reported not having the choice of requesting female medical personnel, but being examined and treated by whoever happened to be scheduled for duty at the time.</li> <li>• When they exist, spaces reserved for the VAW units at public health services are often quite small and do not afford privacy for women victims of violence. They also suffer from a lack of equipment.</li> <li>• Public health services also suffer from insufficient specialized human resources, lacking in doctors and enough social workers for 24/7 coverage.</li> </ul>
<p><b>Which examinations were conducted?</b></p>	<p>According to the circumstances and available resources:</p> <ul style="list-style-type: none"> <li>• A general medical exam to detect signs of physical violence</li> <li>• X-rays, although one site reported that x-rays are only available at private health services</li> </ul>

	<ul style="list-style-type: none"> <li>• In cases of sexual violence, an OB-GYN exam to detect rape and/or virginity, pregnancy tests</li> <li>• Blood tests</li> <li>• To the extent available, an optional exam by a psychologist at the request of the victim or if the Unit determines it is necessary to build a criminal case.</li> </ul>
<b>What treatment did women receive?</b>	<ul style="list-style-type: none"> <li>• Treatment received varied according to the availability of services and the nature of the women's injuries and needs, but could include sutures, treatment for fracture, tranquilizers, STD treatment, pregnancy related care, and/or psychological services.</li> </ul>
<b>Were women informed of and consented to the exams and treatment they were given?</b>	<ul style="list-style-type: none"> <li>• Respondents to the online survey stated that they were informed of (86%) and consented to (86%) the exams and treatment given at the public hospital. Interviews with women suggest a similar trend, with only a few cases where women reported not being informed of or consenting to the exams and treatment received.</li> </ul>
<b>What types of information were women given about their rights and available services?</b>	<ul style="list-style-type: none"> <li>• 75% of respondents to the online survey reported that they did not receive any information about the rights and services available to them.</li> <li>• Field research suggests that information is not systematically provided to all women, and is dependent on if the hospital unit social worker is available, on their personality, and the victim's state and condition.</li> <li>• One NGO reported that at one hospital women receive brochures about their rights, information on Law 103-13 on violence against women, and information on the free support and services at the VAW Unit.</li> </ul>

***What types of questions do public health services ask?***

<b>What types of questions do public health services ask women victims of IPV?</b>	<ul style="list-style-type: none"><li>• Questions about the victim: personal demographic information, family situation, residence, educational level, if has a disability, symptoms and health status, causes of injuries</li><li>• Questions about the aggressor: identity, relationship with the victim</li><li>• Circumstances of the violence: place and time, if it was the first incident or repeated, if any weapons or physical violence were used, causes of the violence</li><li>• One online respondent reported being asked “if I was afraid, if I was traumatized, and then the details of the aggression.” Another reported being asked how many times a day she was subjected to violence.</li></ul>
<b>What types of questions do public health services ask other people, such as the aggressor, witnesses, etc.?</b>	<ul style="list-style-type: none"><li>• Public health services generally do not interview anyone else.</li></ul>
<b>What types of evidence did they collect and how?</b>	<ul style="list-style-type: none"><li>• The medico-legal certificate and/or report describing physical injuries.</li></ul>

### ***What kinds of documentation did women obtain and how?***

- 80% of respondents to the online survey and 56% of interviewees reported obtaining some form of documentation from the public health authorities, primarily the medico-legal certificate, a medical report, and/or a certificate confirming her pregnancy. While varying by region, for those women that did receive documentation, it was usually issued within 30 minutes to half a day, if the designated doctor was available.
- Medico-legal certificates attesting to sexual violence were only issued by the health services upon instructions from the Public Prosecution Office via law enforcement, not merely upon the women's request. Medico-legal certificates issued without the Public Prosecution instructions only attest to (non-sexual) physical injuries.

<b>What is the procedure for obtaining medico-legal documentation?</b>	<ul style="list-style-type: none"><li>• If the woman goes through the VAW Unit at the hospital, the medico-legal documentation is free.<sup>39</sup></li><li>• In cases of non-sexual violence, the health services provide the medico-legal documentation upon the request of the woman, without having to file a criminal complaint or notify the authorities.</li><li>• However in cases of sexual violence, the Public Prosecutor must issue orientations and instructions to the public health services, delivered via the law enforcement officers who accompany the woman to the hospital. This is dependent on the filing of a criminal complaint.</li><li>• Some women described obtaining the medico-legal documentation after intervention by a local women's NGO with the public health services.</li></ul>
<b>What types of medico-legal documentation may be provided?</b>	<p>Depending on the type of violence, victim's condition and the availability of services, this may include:</p> <ul style="list-style-type: none"><li>• Medico-legal certificate attesting to type and extent of physical injury</li><li>• A certificate from a mental health doctor attesting to psychological harm</li><li>• In cases of sexual violence, a detailed report upon instructions of the Public Prosecutor.</li></ul>

<sup>39</sup> Ministry of Health Circular No. 162 of December 17, 2010 relating to free medical certificates for abused women and children.



<p><b>What types of information does the medico-legal documentation include?</b></p>	<p>Field research indicates that there is no national standard form for the medico-legal documentation, but rather there are several different models used that vary across regions. Information in the medico-legal documentation may include:</p> <ul style="list-style-type: none"> <li>• Personal and demographic information on the woman</li> <li>• Administrative information</li> <li>• Description of state of health, symptoms and injuries</li> <li>• Clinical diagnosis</li> <li>• Type and extent of physical injury, incapacity period</li> <li>• Psychological state of victim</li> <li>• Information on any pregnancy</li> <li>• Determination of loss of virginity or not</li> <li>• Conclusion if there was rape or sexual assault or not</li> </ul>
<p><b>What about the women who did not receive the medico-legal documentation?</b></p>	<p>Among the 44% of women interviewees and 20% of online respondents who did not receive the medico-legal documentation from the public health services, reasons cited included:</p> <ul style="list-style-type: none"> <li>• Absence of the designated VAW unit doctor on weekends, holidays and Fridays;</li> <li>• Women victims of sexual violence who did not want to file a criminal complaint;</li> <li>• Women who lived far from the designated VAW Unit hospital, who had to travel back and forth more than once, and/or did not have the necessary financial resources to cover transportation costs reported abandoning efforts to obtain the medico-legal documentation.</li> </ul>

### Illustrative Quotes

"I was well-treated, well-cared for, but no one asked me any questions about what really happened."

When one woman tried to end a three-year relationship with a drug addict who regularly stole money from her, he beat and raped her, and subjected her to additional rape by his friends through threat and physical beatings. When she went to the public health services – out of fear of pregnancy resulting from the rapes – a security guard tried to prevent her from entering because "he knew her and knew that she lived with someone outside of marriage."

One young widow working in agricultural fields was repeatedly raped by her employer. When she became pregnant, he physically abused her, including biting and cutting her ear. When she went to the public health services for treatment, they asked about the causes of her injuries. She was too afraid to report the violence to them, and when the doctor told her that they had to notify the police, she fled for fear of being prosecuted herself for sexual relations outside of marriage."

A 60-year old urban woman described how "After 40 years of marriage I found my husband with another woman in the car, and when I spoke with him he hit me with a stick and threw me on the ground while she was watching. Then he left me and went with her. Without the help of people who took me to the hospital I would have died. They provided me with first aid and gave me a medical certificate, with 20 days incapacity, although I needed more days."

"Women are given medical certificates with a period of incapacity that may not be commensurate with the scale of violence they have been subjected to, due to the lack of thorough and internal examinations of women, and the fact that the examinations are limited to the external traces of violence. For example, one woman was beaten on her head, and she suffered intermittent coma and temporary loss of memory. The medical certificate gave an incapacity period of just 13 days."

One woman in a large city described how, "He beat me and I fled the house in my pajamas to run to the hospital emergency room. At first I did not find a doctor, and I waited for hours in the bitter cold. When he arrived and asked me who had beaten me, I told him that it was my husband. Then I was surprised when a nurse told me that I had to pay 120 dirhams for a medical certificate. I was shocked, because I did not have money and I had no clothes to protect me from the eyes of people and the cold, I had a screaming fit in the hospital, and I said to them: "I left my house, and didn't bring my purse, and you tell me I have to pay ! "



### Questions for Future Inquiry

- To what extent is the accompaniment of the victim by a family member or other to the public health services of a supportive or of a controlling nature?
- What specific steps and measures are public health personnel taking to guarantee women's informed consent to examinations and treatment?
- To what extent is psychological violence taken into consideration by health personnel when writing up the medico-legal certificate determining the period of incapacity?
- What is the average length of incapacity noted in the medico-legal certificates? More than 20 days or less than 20 days?
- To what extent is the Ministerial Circular related to the free medical certificates for woman victims of violence applied in reality?
- What criteria are being used by public health services to determine the length of incapacity for the medico-legal certificate? How is this established – a policy? Training? Individual discretion?
- More in-depth research should focus on and detail the specific content of:
  - the questions women victims of intimate partner violence are asked by public health services personnel
  - the exact composition and elements of the medico-forensic examination
  - the evidence collected by public health services
  - the medico-legal documentation.

## Sector Specific Response: Law Enforcement<sup>40</sup>

Reminder: 77% of interviewees and 89% of online respondents never sought assistance from law enforcement. 22% of interviewees and 3.4% of online respondents went no further in the process.



### Observations:

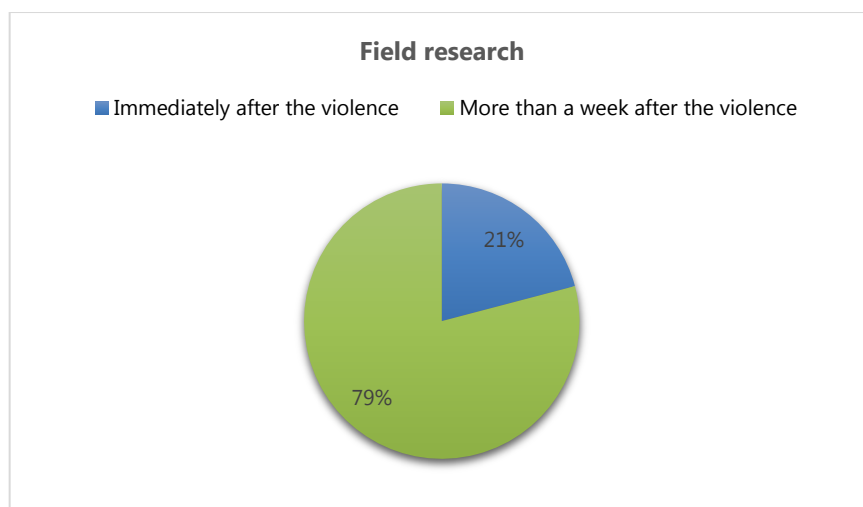
- Findings appear to suggest that when women report the violence directly to law enforcement, the file risks remaining there for awhile before being transferred to the Public Prosecutor. Some reports suggest that the transfer of the file to the public prosecutor's office is faster from the police than from the gendarmes, the former within a week and the latter reportedly taking 10 days to one month; however further research is required to confirm this and identify possible reasons.
- Some women reported going directly to the Public Prosecution for them to issue instructions to law enforcement to conduct an investigation in order to accelerate the process.
- A good number of married victims of IPV reported that, instead of registering their complaints, law enforcement directed them to the family courts for divorce, citing the difficulty of proving the violence – or in the case of marital rape, its non-criminalization - and winning the case.
- Unmarried women, on the other hand, are discouraged from reporting any form of intimate partner violence to law enforcement because of the risk that they themselves will be prosecuted for illicit sexual relations.
- In cases where unmarried women do report any form of IPV (physical, technology-facilitated, etc.), investigations tend to focus on determining the nature of the relationship between the perpetrator and the victim, rather than on the former's violent behaviors and actions.
- Findings indicate improvements in the reception of women victims of violence at law enforcement with the presence of the social workers, who coordinate with the Prosecution and public health services, and facilitate women's access to local NGO services.
- It is not clear to what extent investigations actively and systematically attempt to corroborate the victim's statement by going to the crime scene, talking to witnesses, or gathering circumstantial evidence.
- Many interviewees described the difficulties they had obtaining information from law enforcement on the outcome of their complaints.

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<sup>40</sup> Law enforcement refers to the police and the gendarmes combined.

### ***When and how do women seek assistance from law enforcement?***

- A good number of women reported turning to law enforcement only once the violence has escalated or threatens to escalate.
- Findings suggest that violence frequently escalates once women take legal civil action against their abuser, including filing for divorce or financial support.
- How long in total the first visit lasted likewise depended on the circumstances in each case; although no clear trends were detected, first visits lasted from 30 minutes to two hours.
- The number of times women went to law enforcement also varied according to the circumstances, nature of violence and harm caused, ranging from one to six times. Among women who reported going to the law enforcement stations numerous times, it was often on their own initiative to follow up on and check the status of their complaint.



***How do women describe their experiences with law enforcement agencies?***

<b>Do women go alone or are they accompanied?</b>	<ul style="list-style-type: none"><li>• 75% of online respondents and more than half of women interviewed reported going to law enforcement accompanied by someone, usually a family member and/or a member of a local women's association. The women who went alone explained that they did not want anyone to know about the violence.</li></ul>
<b>Was there a time when the woman felt insulted or pressured to withdraw her case?</b>	<ul style="list-style-type: none"><li>• 14% of the women interviewed reported feeling pressured to withdraw their case at the law enforcement stage.</li><li>• Certain married women reported that law enforcement asked her to waive the case against her husband and return to the marital home "in the interests of the children and for family stability." One married woman reported that she was told by the law enforcement that she must "be patient with your husband."</li><li>• Some unmarried women described being given the choice of renouncing their complaint or being prosecuted for illicit sexual relations.</li><li>• Women who were taken by law enforcement back to the marital home or to the health services felt extremely uncomfortable being taken in the same service vehicles used to transport criminals.</li></ul>
<b>Were women afraid of the perpetrator at this stage?</b>	<ul style="list-style-type: none"><li>• 93% of interviewees and 67% of online respondents reported being afraid of the aggressor at this phase. Most married women cited the perpetrator's threats to throw her and her children out of the family home, rendering them homeless.</li><li>• One online respondent who informed law enforcement about her fears of the perpetrator reported that law enforcement told her, "It's up to the prosecutor to decide about your safety."</li><li>• A minority of women interviewed told law enforcement about their fear of the perpetrator. Generally the woman was told that they "will intervene if anything happens."</li></ul>

<p><b>Did anyone inform the woman about the risk that she could be prosecuted for illicit sexual relations outside of marriage?</b></p>	<ul style="list-style-type: none"> <li>• 21% of women interviewed and half of the online respondents reported being told by law enforcement that they could be prosecuted for sexual relations outside of marriage when they did not have any paperwork proving marriage to the violent perpetrator.</li> </ul>
<p><b>Did the woman have to pay anything at the law enforcement agencies?</b></p>	<ul style="list-style-type: none"> <li>• No official expenses directly for law enforcement were reported.</li> <li>• However, 36% of women interviewed reported significant transportation costs to law enforcement to follow up on their case, costs that can be prohibitive for people with limited means.</li> </ul>

***What kinds of services and information did women receive?***

<b>Who are the law enforcement personnel that women received assistance from?</b>	<ul style="list-style-type: none"><li>• Many of the fieldwork participants were unable to say who specifically (position, role, or title) at the police station or gendarmerie they were received and interviewed by.</li><li>• Women reported not having the choice of female law enforcement personnel, but being received and interviewed by whoever was available and on duty at the time.</li><li>• Field research indicates that at police stations with a VAW unit, women were received by trained and designated staff –a police officer and a social worker. A good number reported these police stations having a special office to interview the women. In police stations without a VAW unit, there is no designated space or specially trained personnel; women reported feeling uncomfortable being interviewed among the general population of arrested persons at these stations.</li><li>• Similarly, women reported that at smaller gendarmeries there was not necessarily a specific service, designated and trained personnel, or space reserved for women victims of violence.</li></ul>
<b>What types of information were women given about their rights and available services?</b>	<ul style="list-style-type: none"><li>• 67% of online respondents and 66% of interviewees reported that they did not receive any information or documents about the rights and services available to them,</li><li>• Those that did receive information, this included to the file number and the date the file was sent to the Public Prosecutor, their right to prosecute the perpetrator, the risk that they could be prosecuted for sexual relations outside of marriage, and the VAW unit telephone number.</li><li>• Women reported instances of taking information on her file to the Public Prosecutor, only to be told that the information she was given was incomplete. This required returning to the law enforcement station to obtain the necessary complete file reference.</li></ul>



***What types of questions did law enforcement ask?***

<p><b>Who was interviewed by law enforcement?</b></p>	<ul style="list-style-type: none"> <li>• Who law enforcement interviews about the violence depends on whether or not the Public Prosecution orders an investigation.</li> <li>• Findings indicate that interviews are primarily conducted with the victim, and less frequently the perpetrator. Additional possible interviewees may include the legal guardian for a minor victim.</li> </ul>
<p><b>What types of questions does law enforcement ask women victims of IPV?</b></p>	<ul style="list-style-type: none"> <li>• Personal and demographic questions about the victim</li> <li>• Questions about the perpetrator's identity, address</li> <li>• Place, time and nature of the incident</li> <li>• "Why does he treat you this way?"</li> <li>• Her relationship with the perpetrator</li> <li>• If there are witnesses</li> <li>• If she has any evidence to support the case, i.e. recordings or photos</li> </ul> <p>Some women reported being asked accusatory and insulting questions such as:</p> <ul style="list-style-type: none"> <li>• "Why is there a delay between the violence and the complaint?"</li> <li>• "Why would you want to file a complaint against your husband?"</li> <li>• "What were you doing alone with him in that place/at that time?"</li> </ul>
<p><b>What types of questions does law enforcement ask other people, such as the aggressor, witnesses, etc.?</b></p>	<ul style="list-style-type: none"> <li>• The majority of women indicated that they were the only ones interviewed by law enforcement.</li> <li>• In cases where the aggressor and/or others were interviewed, questions tended to focus on personal demographic information, "the facts of the assault" and the nature of the relationship between the victim and the perpetrator.</li> </ul>
<p><b>What types of evidence did they collect and how?</b></p>	<ul style="list-style-type: none"> <li>• Findings suggest that a good number of investigations are limited to the statements of the victim and the perpetrator, plus the medico-legal certificate(s) and report(s).</li> </ul>

- Evidence and proof tends to be heavily based on visible physical injuries, and tangible evidence such as photos, text or voice messages or recordings.
- Interviewees with women appear to suggest that any tangible proof such as photos, recordings or messages were provided at the initiative of the women themselves, rather than through law enforcement systematically and aggressively searching for it.

### Illustrative Quotes

"I got divorced from him to live in peace, but he did not want to stay away from me. He would follow me, humiliate me and beat me in my house and even in the street, and when I filed a complaint against him, they did not do anything because I could not find someone to testify in my favor."

"My husband kicked me out of the house with my children, and when I filed a complaint for financial support, he beat me and threatened me, so I went to the gendarmerie and filed a complaint so that they would return me back home."

One woman's live-in boyfriend would often beat her and steal her wages from her work in a factory. She tried to end the relationship and asked him to leave the home she lived in and had inherited from her father. He refused. One night he invited his friends to come over and one of them raped her. She went to the police to file a complaint. The police told her that they could intervene to expel him from the house, but that she could also be charged with sexual relations outside of marriage.

One woman victim of IPV went to the Public Prosecutor's office to file a complaint. They said that they could launch an investigation against the abuser, but that she would also be prosecuted for illicit sexual relations, so she "should think before making a complaint."



### Questions for Further Inquiry

- To what extent is law enforcement enquiring about or investigating the reasons why women withdraw their complaints?
- What accountability measures are in place for law enforcement officers who encourage women to reconcile with the perpetrator or seek civil remedies, instead of taking down the criminal complaint?
- Under what circumstances can and will perpetrators of intimate partner violence be arrested?
- What differences, if any, exist between the police and the gendarme response to IPV?
- What measures exist to keep women informed of the follow-up made on her complaint and progress on the investigation?
- Who is gathering proof for criminal court cases? To what extent are law enforcement actively seeking evidence and to what extent are women being held responsible for bringing it themselves?

## Sector Specific Response: Prosecutor's Office

Reminder: 22 % of interviewees and 25% of online respondents sought assistance from the Prosecution at some point. 26% of interviewees and 6.8% of online respondents went no further in the process.



### Observations

- Almost no women interviewed or participants in the online survey reported benefitting from the protective measures available in the Penal Code and Code of Penal Procedure, even in cases where they did inform the Prosecution of threats made by the perpetrator. In a couple of instances, the Prosecutor ordered law enforcement to provide women with an emergency phone number to call and/or to obtain a pledge from the perpetrator to not repeat the violence.
- Certain Prosecutors described how current laws, and notably Law 103-13, do not allow them to provide adequate and sufficient protection to women victims of violence. Obstacles include the fact that (a) protective measures are criminal and not civil in nature, requiring a criminal complaint, and (b) are issued only upon prosecution or conviction of the perpetrator, which is much too late in the process.
- Findings suggest that in cases where the medico-legal certificate provides for less than 21 days incapacity, in cases where the victim withdraws the complaint or refuses to cooperate, the file is closed and the prosecution dropped. In cases where the medico-legal certificate is for 21 days or more, the Prosecutor proceeds with the case even when the victim withdraws the complaint.
- Some interviewees described how the Public Prosecutor provided advice, orientation and accompaniment to them on items to prepare and bring for their complaint in order to justify an investigation. Others reported that no investigation was conducted on their complaint, and that their case was closed with no further action after a mere interview with the victim.

### ***When and how do women seek assistance from the prosecutor's office?***

When women seek assistance from the Public Prosecution varies according to the circumstances, and the triggers and drivers of the reporting. 44% of online respondents only went to the Prosecutor more than six months after the violence.

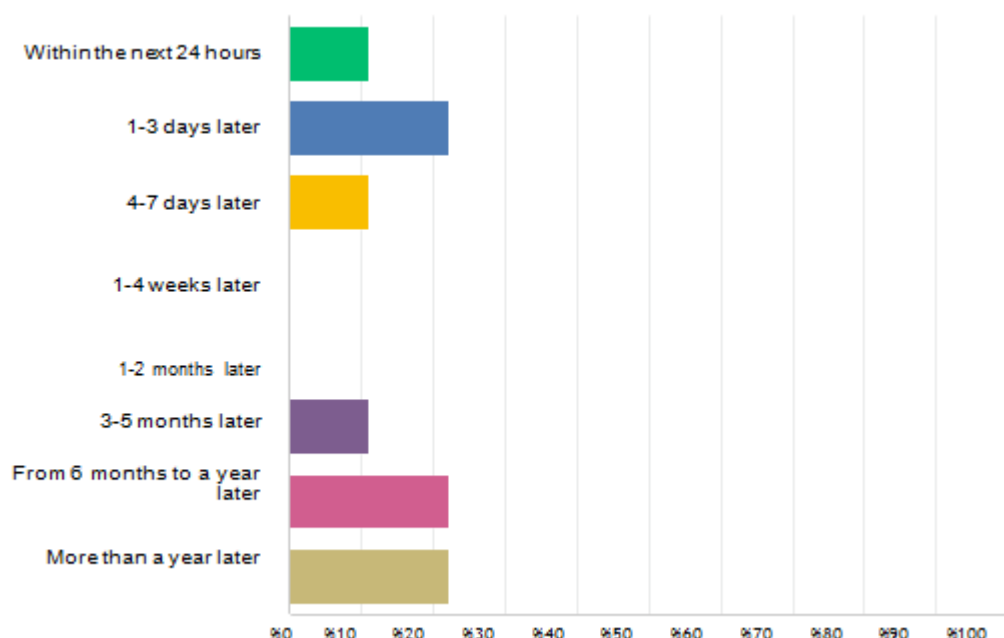
A good number of women seek assistance from the Prosecutor under the Family Code provisions related to expulsion from the marital home. In cases where women are thrown out of the home or deprived of her children, they often go to the Prosecutor to obtain an order for law enforcement to accompany her back to the home, either to get her children (less than ten years of age) or to return home. Women who return home to a violent husband in these circumstances are often left without adequate protection measures.

On the other hand, findings suggest a lack of clarity on procedures to follow when women thus evicted wish only to recover their personal property, not return to the family home. Some Prosecutors appear to treat this as an emergency situation as above and issue instructions to law enforcement to accompany women to the home to recover her belongings; other reportedly refuse to issue such orders without a court ruling on the division of property between the spouses.

Some women reported preferring to report the violence directly to the Prosecutor, who then issues instructions for an investigation. Findings suggest that woman and NGOs alike perceive that this ensures that the complaint is taken seriously by law enforcement.

Interviews did not detect any prevalent trends in the length or number of visits to the Prosecution. 75% of online respondents reported a first visit to the prosecutor's office lasting between 16 minutes to one hour. 40% of women only went once to the Prosecutor's office, 30% two-four times, 10% four – six times, and 20% more than ten times.

### Online Survey



***How do women describe their experiences at the prosecutor's office?***

<b>Do women go alone or are they accompanied?</b>	<ul style="list-style-type: none"> <li>• 56% of women interviewed and 70% of online respondents reported going to the prosecutor's office accompanied by someone, usually an NGO member and/or a lawyer as well as a trusted family member. A couple of women reported being escorted by law enforcement in sexual assault cases.</li> </ul>
<b>Was there a time when the woman felt insulted or pressured to withdraw her case?</b>	<ul style="list-style-type: none"> <li>• 25% of online respondents and 14% of women interviewees reported feeling insulted or pressured to withdraw their case at this phase.</li> <li>• Some unmarried women reported how they felt denigrated for having had an illegal relationship with the perpetrator and threatened with prosecution for illicit sexual relations.</li> <li>• Some married women reported feeling pressured to reconcile with their husbands and return to the conjugal home.</li> </ul>
<b>Were women afraid of the perpetrator at this stage?</b>	<ul style="list-style-type: none"> <li>• 60% of online respondents and 92% of women interviewees reported being afraid of the perpetrator at this stage of the process.</li> <li>• Some women reported withdrawing their complaints after threats from the perpetrator to publish intimate photos of them, or threats of physical violence or even death.</li> <li>• Two online respondents reported that the prosecutor ordered law enforcement to "summon" the perpetrator as a result. Another described how "the Public Prosecutor reprimanded the aggressor when he looked at me insistently and aggressively."</li> <li>• Few women notified the prosecutor's office that they were afraid of the perpetrator. Those that did reported receiving verbal reassurance that authorities would intervene in case of a problem, but that no concrete actions or protective measures were taken.</li> <li>• Women reported insults and threats from the perpetrator when they were both called for interviews at the prosecutor's office.</li> </ul>
<b>Did anyone inform the women about the risk that she could be prosecuted for illicit sexual relations outside of marriage?</b>	<ul style="list-style-type: none"> <li>• 25% of online respondents and 25% of interviewees reported being told that they could be prosecuted for sexual relations outside of marriage.</li> <li>• In some instances women were informed of this possibility in an attempt to protect them from being prosecuted themselves.</li> </ul>

***What kinds of services and information did women receive?***

<b>Who are the personnel that women received assistance from?</b>	<ul style="list-style-type: none"><li>• The majority of online respondents reported speaking with the social worker, with a few mentioning the President of the VAW Unit and others with a prosecutor.</li><li>• There is also a registry office (Bureau d'ordre) for all cases – not just VAW – where complaints are registered and summonses issued.</li><li>• Obstacles reported in the fieldwork to the efficient functioning of the VAW Units include:<ul style="list-style-type: none"><li>- The lack of female social workers in all units means that women don't always have the choice of whom to speak with</li><li>- The prosecutors in charge of these units are predominantly men.</li><li>- Some units do not have their own reserved space, and women reported having to speak about their cases in front of other civil servants not assigned to VAW cases.</li><li>- Failure to activate the roles of social workers in some units.</li><li>- Lack of understanding of procedures by some staff at the units.</li><li>- Lack of training for staff on gender crimes.</li></ul></li><li>• Some NGOs reported that the methods for handling files of IPV cases differ from one prosecutor to another depending on their individual mentalities.</li></ul>
<b>What types of information were women given about their rights and available services?</b>	<ul style="list-style-type: none"><li>• 75% of online respondents said that they did not receive any information about the rights and services available to them. One said that she was informed of her right to “return to the conjugal home without fear,” to keep her child, and to take legal action against the perpetrator.</li><li>• Some interviewees reported that the Prosecutor's office explained the laws and legal procedures, informed them of</li></ul>

	<p>their right to apply for legal aid and to file a civil lawsuit for damages, and directed women to hospitals and other services as needed, such as shelters.</p> <ul style="list-style-type: none"> <li>• Findings from interviews with women suggest that comprehensive information provision is not systematic, and varies across regions and depends on the individual staff member.</li> <li>• At this stage in the process, women can obtain a copy of the entire complaint from law enforcement with the minutes (procès-verbal); several women indicated that their lawyer obtained this for them.</li> <li>• Women who want shelter at an NGO must first obtain a copy of the “procès-verbal d’écoute” – the listening minutes – from the prosecutor’s office.</li> </ul>
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***What types of questions did the prosecutor's office ask?***

<p><b>Who was interviewed by the prosecutor's office?</b></p>	<ul style="list-style-type: none"> <li>• Both the online survey and the fieldwork suggest that interviews are primarily and first conducted with the victim, and then the perpetrator, the latter task often delegated to law enforcement. Additional possible interviewees may include the victim's guardian (if a minor), both parties' relatives, neighbors and potential witnesses.</li> </ul>
<p><b>What types of questions does the prosecutor's office ask women victims of violence?</b></p>	<ul style="list-style-type: none"> <li>• Personal and demographic questions about the victim and the aggressor</li> <li>• Place, time and nature of the incident</li> <li>• If she was in a relationship with the perpetrator, the type and length of the relationship</li> <li>• If there had been previous incidents of violence</li> <li>• If there are witnesses</li> <li>• If she has any evidence to support the case, such as recordings, messages or photos.</li> <li>• Online respondents reported being asked about "the cause of the problems," and "why did it take you so much time to react and file a complaint?" Another reported that questions were only asked about physical abuse, not sexual abuse, something she did not dare to raise herself.</li> </ul>
<p><b>What types of questions does the prosecutor's office ask other people, such as the aggressor, witnesses, etc.?</b></p>	<ul style="list-style-type: none"> <li>• Some women indicated that they were the only ones interviewed by the prosecutor's office, and then the case was closed for insufficient evidence with no further investigation.</li> <li>• In cases where the aggressor and/or others were interviewed, questions tended to focus on personal demographic information and "information about the incident."</li> </ul>
<p><b>What types of evidence did the prosecutor's office collect and how?</b></p>	<p>Findings suggest that evidence gathered and used in IPV cases consists primarily and very often exclusively of:</p> <ul style="list-style-type: none"> <li>• The medico-legal certificate(s) and file(s) from the hospital;</li> <li>• The written minutes (procès-verbal) from law enforcement;</li> <li>• Victim and perpetrator statements.</li> </ul> <p>Sometimes women may be able to provide evidence such as recordings, messages or photos.</p>

### Illustrative Quotes

One 17-year old urban girl explained, “After he hit me and tried to kidnap me, I ran away and went to the association, and after they listened to me, they accompanied me to the VAW Unit. The association helped me and the Public Prosecutor provided me with support.”

One married rural women described how “my husband brought me to the hospital and left me, and instead of coming back to check on me, he went to marry another woman and had a party for her as if nothing had happened. Then he brought her home and kicked me and my children out. They arrested him, but I was afraid that I would remain homeless in the street. So I withdrew my case against him to get him released from prison, because there is no one to provide for me and my children.”



### Questions for Further Inquiry

- To what extent are Prosecutors making use of the protective measures currently available in the Penal Code and Code of Penal Procedure? What are the criteria for granting such protective measures?
- To what extent are Prosecutors authorizing or not the use of recordings, videos and the like to build a case?
- To what extent are Prosecutors investigating the reasons why women withdraw their complaint?
- What accountability measures are in place for prosecutor’s office staff who encourage women to reconcile with the perpetrator or seek civil remedies, instead of actively pursuing a criminal complaint?
- What are the criteria used to decide whether or not an investigation for IPV goes forward?
- To what extent are women subjected to additional violence after returning to the conjugal home under the Family Code procedure? How often do the same women need to re-seek the intervention of the Prosecutor?
- To what extent are perpetrator pledges/commitments to not repeat violence actually respected in reality? What – if any – are the consequences for perpetrators who don’t respect their pledges?

## Sector Specific Response: Courts

Reminder: 33% of interviewees and 80% of online respondents sought assistance from the courts at some point.



### Observations:

- Having constructed the action research around criminal reporting to law enforcement and the prosecutor's office, the research team had not anticipated that a good number of women would answer the questions in this section on courts with information on their civil cases only. This was, however, an important finding in and of itself, the extent to which the majority of women are avoiding the criminal justice system in IPV cases, instead only seeking civil remedies available under the Family Code for divorce, paternity determinations of children born as a result of rape, expulsion from the marital home, and/or financial support for their children.
- The vast majority of divorce cases filed in these instances are for "chicago" - irreconcilable differences – rather than fault-based divorces for harm caused by the violence. Women are in theory entitled to the latter form of divorce, with compensation for harm cause, but this would require a criminal conviction as proof.<sup>41</sup>
- The burden of serving notice to husbands for subpoenas to court hearings and for execution of Family Code decisions falls on women, who bear the costs of fees and travel expenses for the process server. As a result, many women give up pursuing their cases and even renounce any financial awards granted by the court.
- No women interviewed or responding to the online survey reported benefitting from the legal protective measures available in the Penal Code and Code of Penal Procedure during this phase.
- The research did not reveal any convictions for marital rape; in the instances where the perpetrator was the husband he was prosecuted for assault and battery rather than sexual violence.
- 64 % of women interviewed reported incurring a diversity of direct and indirect fees and expenses for court cases related to IPV, costs that they have to cover themselves if they don't qualify for the limited legal aid schemes.

### ***When was the case first scheduled for a hearing?***

When the court case was heard relative to the incident and the number of times women go to the court varies according to the circumstances and the nature of the case – civil, criminal, emergency hearing, etc. A good number of women reported seeking assistance from the courts only years after the incident. 44% of online respondents had their first hearing six months to a year after the violence, while 22% did not have one until more than five years later.

<sup>41</sup> The vast majority of judicial divorces in 2017 were *chicago* (98.8%), with fault-based divorces quite rare: divorces for harm or violation of a clause in the marriage contract comprised only 0.08% of all divorces (Haut-Commissariat au Plan, Annuaire Statistique du Maroc, 2018.)

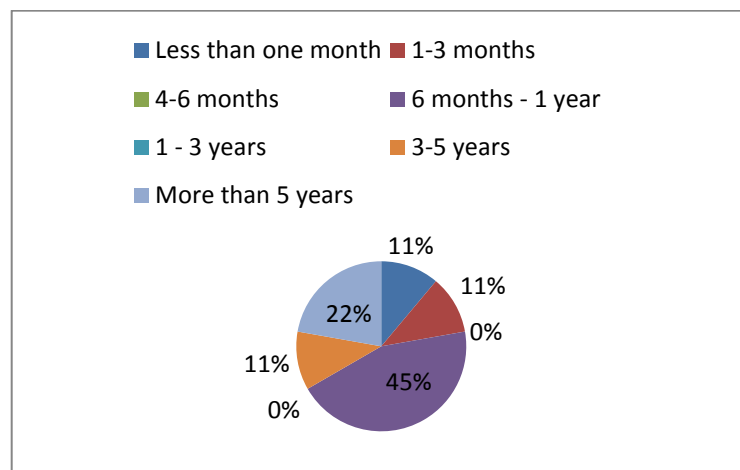
A good number of married women who sought assistance from the courts only did so once the perpetrator threw them out of the marital home or deprived them of their children; in other words the trigger for recourse to the courts was a violent behavior immediately affecting family circumstances.

Reports and estimates of how long criminal court cases lasted varied by region and the circumstances, and can be as short as one month or more than a year. 78% of online respondents reported cases lasting from three months to one year, keeping in mind that the majority of cases reported were civil cases.

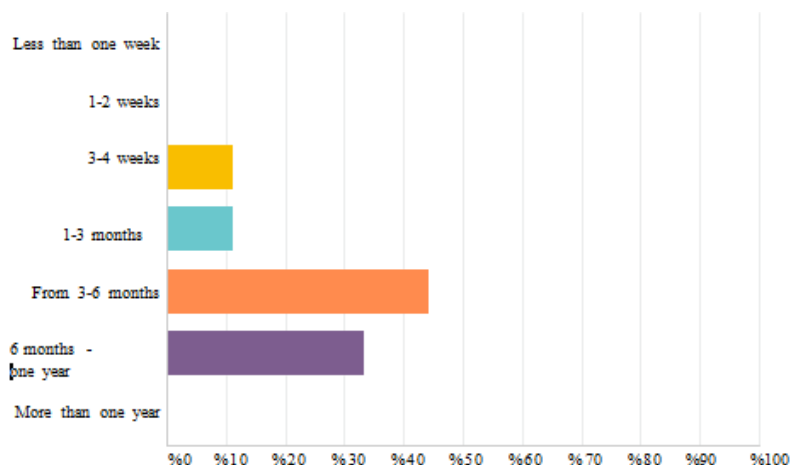
Factors affecting the length of the cases may include:

- Whether it is a civil or criminal case
- Whether it is a misdemeanor or felony case (if criminal)
- Whether the judge orders further investigation or expertise
- Whether people respond to the court subpoenas and appear for hearings or not
- Requests for continuances to gather additional evidence
- If the verdict or decision is appealed.

#### How long after the incident was the first court hearing – online survey



#### Total duration of court process – online survey (criminal and civil combined)



***How do women describe their experiences in the courts?***

<b>Do women go alone or are they accompanied?</b>	<ul style="list-style-type: none"> <li>82% of the women interviewed and 60% of the online respondents went to the courts accompanied by someone, usually a family member, court social worker, NGO member, and / or her own lawyer.</li> </ul>
<b>Was there a time when the woman felt offended or pressured to withdraw her case?</b>	<ul style="list-style-type: none"> <li>8% of women interviewed and 33% of online respondents reported feeling offended or pressured to withdraw their case at the stage of the court proceedings.</li> <li>Women cited reasons including the public nature of the court hearing, having to talk about the details of the violence in front of other people, the lack of privacy, the husband's pressure to retract her statements, charges of illicit sexual relations against her, intimidation from having to wait in the court hallways along with the perpetrator and his family, and accusatory questions about her relationship with the perpetrator if they aren't married.</li> </ul>
<b>Were women afraid of the perpetrator at this stage?</b>	<ul style="list-style-type: none"> <li>43% of women interviewed and 33% of online respondents reported being afraid of the perpetrator at the stage of the court proceedings. One online respondent said that the court staff "did not take my fears seriously."</li> <li>None of the women interviewed reported benefitting from protective measures during this phase.</li> <li>In areas without shelters, women continue to live in the same home as the abusive husband, or nearby to the perpetrator and his family, exposing women sometimes daily to intimidation, pressure and/or reconciliation attempts.</li> </ul>
<b>Did anyone inform the women about the risk that she could be prosecuted for illicit sexual relations outside of marriage?</b>	<ul style="list-style-type: none"> <li>2 % of interviewees reported being informed of this possibility at this stage, one by the Presiding Judge during the hearing.</li> </ul>
<b>Did the women have to pay anything at the courts?</b>	<ul style="list-style-type: none"> <li>Women may apply for legal aid by submitting a copy of the complaint, a statement of non-payment of taxes and a copy of the</li> </ul>

	<p>“Ramed” card. The latter requirement can be quite problematic for women.<sup>42</sup></p> <ul style="list-style-type: none"> <li>• 64% of women interviewed reported paying a diversity of direct and costs and expenses related to their court case. These included and ranged from: <ul style="list-style-type: none"> <li>- Joining a civil lawsuit for damages to a criminal case for assault and battery: 1500 - 4000 dirhams in court fees</li> <li>- Court fees to file for <i>chiqaq</i> divorce: 160 dirhams</li> <li>- Court fees to file for independent marital home : 160 dirhams</li> <li>- Court fees to register children in the civil status booklet: 50 dirhams per child</li> <li>- Court fees to obtain a copy of the marriage contract: 350 dirhams</li> <li>- Court fees for emergency case (such as obtaining permission to transfer the children’s school when women are forced to change their place of residence and flee from violence) estimated at 100 dirhams.</li> <li>- Official fees for the process server to serve notice of a court decision on the husband: 350 dirhams or more, depending on the individual process server</li> <li>- Attorney fees in Family Code cases: 1000 - 3000 dirhams</li> <li>- Attorney fees in Penal Code cases: 2000 - 6000 dirhams</li> </ul> </li> <li>• Women also reported additional related expenses, such as fees to the public scribe to write up a complaint, transportation costs to the court, and housing expenses if the distance to the courts requires overnight stays.</li> </ul>
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<sup>42</sup> The Ramed card is a medical assistance card intended for vulnerable groups who do not benefit from any compulsory health insurance plan, as provided for in article 2 of decree n ° 177-08-2 <https://www.sante.gov.ma/sites/Ar/regulations/DocLib5/2.08.177.pdf>. However, such cards are attributed to a household and are generally in the name of the husband. Single women living alone need to prove that their father is deceased, while divorced women and widows need to bring proof of divorce or the husband’s death in order to get a Ramed card.

***What kinds of services and information did women receive?***

<b>Who are the personnel that women received assistance from?</b>	<ul style="list-style-type: none"><li>• Many of the women interviewed did not know exactly who they spoke with, considering that everyone in the court is a “judge.”</li><li>• Courts do not have judges or hearing rooms designated and specifically reserved only for violence against women cases.</li><li>• Some courts allow NGO members to accompany women into the courts to provide support during the interviews and hearings.</li><li>• VAW unit social workers are generally present in the courts, accompanying and informing women of the procedures and developments in their case. Some courts reportedly do not have social workers, and the VAW tasks are assigned to an employee with other duties as well.</li></ul>
<b>What types of information were women given about their rights and available services?</b>	<ul style="list-style-type: none"><li>• Many women interviewed reported not receiving any information; this is likely due to the fact that lawyers often communicate with their fathers or brothers, rather than with women directly.</li><li>• The publically accessible court services database <a href="http://www.mahakim.ma/">http://www.mahakim.ma/</a> allows anyone to track the status of a case; NGOs reported that this allows them to help women follow-up on their files.</li></ul>

***What types of questions did the courts ask?***

<b>Who was questioned by the court?</b>	<ul style="list-style-type: none"><li>• Online respondents indicated that the court heard testimony from the victim and the perpetrator; in theory the courts can hear witnesses called by either side, as well as and including family members of both parties. As the fieldwork did not reveal any particular trends or details, this has been included in the Questions for Further Inquiry section.</li></ul>
<b>What types of questions were women victims of IPV asked during the court case?</b>	<ul style="list-style-type: none"><li>• Personal and demographic questions about the victim and the aggressor</li><li>• Place, time and nature of the incident</li><li>• If she was in a relationship with the perpetrator, the type and length of the relationship</li></ul>
<b>What types of questions were other people, such as the aggressor, witnesses, etc. asked during the court case?</b>	<ul style="list-style-type: none"><li>• A good number of women reported not knowing the answers to these questions, having not attended all of the hearings.</li><li>• Typically questions focused on the incident, if the perpetrator had any precedents for violence, and the nature of the relationship between him and the victim.</li></ul>
<b>What types of evidence was presented?</b>	<ul style="list-style-type: none"><li>• Procès-verbal from the law enforcement</li><li>• Procès-verbal from the Public Prosecutor</li><li>• Medico-legal certificate and report</li><li>• Any photos, videos, recordings, messages</li><li>• Verbal statements of the victim, perpetrator, any witnesses</li><li>• One online respondent reported that the defense attorney argued that she had filed the complaint out of “revenge.”</li></ul>



### ***What kinds of documentation did women obtain from the courts?***

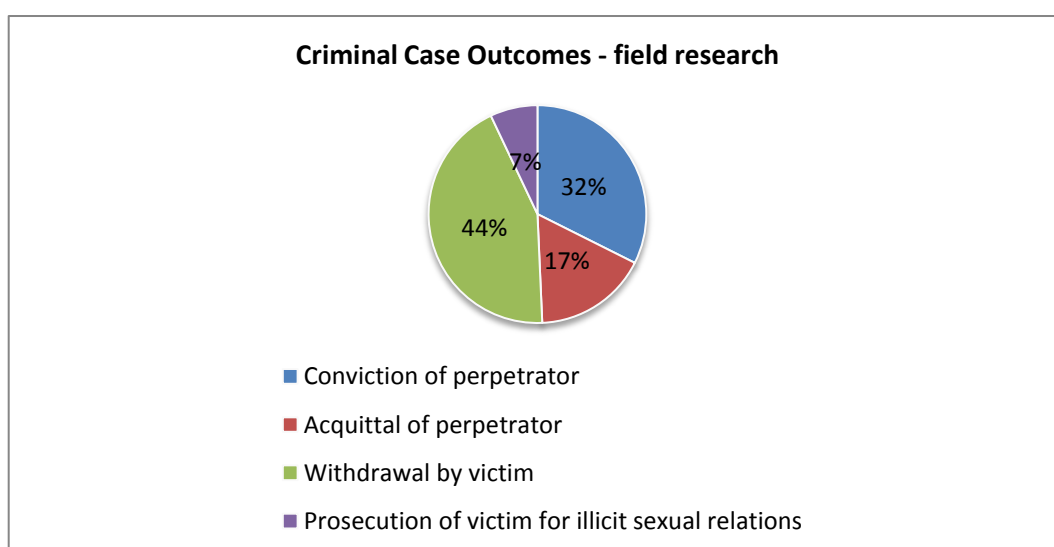
26% of interviewees reported not receiving any documents from the court upon completion of the case, as they did not have a lawyer, were unaware of how to go about requesting the documentation, and/or found the procedures for obtaining documents complex and unclear. Those that did receive documentation reported that their lawyer requested it from the court, and/or an NGO assisted them to obtain the judgments and other related records of the trial or court case. Usually this is either through [www.mahakim.ma](http://www.mahakim.ma) or the court Registry Office, one to two weeks after the decision. Some interviewees reported that they did not receive a copy of the court decision until one year later, as her lawyer refused to give it to her until she had paid his fees in full.

Some interviewees felt intimidated and discouraged by the crowds at the Registry Office responsible for providing copies of decisions and other court records, as priority is given to lawyers and their clerks.

When women do not obtain the necessary documentation from the courts in a timely manner, this can adversely impact any execution measures, appeals, or civil case filings, all of which depend on women obtaining copies of judgments and have fixed deadlines. This is another factor contributing to perpetrator impunity in criminal cases and to women losing out on their rights to civil compensation.

### ***What was the outcome of the case?***

- Both interviews and the online survey revealed some confusion about the terms “conviction,” with women often referring to both a criminal conviction related to IPV and a civil judgment against the perpetrator in divorce, financial support and paternity cases.
- Women eventually withdraw their complaint in a substantial number - 44% - of the criminal cases reviewed.
- The 32% of cases where the perpetrator was convicted often resulted in either minimal or suspended sentences.
- Findings demonstrate significant discrepancies in court decisions in similar IPV cases, with judicial discretion playing a large role in sentencing.
- In a non-negligible number of cases – 7% - the victim was prosecuted for illicit sexual relations.

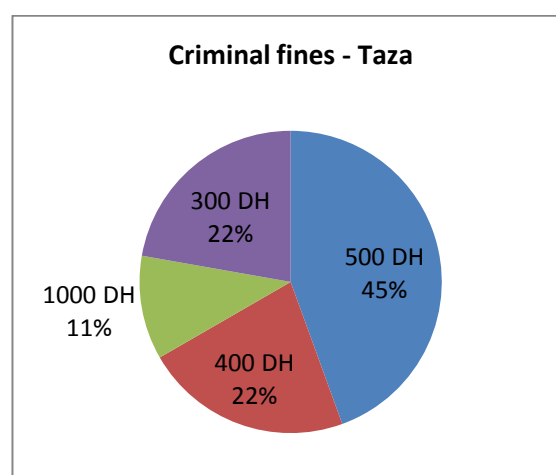
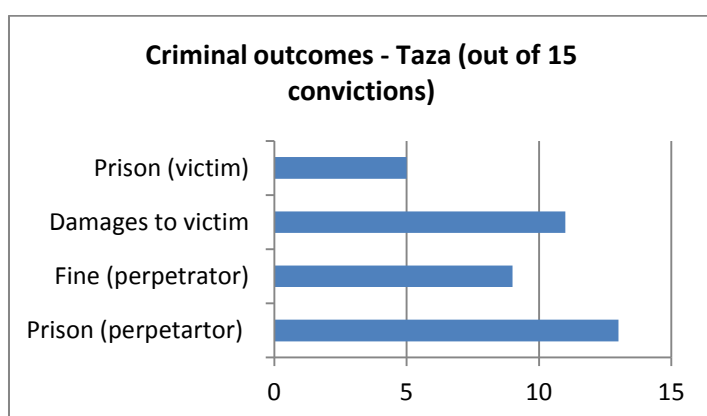
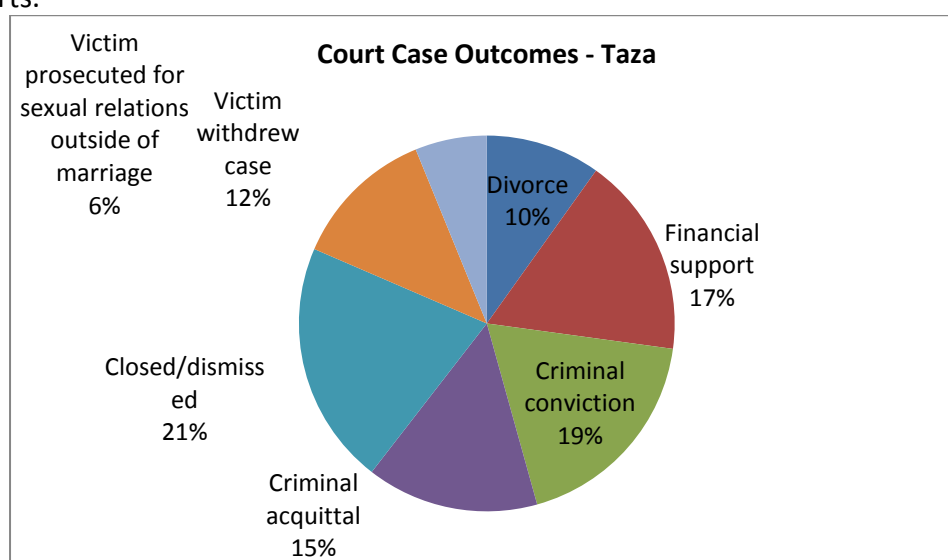


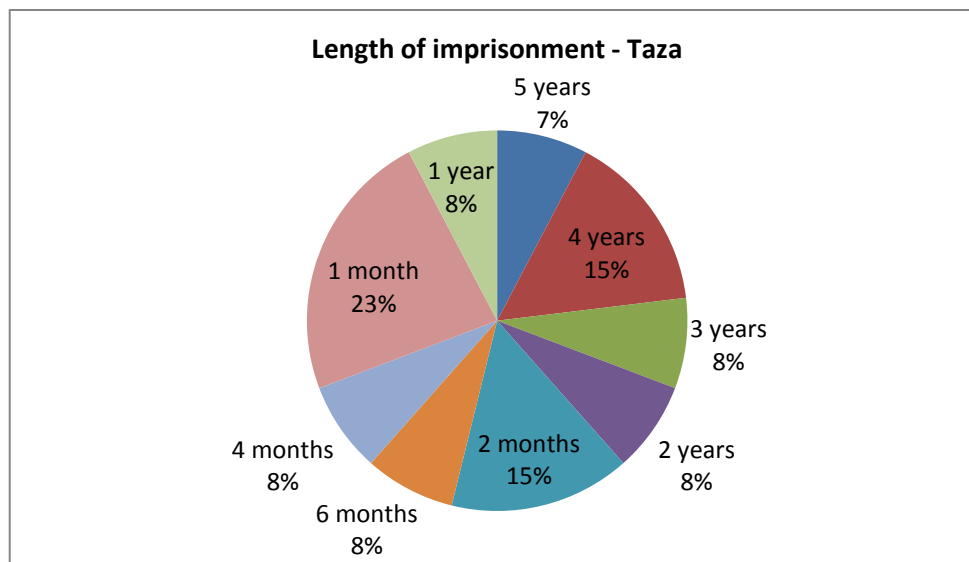
### Online survey:

Since the vast majority of online respondents reported civil – not criminal – cases when completing the courts section of the survey, this section became complicated to analyze and elicit findings specific to outcomes in criminal trials for IPV. One challenge is a lack of understanding of the legal process – a good number of online respondents chose the answer that “the aggressor was found guilty,” although follow-up narrative answers reveal how these are nearly all civil judgments of divorce and financial support.

29 out of 46 respondents to this question reported that the perpetrator was “found guilty;” however 25 were judgments for divorce and/or financial support. In two instances information was unavailable, and in two the woman waived the lawsuit and returned to the conjugal home. Nine cases (of unclear nature) were still pending, in three instances the file was closed, in one instance the perpetrator was “acquitted” and in eight instances the case (of unclear nature) was withdrawn. It must be emphasized that none of the IPV cases in court indicated a criminal conviction.

Details from one of the research sites provide an illustrative snapshot of outcomes in IPV cases in front of courts.





### Illustrative Quotes

“The court asked me what my reaction would have been if the perpetrator had apologized before all of this.”

“The judge pressured me to withdraw my divorce request. He was also violent towards me.”

“The judge did not ask anyone else any questions because he was focused on making me change my decision.”

“I was confronted with him again, and without my lawyers for at least 20 minutes, so I was quite alone.”

One woman reported how her husband did not financially support her, and subjected her to sexual violence. When she discovered he was married to another woman, he beat her and threw her out of the home. The court ordered the husband to pay the balance of her dowry and ordered her to return to the conjugal home, without mentioning the sexual violence in the decision.

“Women who are victims of violence by an intimate partner face obstacles accessing justice, in the absence of witnesses and evidence, especially when the aggressor is the husband.” (an NGO)

One single mother in a rural area described how, “I was sexually abused by a man I was seeing, who had told me he was single and wanted to marry me. He kept exploiting me sexually and when I became pregnant he denied knowing me. When I filed a complaint, he was acquitted but I was convicted of illicit sexual relations and became the talk of the people in the neighborhood.”

“One young woman was married for three years to a violent husband who would beat her. The couple lived with his family, and her in-laws were also verbally abusive and violent with her. When she became pregnant, the intensity of violence increased. She fled to her family’s house. After she gave birth, her father called the husband, but when he refused to come, she decided to separate permanently from her husband. She went to an association, who helped her register her baby in the civil status and then filed for divorce for irreconcilable differences. However, the problem she faced was that her family’s house was located in a city far from the husband’s city. The husband did not attend the court sessions, and every time the case was postponed due to notification problems. She

bore the responsibility of serving notice on the husband and of covering the expenses of the process server. However, the process server did not locate the husband at the address she provided, because he moved to work in another city and his family refused to accept the service of court papers. She repeated the notification process, and the case is still pending in the court after more than eight months.”

A 60-year-old married woman in a rural area described how, “I was patient for my children until they grew up and got married, and the time came to live in peace. I renounced all of my rights and got divorced, although I did not benefit from my (financial) rights after the divorce, which is what my husband wanted. All of that to have peace of the mind.”

A single woman with a disability from a rural area explained how, “He took me to a remote place and raped me and did not take into account my disability. This is what made me report him in order to claim my rights. After many hearings, he was sentenced to three years in prison and compensatory damages of 30,000 MAD, but I was not satisfied with the ruling. The courts did not do justice to me because I wanted the sentence to be more severe, so that it could be a lesson to everyone.”



### Questions for Further Inquiry

- What are the recidivism rates in IPV cases?
- To what extent and under what circumstances are women awarded compensation for damages in IPV cases?
- On what grounds are divorces being granted in cases involving intimate partner violence? Fault-based divorce for harm caused, or irreconcilable differences (*chikkaq*)? What are the reasons for any eventual differences in the rates?
- What are the legal consequences for women who don't want to return to the marital home?
- What types of specific questions are victims asked? are perpetrators asked? are other people such as witnesses asked?
- What are the legal arguments advanced in pleadings by the prosecution? by the defense?
- What types of evidence is used in IPV cases? With what frequency?
- What purpose is the evidence used intended to serve?
- What weight and value is the evidence given?
- To what extent are judges allowing recordings, videos and the like to be used as evidence? On what conditions?
- What are the legal bases and reasoning used by judges when ruling on criminal IPV cases? For dismissals? For convictions? For acquittals? For sentencing?
- How are the legal bases and reasoning determined? Policy? Training? Individual discretion?

*The above questions would require obtaining and analyzing actual copies of court decisions and/or observers sitting in courts and taking notes during the hearings.*

## What kind of coordination between public actors did women report?

When assessing interactions between the different sectors – health services, law enforcement and justice system – a distinction must be made between:

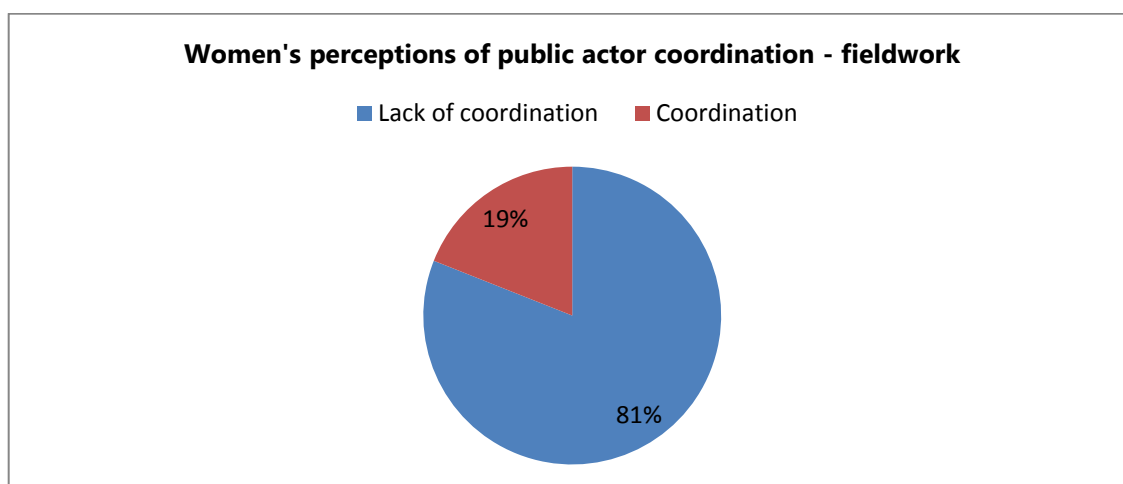
- coordination that is mere procedure, which women experience as complex, slow, and against them;
- collaboration that facilitates women's access to services, often at the personal initiative of social workers in the different VAW units, designed to support the victim.

Likewise, when assessing interactions between the three sectors with local women's associations, a distinction must be made between:

- mere coordination to implement procedures;
- orientation for services such as counseling and shelter;
- delegating responsibility for what are normally State functions over to the NGOs, for example, helping women complete official paperwork.

Responses to the online survey illustrated how women largely perceive that none of the four sectors had facilitated their access to other public services:

- 50% said that the health services did not facilitate their access to another public service;
- 33% said that law enforcement did not;
- 86% said that the prosecutor's office did not;
- 100% said that the court did not.



Field research revealed some general trends as well as examples of good practices, most usually due to the presence of and coordination among the different sector social workers.

Health sector	Law enforcement	Public Prosecution
<ul style="list-style-type: none"> <li>• The hospital social worker telephones the Public Prosecutor directly to obtain the instructions required for the medico-legal examinations in sexual violence cases.</li> <li>• Health services contact law enforcement when single mothers, victims of rape, give birth in order to prevent child abandonment.</li> </ul>	<ul style="list-style-type: none"> <li>• Calls the social worker at the public hospital to facilitate obtaining a medical certificate.</li> <li>• Calls local NGO for shelter for the woman and accompanies them.</li> <li>• Calls NGOs for assistance for women to obtain civil status documents.</li> </ul>	<ul style="list-style-type: none"> <li>• NGOs reported that public prosecution coordinates with local women's NGO's for the latter to help women find shelter.</li> </ul>

### How satisfied were the women with the public authorities' responses?



#### Observations

- Women's satisfaction with the public sector response varied, and largely depended on both their experiences during the process and the final outcome of the case.
- Nonetheless, 65% of interviewees reported some level of dissatisfaction with the public actor response.
- Reasons for dissatisfaction included lengthy procedures and the necessity of returning to public services numerous times.
- Findings suggest that women's baseline expectations of a public actor response were quite low to begin with, reporting satisfaction with the strict minimum, such as, "I was able to get a copy of the court decision," "I was awarded child support," and "I was able to get my personal affairs back."

## Helpful Responses

Reception, listening, orientation and accompaniment, to the extent available

Coordination between different public actors to facilitate women's access to services

Conducting an investigation and drawing up a written report (*procès verbal*)

Arresting the perpetrator

Providing phone numbers for the VAW units in the different sectors

Giving instructions, escorting women to the hospital to receive the necessary treatment and obtain a medical certificate

Coordinating with local associations to provide shelter for women and their children

Informing women of how to obtain legal aid.

Providing medical services and the medico-legal certificate for free.

## Harmful responses:

Not informing her of the measures taken in her case/with her complaint

Merely interviewing her and not conducting an investigation or even summoning the complainant in order to interview him

Returning the wife to the marital home without providing her with any protection

Convincing women to settle for bringing a civil case for divorce or financial support instead of a criminal case for violence

Closing the case for insufficient evidence

Prosecuting and / or imprisoning the victim on charges of illicit sexual relations

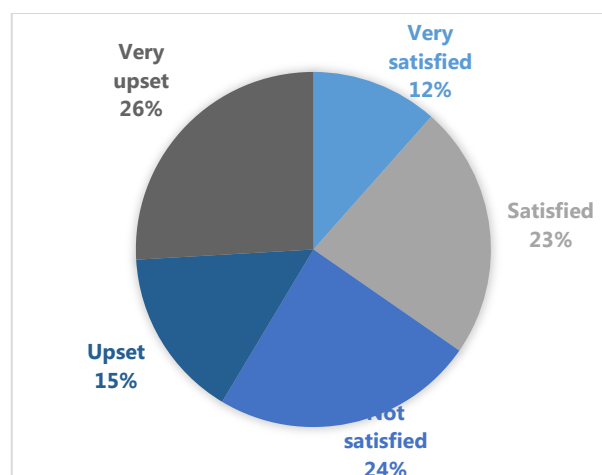
Insulting and/or blaming the victim throughout the process

Ignoring threats made to the woman by the abuser and / or his family

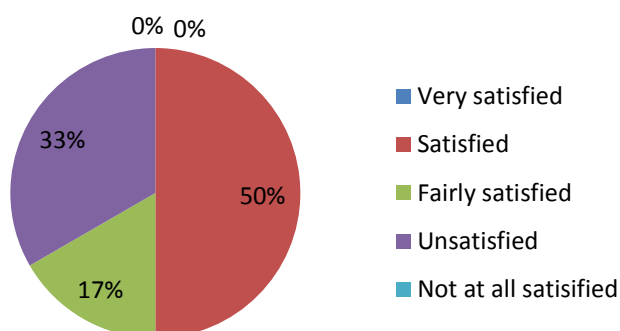
What responses did women receive from public actors?

## How satisfied were women with the public authority response?

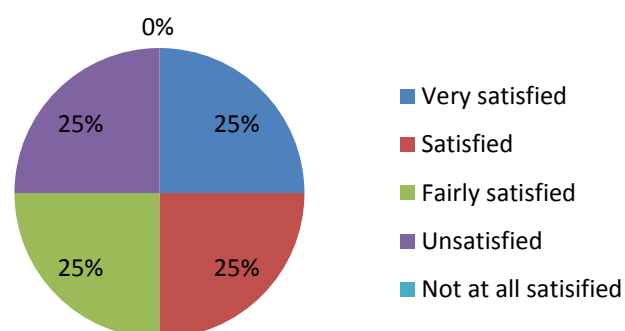
### Overall satisfaction - fieldwork



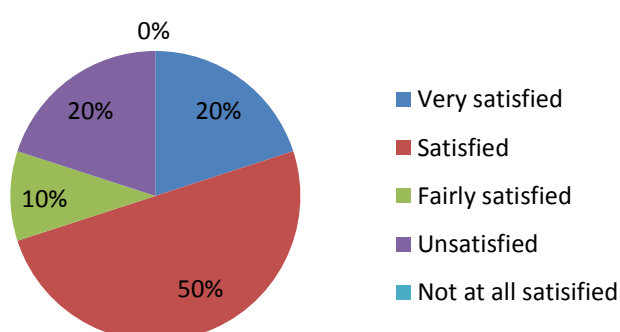
### Women's satisfaction with public health response - online survey



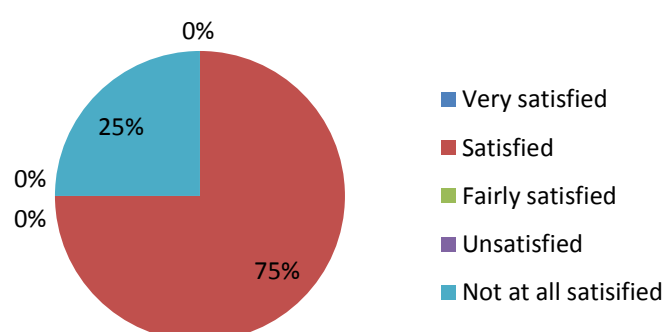
### Women's satisfaction with law enforcement response - online survey



### Women's satisfaction with prosecution response - online survey



### Women's satisfaction with court response - online survey



## What had women hoped for as a response from public authorities?

When asked what they had wanted from the different public actors in response to the IPV they suffered, interviewees and online respondents alike cited a host of different and overlapping factors that would have given them, as one interviewee put it "justice."





## IV. CONCLUDING OBSERVATIONS

### 1. Current legal provisions have significant loopholes and do not reflect the realities of intimate partner violence against women.

Current laws are not adapted or responsive to the realities of intimate partner violence against women:

- Definitions of crimes do not take into account the full range of diverse forms and manifestations of violence perpetrated against women, whether physical, coercive control, sexual, economic, or psychological;
- Current legal provisions do not punish the perpetrator for the full extent of all of his violent acts, either in nature (all types of violent acts) or in quantity (repeated nature of the violence);
- Current standards of evidence and proof requirements focusing solely on visible physical injuries and eyewitnesses are inadequate and unadapted to the realities of IPV;
- Current remedies do not provide compensation or restorative justice to women for the diversity of harms they suffer as a result of IPV.

### 2. Women are not receiving sufficient protection from intimate partner violence.

Neither married women nor unmarried women are benefitting from current criminal laws on violence against women, for different reasons:

- **Married women** are frequently discouraged from bringing a criminal complaint, the majority of times advised by public actors or otherwise incentivized to either (a) return home for “family stability” and to “protect the children,” or (b) pursue civil remedies under the Family Code only, such as divorce and/or financial support. It must be noted that at the same time that men use violence to push women to file for divorce, women are at risk of violence when they file for divorce and/or financial support.

Women who are returned to the family home after they have been evicted are left exposed to ongoing violence. Even women who have availed themselves of Family Code options such as divorce remain vulnerable to persistent harassment and violence from the ex-husband. This illustrates how civil remedies alone are often insufficient.

As marital rape is not criminalized in the Penal Code, women cannot even bring a complaint for sexual violence in marriage.

- **Unmarried women** do not benefit from current laws on violence against women because of current Penal Code provisions criminalizing sexual relations outside of marriage. Women subjected to any form of violence from an intimate partner not their legal husband risk being prosecuted themselves if they report the violence to the public authorities. Perpetrators use the threat of denunciation and prosecution for illicit sexual relations as a control mechanism to intimidate and isolate women. In this sense, laws criminalizing sexual relations outside of marriage are actually enabling, empowering, permitting and encouraging – rather than preventing - men to commit violence against women.

Despite the existence of some protective measures in the Penal Code and the Code of Penal Procedure, the action research did not reveal any instances in which any of these available, legal measures had actually been taken to protect women victims of IPV, even those who reported the perpetrator's threats to public actors.

It must be emphasized that current protective measures are criminal in nature, only available after a criminal prosecution has been launched or the offender convicted. As illustrated in the findings, the vast majority of IPV cases never reach that stage or even go through the criminal justice system at all. Even for those that do, this is much too late in the process. There are no civil protection measures available for women who cannot or do not want to go through the criminal justice system.

This lack of implementation of existing protective measures, as well as their limited scope and availability as written, leaves the majority of women unprotected from future violence.

**3. The current State response to violence against women both perpetuates offender impunity for violent criminal acts AND allows them to evade legal responsibilities under the Family Code.**

Current criminal laws and procedures do not provide adequate measures or incentives for public actors to aggressively investigate, prosecute and punish violence against women crimes. As a result of inadequate criminal laws and procedures, and the wide range of obstacles detailed throughout this report, women who have been subjected to IPV frequently seek civil remedies only. These may include divorce (if they are married to the perpetrator), paternity judgments (if rape by a non-spouse resulted in pregnancy), and/or financial support for any children. As such, perpetrators of IPV frequently avoid the criminal justice system altogether.

At the same, perpetrators are able to use violence committed with criminal impunity to force women to renounce their legal rights under the Family Code. Women frequently reported how husbands used repeated and sustained violence – that went unpunished by the criminal justice system – to force them to renounce their civil rights to child custody, to financial support, and others, just to “live in peace.”

This illustrates how the current State response prioritizes and is more concerned with the well-being, proprietary interests, entitlement and privileges (both sexual and economic) of perpetrators than with victims' basic safety and survival needs.

**4. Women are not being provided with appropriate remedies for the intimate partner violence they are subjected to.**

As a result of laws that do not address the realities of intimate partner violence, protect all women, or hold perpetrators accountable, women are not receiving appropriate or adequate compensation or restoration for all of the diverse economic, psychological, physical, sexual, social and familial harms they suffer as a result of IPV.

As illustrated, most married women are forced to seek the limited civil remedies for divorce and financial maintenance. These Family Code options are only available for married women, and are not helpful for unmarried women, who are left with no remedies at all.

**5. An adequate State response to intimate partner violence against women requires effectively addressing the numerous barriers women face to reporting such violence and incentives to subsequently withdraw their complaints.**

“Women’s lack of knowledge” of laws and procedures is a typical facile explanation repeated frequently to explain women’s lack of engagement in the criminal justice system. However, as illustrated in this report, the public institutions involved – health services, law enforcement and courts alike - appear to have confusing and inconsistent policies, procedures and practices related to IPV. Instead of promoting “awareness-raising” among women, efforts should be directed at State actors to develop and actively provide more clear, consistent, detailed and accessible information on rights, services and procedures for victims of IPV.

Women face numerous obstacles and have multiple incentives to not report intimate partner violence or participate in the legal process until the very end – whether a criminal complaint or a Family Code case. As demonstrated in this action research, women encounter very real legal, social, and economic barriers to accessing justice for the IPV they are subjected to.

These include the non-criminalization of marital rape, the risk of being prosecuted for sexual relations outside of marriage, the lack of financial means to pursue the case and/or support herself and her children, and the possibility of ending up homeless.

In the absence of adequate protection measures, obstacles also include very serious concerns for her personal safety. Rather than talking about women’s diverse “fears,” the public discussion instead needs to be talking about real “threats” to her safety, physical integrity, and basic survival, threats made by the perpetrator and his entourage, by her family, and even by State actors. Any effective State response to IPV will need to take concrete steps to eliminate these diverse obstacles.



## OBLIGATIONS DES ETATS EN MATIERE DE VIOLENCES FAITES AUX FEMMES : التزامات الدول في قضايا العنف الممارس اتجاه النساء:

1.Prevenir les violences

1. الوقاية من العنف

2.Protéger les femmes

2. حماية النساء

3.Enquêter Et Engager Des Poursuites dans des cas de violences

3. البحث والمتابعة في قضايا العنف

4.Punir Les Auteurs Des Violences

4. معاقبة مرتكبي العنف

5.Fournir Des Réparations Aux Victimes

5. جبر الضرر للضحايا

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